

# **Virginia General Assembly**

## **2022 Session Summary** **Regular Session**



**Virginia Division of Legislative Services**



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**Virginia Division of Legislative Services**

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Amigo R. Wade, Director

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# Introduction

This publication presents a summary of legislation considered by the Virginia General Assembly at its 2022 Regular Session through adjournment sine die on **March 12, 2022**. Detailed information on any piece of legislation in Virginia may be found on the Virginia Legislative Information System (<http://lis.virginia.gov>).

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*, *Failed*, or *Carried Over*. 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 27, 2022, include such notation accordingly. If LIS indicates that a bill in the 2022 Regular Session was carried over, additional information on the bill's history and final outcome may be found in LIS under the 2022 Special Session I.

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 2023 Session of the General Assembly, its provisions will not become effective on July 1, 2022, 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 and bonds bills), charter bills, and study resolutions.





# Administration of Government

## Passed

**[P] HB6 American Revolution 250 Commission; membership.** Adds five legislative members to the American Revolution 250 Commission. This bill is identical to SB 22.

*Patron - Ware*

**[P] HB19 Virginia Public Procurement Act; public institutions of higher education; disclosure required by certain offerors; civil penalty.** Requires every offeror who is awarded a contract by a public institution of higher education for any construction project that has a total cost of \$5 million or more to disclose any contributions the offeror has made within the previous five-year period totaling \$25,000 or more to the public institution of higher education or any private foundation that exists solely to support the public institution of higher education. The bill provides that no protest of an award shall lie for a claim that the selected offeror was awarded a contract solely based on such offeror's contribution to the public institution of higher education. The bill imposes a \$500 civil penalty on any offeror that knowingly fails to submit the required disclosure. The provisions of the bill relating to such disclosure of gifts made by an offeror to a public institution of higher education or any private foundation that exists solely to support the public institution of higher education expire on June 30, 2027. This bill is identical to SB 210.

*Patron - Fowler*

**[P] HB139 Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans; expiration.** Extends from July 1, 2022, to July 1, 2024, the expiration of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans. The bill also provides for the nonlegislative citizen members of the Commission to continue to serve for the duration of the extension. This bill is identical to SB 151.

*Patron - McQuinn*

**[P] HB150 Virginia Freedom of Information Act; posting of minutes; local public bodies.** Requires, with certain exceptions outlined in the bill, any local public body subject to the provisions of the Virginia Freedom of Information Act to post meeting minutes on its official public government website, if any, within seven working days of final approval of the minutes. The bill provides that if a local public body does not own or maintain an official public government website, it shall make copies of all meeting minutes available no later than seven working days after the conclusion of a meeting at a prominent public location in which meeting notices are regularly posted, at the office of the clerk of the public body, or, in the case of a public body that has no clerk, at the office of the chief administrator.

*Patron - March*

**[P] HB216 State and Local Government Conflict of Interests Act; definition of gift; certain tickets and registration or admission fees.** Exempts from the definition of gift tickets and registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to the officer's or employee's public service. This bill is identical to SB 57.

*Patron - Simonds*

**[P] HB307 Virginia Freedom of Information Act; estimated charges.** Provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost. The bill also requires a public body, prior to conducting a search for records, to notify the requester in writing of the public body's right to make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. This bill received Governor's recommendations.

*Patron - Freitas*

**[P] HB384 Administration of government; rights of state and local employees; freedoms of conscience and expression.** Protects state and local government employees of the Commonwealth, defined in the bill, from being penalized by their employer for expressing their opinion regarding a current or proposed regulation, rule, policy, position, or other action or purpose of a unit of state or local government at a hearing of a public body during the time designated for public comment when such employees are speaking on their own behalf as members of the public. This bill received Governor's recommendations.

*Patron - Davis*

**[P] HB427 Children's Services Act; parent representatives; community policy and management teams; family assessment and planning teams.** Removes provisions that prohibit a parent representative from serving as a member of a community policy and management team (CPMT) or a family assessment and planning team (FAPT) if such parent representative is employed by a public or private program that receives funds pursuant to the law or agencies represented on a FAPT or CPMT and interacts directly on a regular and daily basis with children or supervises employees who interact directly on a regular basis with children; however, the bill directs prioritization of participation by parent representatives who are not employed by a public or private program that receives funds pursuant to the law or agencies represented on a FAPT or CPMT. The bill directs the State Executive Council for Children's Services to inventory current efforts to recruit and retain parent representatives on CPMTs and FAPTs and compile a list of best practices for including and elevating parent voices within CPMTs and FAPTs for distribution to local Children's Services Act programs. The bill requires the State Executive Council for Children's Services to provide a copy of this report to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions no later than November 1, 2022. This bill is identical to SB 435.

*Patron - Herring*

**[P] HB429 Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations.** Provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The bill allows a contract for multiple architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body, and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects, \$8 million. The bill also removes specific agency and locality excep-

tions to such current limits. This bill incorporates HB 438 and is identical to SB 225.

*Patron - Bulova*

**[P] HB444 Virginia Freedom of Information Act; meetings conducted through electronic communication means.** Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing certain public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. The bill excepts local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and any board with the authority to deny, revoke, or suspend a professional or occupational license from the provisions that allow public bodies to conduct all-virtual public meetings. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments. The bill has a delayed effective date of September 1, 2022.

*Patron - Bennett-Parker*

**[P] HB517 Chief Resilience Officer.** Clarifies the designation and role of the Chief Resilience Officer by moving the position from under the responsibility of the Secretary of Public Safety and Homeland Security to the Secretary of Natural and Historic Resources and adding provisions related to the role of the Chief Resilience Officer in creating and overseeing the implementation of a Virginia Flood Protection Master Plan and a Virginia Coastal Resilience Master Plan. Under current law, the Secretary of Natural and Historic Resources is designated the Chief Resilience Officer. This bill is a Chesapeake Bay Commission initiative. This bill received Governor's recommendations.

*Patron - Bulova*

**[P] HB644 Department of General Services; adjustment of boundary lines of surplus property.** Provides that the Department of General Services may determine that a boundary line of surplus property is in need of adjustment and may work with landowners to make such adjustment. The bill provides that the Department may determine that a grant or acceptance of an easement may facilitate such adjustment and may enter into such easement in a form approved by the Attorney General and subject to the written approval of the Governor. The bill also makes changes regarding the notice of sale of surplus property. This bill received Governor's recommendations.

*Patron - Carr*

**[P] HB654 Certain GO Virginia Grants; matching funds; sunset.** Extends from July 1, 2022, to July 1, 2023, the sunset of the provision that allows a locality to use grant funds awarded by the Tobacco Region Revitalization Commission as matching funds for GO Virginia grants.

*Patron - Wampler*

**[P] HB718 Virginia Board of Workforce Development; collaboration to develop apprenticeship program.** Directs the Virginia Board of Workforce Development (the Board) to collaborate with the Department of Labor and Industry, the Department of Education, and the Secretaries of Labor, Education, and Commerce and Trade and rely on data from the Office of Education and Labor Market Alignment in reviewing the performance of current apprenticeship programs in meeting high-demand industry needs. The bill requires the Board to prepare recommendations for creating a primary office for apprenticeship programs based on such review and report its

recommendations to the Governor and the General Assembly by December 1, 2022. This bill is identical to SB 661.

*Patron - Filler-Corn*

**[P] HB734 Virginia Freedom of Information Act; disclosure of certain criminal records.** Provides that (i) criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act, though they may be disclosed by the custodian of such records to certain individuals except as otherwise provided in the bill, and (ii) with the exception of disclosure to an attorney representing a petitioner or inspection by an attorney or a person proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence or any other federal or state post-conviction proceeding or pardon, no criminal investigative file or portion thereof shall be disclosed to any requester except (a) the victim; (b) the victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation; or (c) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding, unless the public body has made reasonable efforts to notify any such individual of the request for such information. Upon receipt of notice that a public body has received a request for criminal investigative files, such persons shall have 14 days to file in an appropriate court for an injunction to prevent disclosure of the records and the time period within which the public body has to respond to the underlying request shall be tolled pending the notification process and any subsequent disposition by the court. The bill requires the court to consider certain information in making its determination and provides that a public body shall be prohibited from responding to the request until at least 14 days have passed from the time notice was received by any such individual listed in clauses (a), (b), or (c) and shall not disclose any criminal investigative files if the court awards an injunction. This bill incorporates HB 890.

*Patron - Bell*

**[P] HB752 Office of the State Inspector General; investigations; prohibition on interference or exertion of undue influence by the Governor, etc.** Prohibits the Governor and the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries from interfering with or exerting undue influence upon any investigation by the Office of the State Inspector General of fraud, waste, abuse, or corruption by a state agency or nonstate agency or by any officer or employee of a state agency or nonstate agency.

*Patron - Adams, L.R.*

**[P] HB814 Department of Small Business and Supplier Diversity; agency procurement enhancement plans.** Directs the Department of Small Business and Supplier Diversity to annually review and provide feedback on state agencies' plans to enhance procurement from small, women-owned, and minority-owned businesses.

*Patron - Torian*

**[P] HB815 Department of Small Business and Supplier Diversity; mentorship program.** Directs the Department of Small Business and Supplier Diversity to administer a mentorship pilot program under which established businesses or industry sector experts act as mentors to start-up women-owned and minority-owned businesses.

*Patron - Torian*

**[P] HB820 Department of Small Business and Supplier Diversity; disparity study.** Requires the Department of

Small Business and Supplier Diversity to conduct a disparity study every five years, next due no later than January 1, 2026. This bill was vetoed by the Governor.

*Patron - Torian*

**P HB891 Noncitizens of the United States; terminology.** Removes the term "alien" as it pertains to persons who are not citizens or nationals of the United States and replaces it with synonymous language, as appropriate, throughout the Code of Virginia. This bill received Governor's recommendations.

*Patron - Lopez*

**P HB964 Virginia Public Procurement Act; methods of procurement; submitting bids electronically.** Provides that all state public bodies accepting bids or proposals for contracts pursuant to the Virginia Public Procurement Act shall provide an option to submit bids or proposals through the Commonwealth's electronic procurement system, known as eVA. The Director of the Department of General Services, or his designee, is authorized under the bill to grant an exemption from such requirement at the request of a state public body and upon a showing of good cause. In the bill, local public bodies are encouraged to use eVA to offer an electronic submission option. The bill has a delayed effective date of July 1, 2023.

*Patron - Subramanyam*

**P HB970 Public agencies; privacy of personal information; penalty.** Provides that public agencies shall not request personal donor information, defined in the bill, from (i) any individual or any entity organized under § 501(c) of the Internal Revenue Code or (ii) any bidder, offeror, or contractor of an agency. The bill prohibits such public agencies from disclosing personal information without the express, written permission of every individual who is identifiable from the potential release of such personal information, including individuals identifiable as members, supporters, or volunteers of, or donors to, the agency. The bill exempts the Campaign Finance Disclosure Act of 2006 from the requirements that public agencies protect personal information and refrain from requesting personal information.

*Patron - O'Quinn*

**P HB1019 Department of General Services; conveyance of easement and appurtenances thereto to telecommunications companies.** Adds telecommunications companies to the list of entities to which a state department, agency, or institution may grant an easement. This bill is identical to SB 444.

*Patron - Brewer*

**P HB1063 Public accommodations, employment, and housing; prohibited discrimination on the basis of religion; includes outward religious expression.** Clarifies that "religion" as it relates to freedom of expression includes any outward expression of religious faith in contexts where discrimination on the basis of religion is prohibited. This bill received Governor's recommendations.

*Patron - Shin*

**P HB1102 Gubernatorial appointments to boards; membership and terms.** Revises the length of terms for persons appointed to several commodity and commodity-related boards within the Department of Agriculture and Consumer Services and further standardizes the term dates so all terms begin on July 1 and end on June 30. The bill amends the membership of the Virginia Board for Asbestos, Lead, and Home Inspectors, standardizes the term dates for appointments to the Board of Visitors for Mount Vernon, and clarifies that certain members of the A.L. Philpott Manufacturing Extension Part-

nership Board of Trustees may name a designee to serve on the Board. The bill corrects the staggering of terms for the Virginia Commission for the Arts and the State Emergency Medical Services Advisory Board. This bill is identical to SB 308.

*Patron - Ransone*

**P HB1131 Virginia Code Commission; work group to review public notices required to be published by localities.** Directs the Virginia Code Commission to convene a work group to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice, and make recommendations for uniformity and efficiency. The bill requires the Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022. This bill is identical to SB 417.

*Patron - Williams*

**P HB1197 Secretariat agency responsibilities; Department of Juvenile Justice.** Directs the Office of the Secretary of Public Safety and Homeland Security and the Office of the Secretary of Health and Human Resources to convene a stakeholder work group to determine the feasibility and benefits of transferring responsibility for the Department of Juvenile Justice from the Secretary of Public Safety and Homeland Security to the Secretary of Health and Human Resources. The bill requires the work group to submit its report containing the work group's finding by November 1, 2022, to the Chairmen of the House Committee for Courts of Justice, House Committee on Public Safety, Senate Committee on the Judiciary, and Senate Committee on Rehabilitation and Social Services. This bill was vetoed by the Governor.

*Patron - Hope*

**P HB1203 Department of Veterans Services; Suicide Prevention Coordinator; position created; report.** Establishes the position of Suicide Prevention Coordinator (the Coordinator) in the Department of Veterans Services to support and closely coordinate effective mental health care services for military service members and veterans and their families. The bill directs the Commissioner of the Department of Veterans Services to report on the work of the Coordinator in the annual report to the Secretary of Veterans and Defense Affairs, the Governor, and the General Assembly.

*Patron - Tata*

**P HB1287 Virginia Public Procurement Act; preference for plastic recycled materials.** Requires the Department of General Services (DGS), in determining the award of any contract for plastic materials to be purchased for use by agencies of the Commonwealth, to procure using competitive sealed bidding and give preference to bidders that supply materials containing plastic recycled content, as long as such materials are cost competitive with materials that do not contain plastic recycled content. The bill directs DGS to promulgate regulations to (i) in consultation with the Virginia Manufacturers Association, define "cost competitive" for purposes of the implementation of the bill and (ii) establish a system that requires an incremental increase in the minimum percentage of plastic recycled content required to be included in materials in order for a bidder to be given preference in the procurement process, as follows: (a) 10 percent plastic recycled content by January 1, 2025; (b) 20 percent plastic recycled content by January 1, 2028; and (c) 30 percent plastic recycled content by

January 1, 2030. This bill received Governor's recommendations.

*Patron - Runion*

**[P] HB1290 Public bodies; security of government databases and data communications.** Requires every public body to report to the Virginia Fusion Intelligence Center all known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by federal or state laws and all other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. The bill requires such reports to be made to the Virginia Fusion Intelligence Center within 24 hours of the discovery of the incident and that the Virginia Fusion Intelligence Center share such reports with the Chief Information Officer promptly upon receipt. The bill requires the Chief Information Officer to convene a work group to review current cybersecurity reporting and information sharing practices and report any legislative recommendations to the Governor and the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on Communications, Technology and Innovation by November 15, 2022. This bill is identical to SB 764.

*Patron - Hayes*

**[P] HB1303 Virginia Freedom of Information Act; Virginia Parole Board member votes.** Provides that individual votes of the members of the Virginia Parole Board are public records and subject to the provisions of the Virginia Freedom of Information Act. This bill is identical to SB 5.

*Patron - Williams*

**[P] HB1304 Information Technology Advisory Council; membership; powers and duties; report.** Redefines the purpose and powers and duties of the Information Technology Advisory Council (the ITAC). The bill increases the membership of the ITAC from not more than 16 to not more than 20 members and allows for legislative members to be appointed to the ITAC. The bill also directs the Chief Information Officer of the Commonwealth to report annually to the Governor and the General Assembly regarding the work of the ITAC and any subcommittees. Finally, the bill provides that the ITAC may appoint advisory subcommittees consisting of individuals with expertise in particular subject areas and information technology to advise the ITAC on the utilization of nationally recognized technical and data standards in such subject, and repeals the provision that allows for the ITAC to create and appoint persons to a Health Information Technology Standards Advisory Committee. This bill is identical to SB 703.

*Patron - Davis*

**[P] HB1310 Virginia Public Procurement Act; revision of procurement procedures.** Provides that the Department of General Services and the Virginia Information Technologies Agency shall review and revise their procurement procedures to encourage the use of U.S. General Services Administration contracts or contracts awarded by any other agency of the United States government where appropriate.

*Patron - Shin*

**[P] SB5 Virginia Freedom of Information Act; Virginia Parole Board member votes.** Provides that individual votes of the members of the Virginia Parole Board are public records and subject to the provisions of the Virginia Freedom of Information Act. This bill is identical to HB 1303.

*Patron - Suetterlein*

**[P] SB22 American Revolution 250 Commission; membership.** Adds five legislative members to the American Revolution 250 Commission. This bill is identical to HB 6.

*Patron - Locke*

**[P] SB28 Economic development; Virginia Business Ready Sites Program Fund created.** Establishes the Virginia Business Ready Sites Program Fund (the Fund), to be administered by the Governor and the Virginia Economic Development Partnership Authority in order to provide grants on a competitive basis to political subdivisions to prepare sites for industrial or commercial development. The bill repeals existing law that created the Major Employment and Investment Project Site Planning Grant Fund and provides that any remaining funds would be allocated to the Fund. The bill also authorizes grants from the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund for site remediation and requires the prioritization of sites with potential for redevelopment and economic benefits to the surrounding community.

*Patron - Marsden*

**[P] SB57 State and Local Government Conflict of Interests Act; definition of gift; certain tickets and registration or admission fees.** Exempts from the definition of gift tickets and registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to the officer's or employee's public service. This bill is identical to HB 216.

*Patron - Locke*

**[P] SB115 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 166.

*Patron - Howell*

**[P] SB128 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 and 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 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.

*Patron - Obenshain*

**[P] SB151 Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans; expiration.** Extends from July 1, 2022, to July 1, 2024, the expiration of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans. The bill also provides for the nonlegislative citizen members of the Commission to continue to serve for the duration of the extension. This bill is identical to HB 139.

*Patron - Locke*

**[P] SB152 Virginia Freedom of Information Act and Virginia Freedom of Information Advisory Council; definition; official public government website.** Defines "official public government website" as it applies to the Virginia Freedom of Information Act and the Virginia Freedom of Information Advisory Council as any Internet site controlled by a public body and used, among any other purposes, to post

required notices and other content pursuant to the Virginia Freedom of Information Act on behalf of the public body. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Locke*

**[P] SB225 Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations.** Provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The bill allows a contract for multiple architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body, and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects, \$8 million. The bill also removes specific agency and locality exceptions to such current limits. The bill is identical to HB 429.

*Patron - McPike*

**[P] SB258 Virginia Public Procurement Act; bid bonds; certain transportation-related contracts.** Provides that, except in cases of emergency, all bids and proposals for certain transportation-related contracts in excess of \$350,000 and partially or wholly funded by the Commonwealth shall be accompanied by a bid bond. Current law sets the bid or proposal amount for such contracts at \$250,000.

*Patron - Bell*

**[P] SB259 Virginia Public Procurement Act; performance and payment bonds.** Requires a performance bond and payment bond to be furnished by the contractor for all non-transportation-related public construction contracts that exceed \$500,000 and all transportation-related projects that exceed \$350,000 and are partially or wholly funded by the Commonwealth. Current law only requires these bonds for certain types of contracts.

*Patron - Bell*

**[P] SB308 Gubernatorial appointments to boards; membership and terms.** Revises the length of terms for persons appointed to several commodity and commodity-related boards within the Department of Agriculture and Consumer Services and further standardizes the term dates so all terms begin on July 1 and end on June 30. The bill amends the membership of the Virginia Board for Asbestos, Lead, and Home Inspectors, standardizes the term dates for appointments to the Board of Visitors for Mount Vernon, and clarifies that certain members of the A.L. Philpott Manufacturing Extension Partnership Board of Trustees may name a designee to serve on the Board. The bill corrects the staggering of terms for the Virginia Commission for the Arts and the State Emergency Medical Services Advisory Board. This bill is identical to HB 1102.

*Patron - Deeds*

**[P] SB315 Virginia Military Community Infrastructure Grant Program and Fund.** Establishes the Virginia Military Community Infrastructure Grant Fund (the Fund) to support military communities in the Commonwealth by awarding grants to aid the planning and design, construction, or completion of infrastructure projects that enhance military readiness, installation resiliency, or quality of life for military communities. The bill directs the Secretary of Veterans and Defense Affairs to develop guidance and criteria to be used in awarding grants from the Fund and an annual grant application that sets out certain requirements for a grantee. This bill is

identical to HB 354. This bill received Governor's recommendations.

*Patron - Spruill*

**[P] SB328 Acquisition of certain military property by law-enforcement agencies.** Changes the limitation on the acquisition or purchase of military property by a law-enforcement agency from firearms of .50 caliber or higher to rifles of .50 caliber or higher and from ammunition of .50 caliber or higher to rifle ammunition of .50 caliber or higher. This bill is identical to HB 813.

*Patron - Reeves*

**[P] SB416 Virginia Public Procurement Act; purchase of personal protective equipment.** Requires a state agency, whenever purchasing personal protective equipment (PPE) for public use, to ensure such PPE comply with all applicable federal and international certifications. The bill provides that if a state agency receives three or more bids (i) from a Virginia-based company or manufacturer or a manufacturer that uses materials or components made in Virginia or the United States or (ii) from a United States-based manufacturer that uses materials or components made in the United States, the agency may only select among those bids. The bill also 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. The bill directs the Secretary of Commerce and Trade to establish a work group to make recommendations to the General Assembly regarding products other than PPE that may be necessary if a state of emergency is declared in Virginia and that state agencies should purchase with the same requirements and to report the recommendations of the work group to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology by September 1, 2022. This bill received Governor's recommendations.

*Patron - DeSteph*

**[P] SB435 Children's Services Act; parent representatives; community policy and management teams; family assessment and planning teams.** Removes provisions that prohibit a parent representative from serving as a member of a community policy and management team (CPMT) or a family assessment and planning team (FAPT) if such parent representative is employed by a public or private program that receives funds pursuant to the law or agencies represented on a FAPT or CPMT and interacts directly on a regular and daily basis with children or supervises employees who interact directly on a regular basis with children; however, the bill directs prioritization of participation by parent representatives who are not employed by a public or private program that receives funds pursuant to the law or agencies represented on a FAPT or CPMT. The bill directs the State Executive Council for Children's Services to inventory current efforts to recruit and retain parent representatives on CPMTs and FAPTs and compile a list of best practices for including and elevating parent voices within CPMTs and FAPTs for distribution to local Children's Services Act programs. The bill requires the State Executive Council for Children's Services to provide a copy of this report to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions no later than November 1, 2022. This bill is identical to HB 427.

*Patron - Barker*

**[P] SB444 Department of General Services; conveyance of easement and appurtenances thereto to telecommunications companies.** Adds telecommunications companies to

the list of entities to which a state department, agency, or institution may grant an easement. This bill is identical to HB 1019.

*Patron - Boysko*

**[P] SB480 Administrative Process Act; final orders; electronic retention.** Clarifies that signed originals of final agency case decisions may be retained in an electronic medium. This bill is a recommendation of the Administrative Law Advisory Committee and the Virginia Code Commission.

*Patron - McClellan*

**[P] SB550 Contracts; payment clauses to be included in certain contracts; right to payment of subcontractors.** Requires construction contracts awarded by state or local government agencies as well as certain private construction contracts in which there is at least one general contractor and one subcontractor to include a payment clause that obligates the contractors to be individually liable for the entire amount owed to any subcontractor with which it contracts. The bill provides that a contractor shall not be liable for amounts otherwise reducible due to the subcontractor's noncompliance with the terms of the contract; however, the contractor must notify the subcontractor in writing of the contractor's intent to withhold all or a part of the subcontractor's payment with the reason for such nonpayment. Payment by the party contracting with the contractor shall not be a condition precedent to payment to any lower-tier subcontractor. The bill also requires a payment clause to be included in any construction contract between an owner and a general contractor that requires (i) the owner to pay the general contractor within 45 days of receipt of an invoice following satisfactory completion of the contracted-for work, and (ii) a higher-tier contractor to pay a lower-tier subcontractor within the earlier of 45 days of satisfactory completion of the work for which the subcontractor has invoiced or seven days after receipt of amounts paid by the owner to the general contractor for work performed. Lastly, the bill provides that the Department of General Services shall convene the Public Body Procurement Workgroup to review whether the issue of nonpayment between general contractors and subcontractors necessitates legislative corrective action and report its findings and legislative recommendations to the General Assembly on or before December 1, 2022. This bill received Governor's recommendations.

*Patron - Bell*

**[P] SB575 Department of General Services; state fleet managers to use total cost of ownership calculations; report.** Requires the Department of General Services, beginning October 1, 2022, to procure a total cost of ownership calculator prior to procuring any light-duty vehicles. Beginning January 1, 2023, the Department and all agencies of the Commonwealth shall utilize the calculator prior to purchasing or leasing light-duty vehicles and to purchase electric vehicles unless the calculator clearly indicates that purchasing or leasing an internal combustion-engine vehicle has a lower cost of ownership. The bill requires the Department to provide technical assistance to all public bodies in the use of such calculator. The bill requires the Department to report a summary of such procurements to the Governor and the General Assembly by January 1, 2026, and every three years thereafter. The bill exempts emergency vehicles and vehicles used by agencies of the Commonwealth for law-enforcement, incident response, or other emergency response activities from its provisions. The bill requires the Department of General Services Public Body Procurement Workgroup to (i) evaluate the appropriateness of requiring the Department to use a total cost of ownership calculator to, prior to purchasing or leasing any medium-duty or heavy-duty vehicle, assess and compare the total cost to purchase, own, lease, and operate such internal combustion-engine vehicles versus comparable electric vehicles and (ii) report its

findings and recommendations to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before December 1, 2022. This bill received Governor's recommendations.

*Patron - Mason*

**[P] SB661 Virginia Board of Workforce Development; collaboration to develop apprenticeship program.** Directs the Virginia Board of Workforce Development (the Board) to collaborate with the Department of Labor and Industry, the Department of Education, and the Secretaries of Labor, Education, and Commerce and Trade and rely on data from the Office of Education and Labor Market Alignment in reviewing the performance of current apprenticeship programs in meeting high-demand industry needs. The bill requires the Board to prepare recommendations for creating a primary office for apprenticeship programs based on such review and report its recommendations to the Governor and the General Assembly by December 1, 2022. This bill is identical to HB 718.

*Patron - Lucas*

**[P] SB703 Information Technology Advisory Council; membership; powers and duties; report.** Redefines the purpose and powers and duties of the Information Technology Advisory Council (the ITAC). The bill increases the membership of the ITAC from not more than 16 to not more than 20 members and allows for legislative members to be appointed to the ITAC. The bill also directs the Chief Information Officer of the Commonwealth to report annually to the Governor and the General Assembly regarding the work of the ITAC and any subcommittees. Finally, the bill provides that the ITAC may appoint advisory subcommittees consisting of individuals with expertise in particular subject areas and information technology to advise the ITAC on the utilization of nationally recognized technical and data standards in such subject, and repeals the provision that allows for the ITAC to create and appoint persons to a Health Information Technology Standards Advisory Committee. This bill is identical to HB 1304.

*Patron - Boysko*

**[P] SB723 Virginia School for the Deaf and the Blind; Board of Visitors to report to the Governor.** Requires that the Board of Visitors of the Virginia School for the Deaf and the Blind be subject to the direction and supervision of the Governor. The bill repeals the existing responsibility for the Board, currently designated as a policy agency in the executive branch of state government, by the Secretary of Education. The bill exempts the Board of Visitors of the Virginia School for the Deaf and the Blind from the definition of "executive branch agency" with respect to the Virginia Information Technologies Agency. The bill directs the Virginia School for the Deaf and the Blind to consult with the Virginia Information Technologies Agency to develop a plan to independently provide information technology support for the school and to submit such plan to the Board of Visitors of the school no later than October 1, 2022. The bill also contains a reenactment clause that applies to all provisions of the bill other than the development of the technology support plan.

*Patron - Bell*

**[P] SB764 Public bodies; security of government databases and data communications.** Requires every public body to report to the Virginia Fusion Intelligence Center all known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by federal or state laws and all other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. The bill requires such reports to be made to the Virginia Fusion

Intelligence Center within 24 hours of the discovery of the incident and that the Virginia Fusion Intelligence Center share such reports with the Chief Information Officer promptly upon receipt. The bill requires the Chief Information Officer to convene a work group to review current cybersecurity reporting and information sharing practices and report any legislative recommendations to the Governor and the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on Communications, Technology and Innovation by November 15, 2022. This bill is identical to HB 1290.

*Patron - Barker*

## Failed

**[F] HB87 Study; joint subcommittee to study pandemic response and preparedness in the Commonwealth; report.** Establishes a joint subcommittee to study pandemic response and preparedness in the Commonwealth. In conducting its study, the joint subcommittee is tasked with examining existing laws in the Commonwealth and developing recommendations regarding the pandemic response and future needs of the Governor, the General Assembly, local governments, public and private health care systems and other facilities and providers, health districts, the judicial system, K-12 and higher education systems, and the business regulatory system.

*Patron - Ware*

**[F] HB119 Public-Private Competition Act.** Creates the Public-Private Competition Act, which prohibits public bodies from engaging in any commercial activity, defined in the bill to mean any activity that can be performed by an existing private business. The bill creates an exemption for commercial activities that public bodies are required to perform pursuant to the Constitution of Virginia. The bill also repeals the Competitive Government Act, which requires the Governor to (i) conduct a study at least once every two years to examine whether at least three commercial activities being performed by state employees at state agencies and institutions are being accomplished in the most cost-efficient and effective manner and (ii) outsource any commercial activity for which the study determines that outsourcing may result in reduced costs or otherwise provide a measurable benefit to the Commonwealth.

*Patron - March*

**[F] HB154 Virginia Freedom of Information Act; public records database.** Requires the establishment of a publicly available, centralized database for all public records. All public bodies will be required to transfer any public records in its possession to the database. The bill directs Virginia Information Technologies Agency (VITA), in consultation with the Virginia Freedom of Information Advisory Council, to (i) convene a workgroup consisting of representatives from state and local public bodies in every region of the Commonwealth to conduct research, evaluate data, and determine a plan for implementation of the database and (ii) report its recommendations to the Governor and the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before December 1, 2022. The provisions of the bill that establish the central public records database shall become effective on July 1, 2023, and the provisions of the bill requiring every public body to submit its public records to VITA for inclusion in the central public records database shall become effective on January 1, 2024.

*Patron - March*

**[F] HB155 Department of Small Business and Supplier Diversity; business permitting program; estimates of time required of a small business for permitting.** Requires

the Department of Small Business and Supplier Diversity, in consultation with regulatory agencies, to make a reasonable estimation of the time required of a small business to compile information and submit an application for the comprehensive permit and for each permit not included in the comprehensive permitting program. The bill requires the Department to include in the estimation an aggregated time required estimation for each type of business and to publish the estimations on its website and update its information as necessary based on information from regulatory agencies with regard to policy and regulatory changes affecting permitting.

*Patron - March*

**[F] HB208 Department of Regulatory Innovation; Virginia Regulatory Sandbox Program; created.** Creates the Department of Regulatory Innovation to oversee the Virginia Regulatory Sandbox Program, also created by the bill, which allows an individual or business to demonstrate a product, production method, or service under a waiver or suspension of one or more state laws or regulations. The bill sets out the process by which an individual or business may apply for participation in the Program, the role of the Department in reviewing such applications for approval or denial, and the requirements for participation in the Program, including provisions related to consumer protection.

*Patron - Webert*

**[F] HB227 Office of the Attorney General; debt collection; fees.** Limits the fee for collection of student debt on behalf of a public institution of higher education to 15 percent of the amount due.

*Patron - Coyner*

**[F] HB244 Department of Planning and Budget; Regulatory Budget Program; report.** Directs the Department of Planning and Budget, under the direction of the Secretary of Finance, to establish a continuous Regulatory Budget Program with the goal of setting a two-year target for each executive branch agency subject to the Administrative Process Act to (i) reduce regulations and regulatory requirements, (ii) maintain the current number of regulations and regulatory requirements, or (iii) allow regulations and regulatory requirements to increase by a specific amount over a two-year period. The bill requires the Secretary of Finance to report to the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules on the status of the Program no later than October 1 of each odd-numbered year. Finally, the bill provides that the Department, in consultation with the Office of the Attorney General, shall, by March 1, 2023, issue guidance for agencies regarding the Program and how an agency can comply with the requirements of the Program.

*Patron - Webert*

**[F] HB311 Native plant species; state agencies.** Directs the Secretaries of Natural and Historic Resources, Agriculture and Forestry, and Administration to coordinate the development of strategic actions for state agencies to take to prioritize the use of native plant species on state properties.

*Patron - Krizek*

**[F] HB331 Virginia Freedom of Information Act; procedure for requesting records.** Adds a requirement that a request for public records made pursuant to the Virginia Freedom of Information Act shall be made in writing and sent by the requester to the public body by registered mail, certified mail, or any other similar first-class mail tracking method used or approved by the United States Postal Service.

*Patron - Krizek*



**[F] HB347 Department of Human Resource Management; repeal cultural competency training.** Repeals the requirement that the Department of Human Resource Management establish cultural competency training for state employees.

*Patron - Freitas*

**[F] HB374 Virginia Public Procurement Act; construction contracts; requirement to submit list of subcontractors; penalty.** Requires all bidders or offerors on contracts for construction of \$250,000 or more to submit a list of subcontractors intended to be used and the following: (i) a statement declaring that the bidder or offeror has reviewed the qualifications and performance history of each listed 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 listed subcontractor verifying that such subcontractor (a) has not defaulted on any projects within the last three years, (b) has not been suspended or disbarred by any public body within the last three years, and (c) is not currently in bankruptcy. The bill allows the public body to disqualify any listed subcontractor 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 that any bidder or offeror that is found to have knowingly provided false information shall be debarred from contracting with any public body for a period of up to one year and is guilty of perjury, a Class 5 felony.

*Patron - Williams Graves*

**[F] HB403 Department of Veterans Services; Mental Health Care Coordinator; position created; report.** Establishes the position of Mental Health Care Coordinator (the Coordinator) in the Department of Veterans Services to support and closely coordinate effective mental health care services for military service members and veterans and their families. The bill directs the Coordinator 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 Coordinator and any legislative recommendations.

*Patron - Willett*

**[F] HB438 Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations.** Provides that limitations imposed upon certain single-project fees shall not apply to localities with a population in excess of 400,000. This bill was incorporated into HB 429.

*Patron - Sewell*

**[F] HB466 Register of volunteer cybersecurity and information technology professionals.** Directs the Secretary of Administration to establish a register of cybersecurity and information technology professionals interested in volunteering to assist localities and school divisions, in collaborating on workforce development, and in providing mentorship opportunities.

*Patron - Subramanyam*

**[F] HB471 Solar-ready roof requirements for state agencies and localities; energy-positive building design for schools.** Requires any executive branch agency or institution and any 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, to ensure that such building includes a solar-ready roof, defined in the bill as having the structural capability to accept the increased load from solar panels, proper sizing of the electrical panel, installation of conduit and wire from the roof to the electrical panel, use of solar-appropriate roof membranes and other roofing materials, and clustering of vents and non-solar equipment to maximize available space for solar panels. However, the provisions of the bill do not apply to localities with a population of less than 100,000 until July 1, 2023. The bill also requires new public school buildings and facilities, and improvements and renovations to existing public school buildings and facilities where the cost of the renovation exceeds 50 percent of the value of the building to be designed, constructed, maintained, and operated to generate more electricity than consumed.

*Patron - Subramanyam*

**[F] HB488 Contracts with government agencies for public works; agreements with labor organizations.** Removes certain provisions of the Code that require bidders for public works contracts to enter into or adhere to pre-hire collective bargaining agreements with labor organizations on public works projects. The bill reverts the application of such provisions to state agencies specifically, rather than public bodies, which distinction was made in 2020. The bill also adds the option for injunctive relief to prevent a violation of its provisions, which was repealed in 2020. The provisions of the bill do not apply to public-private agreements that may interfere with the labor relations of employees covered by the federal National Labor Relations Act or Railway Labor Act.

*Patron - Freitas*

**[F] HB493 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 arising from the law-enforcement officer's conduct, 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 and of their families; social security numbers; certain medical and identifying information of the law-enforcement officer and complainant; and any technical infraction, as defined in the bill, by the law-enforcement officer. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Mullin*

**[F] HB521 Secretary of Commerce and Trade; task force to study costs of business regulatory compliance; report.** Directs the Secretary of Commerce and Trade to establish a task force to study the costs associated with the management of regulatory compliance for businesses in the Commonwealth. The task force shall report its findings and conclusions to the Governor and the General Assembly by December 1, 2022.

*Patron - March*

**[F] HB532 Public accommodations, employment, and housing; prohibited discrimination on the basis of political affiliation.** Prohibits discrimination in public accommodations, employment, and housing on the basis of a person's political affiliation.

*Patron - Convirs-Fowler*



**[F] HB584 Department of Human Resource Management; employee health insurance; pharmacy benefits; reverse auction process.** Directs the Department of Human Resource Management to utilize a reverse auction process to award pharmacy benefit manager contracts for pharmacy benefits offered under the state employee health insurance plan.

*Patron - Hudson*

**[F] HB599 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 record 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 record 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 allows a public body to petition the appropriate court for relief from the \$33 per hour fee cap upon showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request for \$33 per hour or less and requires such petition to be heard within seven days of when the petition is made, provided that the public body has sent and the requester has received a copy of the petition at least three working days prior to filing. The bill also provides that in certain instances a hearing on any petition shall be given precedence on a circuit court's docket over all cases that are not otherwise given precedence by law and that the time period the public body has to respond to a record request shall be tolled between the requester's receipt of the petition and the final disposition of the court. Finally, the bill prohibits a public body from charging a requester for any court costs or fees resulting from a petition and requires a public body to post on its 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. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Roem*

**[F] HB631 Virginia Freedom of Information Act; closed meetings; privacy of witnesses in law-enforcement administrative investigations.** Provides that a public body may hold a closed meeting to protect the privacy of an individual in administrative or disciplinary hearings related to allegations of wrongdoing by employees of a law-enforcement agency where such individual is a complainant, witness, or the subject of the hearing.

*Patron - Hudson*

**[F] HB687 Virginia Freedom of Information Act; definitions; meeting.** Changes the definition of "meeting" for purposes of the Virginia Freedom of Information Act to mean an assemblage of at least a quorum of the members of a public body. Under current law, a meeting is defined as an assemblage of as many as three members or a quorum, if less than three members, of a public body.

*Patron - Kory*

**[F] HB705 Virginia Public Procurement Act; authority for localities to use cooperative procurement.** Allows a public body to participate in cooperative procurement for con-

struction contracts purchased by localities if the contract is valued at no greater than \$200,000.

*Patron - Keam*

**[F] HB722 Virginia Freedom of Information Act; meetings held through electronic communication means; local advisory boards and commissions.** Allows a local public body that serves in an advisory capacity to gather through electronic communication means without a quorum of the public body physically assembled at one primary or central meeting location if certain conditions, outlined in the bill, are met.

*Patron - Gooditis*

**[F] HB732 Public institutions of higher education; debt collection; transcripts and diplomas.** Prohibits public institutions of higher education from (i) refusing to provide a transcript or diploma for a current or former student on the grounds that the student owes a debt; (ii) conditioning the provision of a transcript or diploma for a current or former student on the payment of a debt, other than a fee charged to provide the transcript or diploma; (iii) charging a higher fee to a current or former student for obtaining a transcript or diploma, or providing less favorable treatment of a transcript or diploma request because a current or former student owes a debt; or (iv) using transcript or diploma issuance as a tool for debt collection. The bill states that any violation of these provisions constitutes a prohibited practice and is subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act.

*Patron - Carr*

**[F] HB753 Human rights; religious organizations; promotion of religious principles.** Provides that nothing in the Virginia Human Rights Act prohibits a religious corporation, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from taking any action to promote the religious principles for which it is established or maintained. The bill adds preschools to the list of educational institutions that are exempt from discriminatory hiring practices with respect to the hiring and employment of employees of a particular religion when such institutions are owned, supported, controlled, or managed by a particular religion or religious corporation, association, or society. The bill clarifies that the term "religion" includes all aspects of religious observance and practice as well as belief for the purposes of the exemption from discrimination in employment of individuals employed to perform work associated with the activities of a particular religion by a religious corporation, association, educational institution, or society.

*Patron - Adams, L.R.*

**[F] HB772 Administrative Process Act; powers and duties of executive branch agencies; regulatory compliance officer.** Provides that each executive branch agency in the Commonwealth authorized to promulgate regulations shall designate one person to serve as the regulatory compliance officer for that agency and provides for the powers and duties of such regulatory compliance officer.

*Patron - Hodges*

**[F] HB816 Public procurement.** Requires any bid or offer under the Virginia Public Procurement Act to identify all subcontractors, if any, involved in the bid or offer, the estimated amount of compensation to be paid to the subcontractors, a description of the work to be done by the subcontractors, and a copy of all agreements between the contractor and subcontractors related to the bid or offer.

*Patron - Torian*

**[F] HB817 Grants and public procurement.** Requires that for any grant or contract issued or entered into by the Governor, any state agency, or any locality, such entity shall inquire whether the grant recipient, bidder, offeror, or contractor is a small, women-owned, or minority-owned business and whether it is certified by the Department of Small Business and Supplier Diversity (SBSD) for procurement enhancement. If such business is eligible but not certified, the bill directs the SBSB to provide it with information on the certification process and encourage it to apply for certification.

*Patron - Torian*

**[F] HB818 Virginia Public Procurement Act; prompt payment of bills by state agencies; subcontractors to be paid first.** Provides that no state agency shall furnish a final payment to any prime contractor without first ensuring that all subcontractors to such prime contractor have been paid in full.

*Patron - Torian*

**[F] HB819 Department of Small Business and Supplier Diversity; collecting and reporting local tax data.** Directs the Department of Small Business and Supplier Diversity (SBSD) to establish a pilot program to use the administration of the business, professional, and occupational license tax (the BPOL tax) to collect data from businesses regarding their eligibility for certification as women-owned or minority-owned businesses. The bill requires the Department to aggregate and anonymize such data and report annually to the Governor and General Assembly on the results.

*Patron - Torian*

**[F] HB865 Building service employees; transition period.** Permits any county, city, or town in the Commonwealth to provide for certain requirements concerning incumbent and successor building service employers by local ordinance or resolution. For example, such local ordinance or resolution may require that successor building service employers retain incumbent employees during a transition period of 90 days. Under the bill, building service employees are those who perform work in connection with the care or maintenance of property. A building service employer who violates the provisions of a local ordinance or resolution enacted pursuant to the bill may be subject to a civil action and monetary damages.

*Patron - Lopez*

**[F] HB890 Virginia Freedom of Information Act; repeal; release of certain law-enforcement criminal incident information and criminal investigative files.** Repeals the provisions in the Virginia Freedom of Information Act (i) regarding the release of criminal investigative files that relate to a criminal investigation or proceeding that is not ongoing; (ii) that provide limitations to the mandatory release of criminal incident information relating to felony offenses and certain criminal investigative files; and (iii) that allow for, in the case of a request for certain criminal investigative files, an additional 60 work days to respond to such request after the initial allowable five-work-day response period. This bill is incorporated into HB 734.

*Patron - Kilgore*

**[F] HB914 Legal holidays; Clerk of Court Day.** Establishes the second Friday of August as a state holiday, in recognition of the clerks of the courts of the Commonwealth.

*Patron - Wampler*

**[F] HB928 Department of Small Business and Supplier Diversity; improvement plan for the one-stop small business permitting program.** Requires the Department of Small Business and Supplier Diversity to develop a detailed

improvement plan for the Department's one-stop small business permitting program and to provide the plan to the House Committees on Labor and Commerce and Appropriations and the Senate Committees on Commerce and Labor and Finance and Appropriations by November 1, 2022.

*Patron - Lopez*

**[F] HB952 Virginia African Diaspora Advisory Board.** Establishes the Virginia African Diaspora Advisory Board to advise the Governor on ways to improve economic and cultural links between the Commonwealth and African nations, with a focus on the areas of commerce and trade, agriculture, art, education, and government. The Board is composed of 18 nonlegislative citizen members, of whom at least 15 must be persons who identify as part of the African diaspora, to be appointed by the Governor. The Secretaries of Agriculture and Forestry, Commerce and Trade, and Education or their designees serve as ex officio members.

*Patron - Maldonado*

**[F] HB963 Department of Small Business and Supplier Diversity; community groups and universities.** Requires the Department of Small Business and Supplier Diversity to maintain a list of community groups, state and local governments, Community Development Financial Institutions, business and trade associations, and universities to be consulted in exercising the powers and fulfilling the duties of the Department. All community groups and universities maintained on the list shall be notified of all actions taken by the agency and provided an opportunity to comment prior to any permanent action taking place, such as the promulgation of regulations. The bill requires the Department to continue to work with such groups maintained on the list to develop targeted outreach and programming to build business capacity and encourage businesses to obtain appropriate certifications. The bill adds Community Development Financial Institutions, defined in the bill, to the lists of groups for which the Department shall promote the mobilization of activities and resources and that the Department is required to maintain on the list of community groups.

*Patron - Subramanyam*

**[F] HB966 Virginia Public Procurement Act; executive branch agencies' goals for participation by small businesses; requirements.** Provides that executive branch agencies shall formulate policies and procedures for a set-aside program, which shall, at a minimum, require that purchases up to certain amounts be set aside for small businesses and micro-businesses, defined in the bill, certified by the Department of Small Business and Supplier Diversity.

*Patron - Subramanyam*

**[F] HB967 Department of General Services; point-based program for prime contractors.** Provides that when an awarded contract includes a small business subcontracting plan, the prime contractor shall be required to report compliance with its small business subcontracting plans using the Department of General Services' central electronic procurement system. The bill provides that before final payment is made, the purchasing agency shall confirm that the prime contractor certified compliance with the contract's small business subcontracting plan; that contracts and renewals shall include a provision allowing final payment to be withheld until the prime contractor complies with its small business subcontracting plan; and that prior to entering into a new contract or renewing a contract with a prime contractor, a purchasing agency shall review a contractor's record of compliance, and such compliance shall be considered in the prospective award or renewal of any future contracts with the prime contractor. The bill requires the Department of General Services to create a report within

the central electronic procurement system to enable cross-agency transparency into a contractor's record of compliance with small business subcontracting plan requirements. The bill contains technical amendments.

*Patron - Subramanyam*

**[F] HB968 Virginia Freedom of Information Act; disclosure of certain criminal investigative files; violent crimes.** Prohibits a public body engaged in law-enforcement activities from disclosing any photographic, audio, video, or physical evidence from a violent crime unless the public body has notified (i) the victim, (ii) members of the victim's immediate family, if the victim is deceased; or (iii) the victim's parent or guardian, if the victim is a minor, of the request of such information. The bill allows such persons to file in an appropriate court a petition for an injunction to prevent release of the records and provides that the period within which the public body shall respond shall be tolled for the amount of time that elapses between the filing of the petition and any resulting disposition by the court.

*Patron - Simonds*

**[F] HB999 Department of General Services; construction evaluation of impact of types of electricity.** Requires all departments, agencies, and institutions of the Commonwealth, prior to construction of new structures, to evaluate the construction for the potential to rely on geothermal and solar energy. Such evaluation shall include an assessment of the immediate cost and the potential for cost savings over time by providing these types of electricity.

*Patron - Maldonado*

**[F] HB1020 Secretary of Administration; state agencies; telecommuting and alternative work schedules policy; application to otherwise qualified persons with a disability.** Provides that the statewide telecommuting and alternative work schedule policy established by the Secretary of Administration and such policies developed by each state agency, as required by the statewide policy, shall specify that it is an unlawful discriminatory practice for a state agency to refuse to allow an otherwise qualified person with a disability to telecommute or participate in alternative work schedules as a form of reasonable accommodation. The bill also requires the Secretary to convene an interagency work group to identify model policies from both the public and private sector, to be made publicly available for all businesses in the Commonwealth, that enable persons with disabilities to participate in the Commonwealth's workforce through telecommuting and alternative work schedules. Finally, the bill (i) prohibits state agencies from including the number of otherwise qualified persons with a disability who are allowed to telecommute as a form of reasonable accommodation in annual percentage targets for the number of positions eligible for telecommuting or alternative work schedules and (ii) requires state agencies, in their report to the Secretary on the status and efficiency of telecommuting and participating in alternative work schedules and with regard to specific related budget requests, to separately identify such required information and data for (a) otherwise qualified persons with a disability who telecommute as a form of reasonable accommodation and (b) all other eligible employees.

*Patron - Tran*

**[F] HB1049 Administration of government; language access equity; report.** Establishes the Interagency Language Access Working Group in the Office of the Director of Diversity, Equity, and Inclusion with the following membership: the Director of Diversity, Equity, and Inclusion, the Director of the Office of the Children's Ombudsman, the Governor's Secretaries, and six nonlegislative citizen members representing organizations that represent individuals with

language access needs. The Working Group is established for the purpose of maximizing state policies, resources, technical assistance, and procurement practices to further language access and equity in the Commonwealth and its state government agencies. The bill also requires each state agency to designate a language access coordinator who will be responsible for the agency's annual language access report, the requirements of which are set out in the bill. The Secretary of Administration is directed to establish criteria for state agencies to procure language interpretation and translation services and to establish a policy for compensating multilingual state employees who are required as part of their job to provide interpretation, translation, or other bilingual skills at least once a month.

*Patron - Tran*

**[F] HB1091 Virginia Public Procurement Act; project labor agreements.** Requires every public body, prior to requiring bidders, offerors, contractors, subcontractors, or operators on public works contracts to enter into, become or remain signatories to, or adhere to project labor agreements, to make a written determination that such project labor agreements (i) meet certain criteria that serve to advance the public's interests, (ii) contain certain procedures and guarantees related to resolving disputes and preventing strikes, lockouts, or other related concerted actions, (iii) permit the selection of the lowest responsive and responsible bidder without regard to labor organization affiliation, and (iv) bind all contractors and subcontractors to the terms of the project labor agreement.

*Patron - Wilt*

**[F] HB1133 Nondiscrimination in places of public accommodation; definitions.**

*Patron - Walker*

**[F] HB1161 Virginia Public Procurement Act; required contract provisions; prohibition on participation in boycott of Israel.** Requires all public bodies to include in every contract of more than \$10,000 certain provisions, outlined in the bill, related to participation in a boycott of Israel, its instrumentalities, or any of its territories while engaged in commercial activities pursuant to the terms of the contract. The bill also provides that such contractors shall include those same provisions in every subcontract or purchase order of more than \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

*Patron - McGuire*

**[F] HB1177 Virginia Digital Service established; duties.** Establishes the Virginia Digital Service with an executive director to be appointed by the Chief Information Officer of the Commonwealth. The bill requires the Service to recruit a team of at least 15 senior-level engineers, designers, product managers, technologists, and other top technical talent to work with civil servants to modernize and improve digital services for citizens across government agencies. The team members shall serve under two-year contract terms with the option for the contract to be renewed for two additional years. The Service shall initiate projects and consult with agencies with the goal of enhancing digital services, which are the technology products that enable public services, and the capacity of the agency to support those services long term.

*Patron - Subramanyam*

**[F] HB1186 Department of Veterans Services; Mental Health Care Coordinator; position created; report.** Establishes the position of Mental Health Care Coordinator (the Coordinator) in the Department of Veterans Services to support and closely coordinate effective mental health care services for military service members and veterans and their fami-

lies. The bill directs the Coordinator 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 Coordinator and any legislative recommendations.

*Patron - Brewer*

**[F] HB1198 Attorney General; instituting or conducting criminal prosecutions for cases involving criminal sexual assault.** Authorizes the Attorney General to institute or conduct criminal prosecutions in cases involving violations of criminal sexual assault when such crimes are committed against children.

*Patron - Bell*

**[F] HB1211 Opioid Abatement Authority; Board of Directors; members.** Increases from 11 to 15 the membership of the Board of Directors of the Opioid Abatement Authority by increasing from one to five the number of representatives of the addiction and recovery community.

*Patron - VanValkenburg*

**[F] HB1296 Campaign finance; prohibited personal use of campaign funds; complaints, hearings, civil penalty, and advisory opinions.** Prohibits any person from converting contributions to a candidate or a candidate's campaign committee for their personal use. Current law only prohibits such conversion of contributions 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. Any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The bill directs the State Board of Elections to adopt emergency regulations similar to those promulgated by the Federal Election Commission 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 State Board of Elections.

*Patron - Cherry*

**[F] HB1300 Renaming Director of Diversity, Equity, and Inclusion as Director of Diversity, Opportunity, and Inclusion.** Renames the Director of Diversity, Equity, and Inclusion to the Director of Diversity, Opportunity, and Inclusion. The Director shall (i) develop a sustainable framework to promote inclusive practices across state government; (ii) implement a measurable, strategic plan to increase opportunities for all Virginians; (iii) facilitate methods to turn feedback and suggestions from state employees, external stakeholders, and community leaders into actionable opportunities; (iv) promote ideas, policies, and practices in coordination with the Secretary of Commerce and Trade to expand entrepreneurship and economic opportunities for disadvantaged Virginians, including Virginians living with disabilities; (v) facilitate bringing Virginians of different faiths together in service to their communities and the Commonwealth; (vi) promote free speech and civil discourse in civic life, including viewpoint diversity in higher education in coordination with the Secretary of Education; (vii) promote ideas, policies, and practices to eliminate disparities in prenatal care and to be an ambassador for unborn children; (viii) coordinate with the Secretary of Education to ensure the history of the United States is taught in

Virginia honestly, objectively, and completely and to respond to the rights of parents in educational and curricular decision making; and (ix) perform any other responsibilities as assigned by the Governor. The bill makes similar renaming changes for the Office of Diversity, Equity, and Inclusion and the Diversity, Equity, and Inclusion Officer.

*Patron - Freitas*

**[F] SB95 Governor; chief of staff and Governor's Secretaries.** Provides that no chief of staff appointed by the Governor and no Secretary appointed by the Governor shall be members of each other's immediate family when each is serving in his appointed capacity at the same time.

*Patron - Norment*

**[F] SB117 K-12 funding.** Provides that for any year in which there is a surplus, the Governor shall include in his proposed budget an appropriation of five percent of such surplus for the operational costs of local school divisions. The bill provides for an equivalent decrease in the amount of operational costs funded by the Lottery Proceeds Fund and an equivalent increase in the amount of funds in the Fund restricted exclusively for local school divisions' capital construction and renovation costs. If the restricted amount is equal to or greater than the amount in the Fund, the increases and decreases are no longer required under the bill. This bill is incorporated into SB 473.

*Patron - Newman*

**[F] SB153 Governor's Office; position of Secretary of Diversity, Equity, and Inclusion created.** Eliminates the position of Director of Diversity, Equity, and Inclusion in the Office of the Governor and establishes the position of Secretary of Diversity, Equity, and Inclusion, to be appointed by the Governor and to assist the Governor and Governor's Secretaries in promoting diversity, equity, and inclusion at the state level. The bill outlines the responsibilities of the Secretary. The bill makes several changes in the Code of Virginia to reflect the new position by eliminating references to the Office and Governor's Director of Diversity, Equity, and Inclusion and replacing these references with the Secretary of Diversity, Equity, and Inclusion.

*Patron - Locke*

**[F] SB159 Public institutions of higher education; debt collection; transcripts and degrees.** Prohibits public institutions of higher education from (i) refusing to provide a transcript or degree for a current or former student on the grounds that the student owes a debt; (ii) conditioning the provision of a transcript or degree for a current or former student on the payment of a debt, other than a fee charged to provide the transcript or degree; (iii) charging a higher fee to a current or former student for obtaining a transcript or degree, or providing less favorable treatment of a transcript or degree request because a current or former student owes a debt; or (iv) using transcript or degree issuance as a tool for debt collection.

*Patron - Hashmi*

**[F] SB177 Human rights and fair housing; religious organizations; promotion of religious principles.** Provides that nothing in the Virginia Human Rights Act prohibits a religious corporation, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from taking any action to promote the religious principles for which it is established or maintained. The bill exempts any place of accommodation owned by or operated on behalf of a religious corporation, association, or society from the nondiscrimination in public places of accommodation provisions of the Virginia Human Rights Act. Under cur-

rent law, such places of accommodation are exempt only when not open to the public. The bill adds preschools to the list of educational institutions that are exempt from discriminatory hiring practices with respect to the hiring and employment of employees of a particular religion when such institutions are owned, supported, controlled, or managed by a particular religion or religious corporation, association, or society. The bill clarifies that the term "religion" includes all aspects of religious observance and practice as well as belief for the purposes of the exemption from discrimination in employment of individuals employed to perform work associated with the activities of a particular religion by a religious corporation, association, educational institution, or society. The bill removes provisions allowing (i) a court or jury in a civil action that finds unlawful discrimination has occurred to order such affirmative action as may be appropriate and (ii) the Attorney General to seek to obtain such relief as would be available to a private party when he intervenes in a civil action for unlawful discrimination. The bill also removes the provision of the exemption for religious organizations under the Virginia Fair Housing Law that denies such exemption where the membership in such religion is restricted on account of race, color, national origin, sex, elderliness, familial status, sexual orientation, gender identity, military status, or disability.

*Patron - Peake*

**[F] SB200 Virginia Freedom of Information Act; record exclusions; administrative investigations; onsite sewage complaints.** Creates an exemption with respect to the Virginia Freedom of Information Act for records of active investigations and the names, addresses, and telephone numbers of complainants furnished in confidence with respect to an active investigation of onsite sewage complaints made to the Department of Health or the Department of Environmental Quality.

*Patron - Hashmi*

**[F] SB214 Virginia Freedom of Information Act; meetings conducted through electronic meetings.** Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments.

*Patron - McPike*

**[F] SB270 Administration of government; language access equity; report.** Establishes the Interagency Language Access Working Group in the Office of the Director of Diversity, Equity, and Inclusion with the following membership: the Director of Diversity, Equity, and Inclusion, the Director of the Office of the Children's Ombudsman, the Governor's Secretaries, and six nonlegislative citizen members representing organizations that represent individuals with language access needs. The Working Group is established for the purpose of maximizing state policies, resources, technical assistance, and procurement practices to further language access and equity in the Commonwealth and its state government agencies. The bill also requires each state agency to designate a language access coordinator who will be responsible for the agency's annual language access report, the requirements of which are set out in the bill. The Secretary of Administration is directed to establish criteria for state agencies to procure language interpretation and translation services and to establish a policy for compensating multilingual state employees who are required

as part of their job to provide interpretation, translation, or other bilingual skills at least once a month.

*Patron - Hashmi*

**[F] SB372 Department of Planning and Budget; Regulatory Budget Program; report.** Directs the Department of Planning and Budget, under the direction of the Secretary of Finance, to establish a continuous Regulatory Budget Program with the goal of setting a target for each executive branch agency subject to the Administrative Process Act to (i) reduce regulations and regulatory requirements, (ii) maintain the current number of regulations and regulatory requirements, or (iii) allow regulations and regulatory requirements to increase by a specific amount over a two-year period. The bill requires the Secretary of Finance to report to the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules on the status of the Program no later than October 1 of each odd-numbered year. Finally, the bill provides that the Department, in consultation with the Office of the Attorney General, shall, by October 1, 2024, issue guidance for agencies regarding the Program and how an agency can comply with the requirements of the Program.

*Patron - Hackworth*

**[F] SB491 Virginia African Diaspora Advisory Board.** Establishes the Virginia African Diaspora Advisory Board to advise the Governor on ways to improve economic and cultural links between the Commonwealth and African nations, with a focus on the areas of commerce and trade, agriculture, art, education, and government. The Board is composed of 18 nonlegislative citizen members, of whom at least 15 must be persons who identify as part of the African diaspora, to be appointed by the Governor. The Secretaries of Agriculture and Forestry, Commerce and Trade, and Education or their designees serve as ex officio members.

*Patron - McClellan*

**[F] SB494 Virginia Human Rights Act; nondiscrimination in employment; definition of employer, statute of limitations, and provision of attorney fees.** 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 person. The bill provides 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 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 or within two years after the alleged discriminatory practice occurred, whichever is later. The bill also changes a court's award of reasonable attorney fees and costs to a successful plaintiff from discretionary to mandatory.

*Patron - McClellan*

**[F] SB524 Payment of prevailing wage; certified payroll; penalties.** Requires employers that are subject to prevailing wage provisions for work done on public contracts to furnish the Commissioner of Labor and Industry within 30 days after issuance of its first payroll, and every 30 days thereafter, a certified payroll that consists of a complete copy of certain records accompanied by a statement signed by the employer that indicates that (i) such records are true and accurate, (ii) the hourly rate paid to each worker is not less than the general prevailing rate of hourly wages required by law; and (iii) the contractor or subcontractor is aware that filing a certified payroll that he knows to be false is a Class 6 felony. The bill provides civil penalties not to exceed \$1,000 for each vio-

lation for violations of prevailing wage provisions for any contractor or subcontractor that (a) knowingly fails to provide the certified pay scale for each craft or trade employed on the project, (b) knowingly fails to provide the certified payroll required by the bill, and (c) fails to post the general prevailing wage rate for each craft and classification involved in a contract in prominent and easily accessible places at the site of the work and a civil penalty not to exceed \$10 per calendar day that required records have not been received. The bill also provides that any contractor or subcontractor who knowingly files false records or willfully fails to file records is guilty of a Class 6 felony.

*Patron - Barker*

**[F] SB548 Virginia Human Rights Act; nondiscrimination in places of public accommodation; COVID-19 vaccination status.** The bill prohibits discrimination in public accommodations on the basis of an individual as having received, received in part, or not received a vaccine for the prevention of COVID-19.

*Patron - Chase*

**[F] SB559 Registered lobbyists; information on disseminated documents; civil penalty.** Requires a lobbyist registered with the Secretary of the Commonwealth to include in or attach to any document disseminated by such lobbyist to any member of the General Assembly or agent thereof the lobbyist's full legal name, email address, and telephone number. The bill provides that any such registered lobbyist that violates the provisions of the bill shall be subject to a civil penalty of \$25 per document disseminated.

*Patron - Ebbin*

**[F] SB563 Attorney General; instituting or conducting criminal prosecutions for acts of violence.** Authorizes the Attorney General to institute or conduct criminal prosecutions in cases involving a violation of the criminal laws involving an act of violence when such prosecution is requested by the sheriff or chief of police investigating the violation. The bill also provides that, prior to instituting or conducting a criminal prosecution for such cases involving a violation of the criminal laws involving an act of violence, the Attorney General shall give notice to the local attorney for the Commonwealth where such violation occurred of his intent to institute or conduct such criminal prosecution.

*Patron - McDougle*

**[F] SB582 Virginia Human Rights Act; nondiscrimination in places of public accommodation and certain private establishments; face coverings.** Prohibits discrimination in places of public accommodations including public and private elementary and secondary schools and institutions of higher education and certain private establishments because the individual is or is not wearing a face covering for the purpose of preventing the transmission of COVID-19.

*Patron - Chase*

**[F] SB592 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 imple-

mentation, 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 - DeSteph*

**[F] SB601 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, including any child, to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status (i) with regard to education, employment, or issuance of a driver's license or other state identification or (ii) in numerous other contexts.

*Patron - Chase*

**[F] SB669 Alleged wrongdoing of law-enforcement employees.** Requires all law-enforcement agencies that employ at least 10 law-enforcement officers, to ensure that, in the case of all written citizen complaints or complaints submitted in an electronic format, the agency (i) allows for the submission of citizen complaints through the agency's website or other electronic format; (ii) provides a receipt or written acknowledgment confirming the submission of the complaint to the individual filing such complaint; (iii) provides a written response to any individual who has filed a complaint indicating the complaint has been finalized, and (iv) provides notice to any individual who has filed a complaint if an investigation into a previously filed complaint has been reopened upon the submission of new materials after a final resolution for the previously filed complaint has been reached.

*Patron - Surovell*

**[F] SB734 Virginia Public Procurement Act; population thresholds for architectural and professional engineering term contracting.** Decreases from 50,000 to 40,000 the population threshold for determining the maximum fees for both a single project and for the sum of all projects in a one-year term.

*Patron - Ruff*

**[F] SB735 Renaming Director of Diversity, Equity, and Inclusion as Director of Diversity, Opportunity, and Inclusion.** Renames the Director of Diversity, Equity, and Inclusion to the Director of Diversity, Opportunity, and Inclusion. The Director shall i) develop a sustainable framework to promote inclusive practices across state government; (ii) implement a measurable, strategic plan to increase opportunities for all Virginians; (iii) facilitate methods to turn feedback and suggestions from state employees, external stakeholders, and community leaders into actionable opportunities; (iv) promote ideas, policies, and practices in coordination with the Secretary of Commerce and Trade to expand entrepreneurship and economic opportunities for disadvantaged Virginians, including Virginians living with disabilities; (v) facilitate bringing Virginians of different faiths together in service to their communities and the Commonwealth; (vi) promote free speech and civil discourse in civic life, including viewpoint diversity in higher education in coordination with the Secretary of Education; (vii) promote ideas, policies, and practices to eliminate disparities in prenatal care and to be an ambassador for unborn children; (viii) coordinate with the Secretary of

Education to ensure the history of the United States is taught in Virginia honestly, objectively, and completely and to respond to the rights of parents in educational and curricular decision making; and (ix) perform any other responsibilities as assigned by the Governor. The bill makes similar renaming changes for the Office of Diversity, Equity, and Inclusion and the Diversity, Equity, and Inclusion Officer.

*Patron - Ruff*

## Carried Over

**HB191 Health workforce development; Special Advisor to the Governor for Health Workforce Development; Virginia Health Workforce Development Fund.** Creates the position of Special Advisor to the Governor for Health Workforce Development (the Special Advisor) in the Office of the Governor and creates the Virginia Health Workforce Development Fund to (i) provide incentives for the removal of barriers to educating and training health workforce professionals that include increasing eligible faculty, clinical placements, and residencies; (ii) incentivize the production of health workforce credentials, degrees, and licensures based on a rigorous analysis of the need by the Office of Education and Labor Market Alignment; (iii) address regulatory barriers to entering into and staying in health professions; and (iv) provide education and training for health and health science professionals to align education and training initiatives with existing and evolving health workforce needs.

The bill also requires the Special Advisor to review and evaluate the structure and organization of the Virginia Health Workforce Development Authority (the Authority) and make recommendations regarding the long-term administrative structure and funding of the Authority to the Governor and the General Assembly by November 1, 2022.

The bill has an expiration date of July 1, 2026.

*Patron - Hodges*

**HB326 Opioid Abatement Authority and Fund; board of directors; allocation of funds.** Increases from 11 to 15 the number of members of the board of directors of the Opioid Abatement Authority by increasing from one to five the representatives of the addiction and recovery community. The bill also delineates the allocation of the unrestricted portion of deposits to the Opioid Abatement Fund.

*Patron - Freitas*

**HB329 Administrative Process Act; regulations; public notice and economic impact; prohibition on certain regulations.** Requires that an agency prepare a detailed notice of intended regulatory action for any regulation that it plans to promulgate. The bill requires that prior to publication by the Registrar of Regulations, the notice of intended regulatory action be submitted to the Attorney General for a determination as to whether the agency has the explicit authority to promulgate the regulation as proposed in the notice of intended regulatory action. The bill requires the Attorney General to report the notice of intended regulatory action and its determination to the Governor for approval. Within 10 days after publication by the Registrar of a notice of intended regulatory action for a proposed regulation, either the chairman or vice-chairman of the Joint Commission on Administrative Rules may submit a written directive to the agency that prepared the notice for the agency to hold a preliminary public hearing and comment period on the notice of intended regulatory action. The bill prescribes requirements for the conduct of such public hearings on regulatory matters. The bill requires the Department of Planning and Budget to prepare an economic impact analysis of the proposed regulation that includes a qualitative analysis of the regulation and a detailed quantitative analysis of

the impact of the regulation, which must include analysis of the implementation and compliance costs that are reasonably expected to be incurred by or passed along to the businesses, localities, and individuals that may be affected by the proposed regulation. The bill requires the Department of Planning and Budget to determine whether \$10 million or more in implementation and compliance costs are reasonably expected to be incurred by or passed along to businesses, localities, and individuals over any two-year period as a result of the proposed regulation. After the Department of Planning and Budget submits an economic impact analysis for a proposed regulation to the legislature but before the agency submits the proposed regulation for final approval by the Governor, the chairman or vice-chairman of the Joint Commission on Administrative Rules may request an independent economic impact analysis to be prepared by the Joint Legislative Audit and Review Commission for the proposed regulation. The Department of Planning and Budget is required to provide a detailed explanation of any variance between estimates in the two economic impact analyses. If either economic impact analysis indicates \$10 million or more in implementation and compliance costs, the bill requires the agency proposing the regulation to stop work on the proposed regulation until the regulation is modified to reduce its costs to below the \$10 million threshold or a bill is enacted explicitly allowing the regulation to proceed.

*Patron - Freitas*

**HB595 Special Assistant to the Governor for Disability Rights Advocacy; position created; report.** Creates the position of Special Assistant to the Governor for Disability Rights Advocacy (the Special Assistant) for the purpose of representing Virginians with disabilities in a comprehensive and authoritative manner by ensuring that all state agencies provide adequate services, resources, and accommodations to such persons. The bill directs the Special Assistant to submit an annual report to the Governor on or before December 1, through the Secretary of Health and Human Resources, that (i) outlines the key issues and problems discovered within state agencies that impact people with disabilities; (ii) identifies the details of any plan of action implemented by the Special Assistant to address and remediate such issues and problems; (iii) provides legislative recommendations that would improve processes and procedures across all state agencies with regard to the provision of services, resources, and accommodations to people with disabilities; and (iv) details such other matters as required by the Governor.

*Patron - Krizek*

**HB833 Group violence intervention; establishment of Operation Ceasefire Grant Fund.** Creates the Operation Ceasefire Grant Fund (the Fund) to be managed by the Office of the Attorney General. The bill provides that moneys in the Fund shall be used to implement violent crime reduction strategies, to provide training for law-enforcement officers and prosecutors, to provide equipment for law-enforcement agencies, and to award grants to organizations that are involved in group violence intervention efforts. The bill defines "group violence intervention" as comprehensive law-enforcement, prosecutorial, and community-based initiatives, substantially similar to Operation Ceasefire as implemented in Boston, Massachusetts, and the Gang Reduction Programs implemented in Los Angeles, California, and Richmond.

*Patron - Wilt*

**HB847 Virginia Resiliency Authority; established.** Establishes the Virginia Resiliency Authority (the Authority) as a body politic and corporate, a political subdivision of the Commonwealth. The bill provides that the Authority shall be



governed by a 17-member Board of Directors. Certain portions of the bill have a delayed effective date of January 1, 2023.

*Patron - Bloxom*

**[C] HB1149 Virginia Children's Cabinet.** Creates the Virginia Children's Cabinet as an executive branch advisory body to advise the Governor regarding policies to improve the health and well-being of children in the Commonwealth.

*Patron - Guzman*

**[C] HB1206 Fort Monroe Authority; duties; facilities management.** Adds to the powers and duties of the Fort Monroe Authority the power and duty to create and manage a department within the Authority for the purpose of overseeing and managing all property and facilities provided, owned, operated, or financed by the Authority.

*Patron - Cordoza*

**[C] HB1354 Virginia Freedom of Information Act; release of probation and parole records.** Provides for an exception to the discretionary release of records of adult persons under investigation or supervision by state probation and parole services by requiring the mandatory release of such records, upon request, to any criminal justice agency, defined in the bill, located within the probation and parole district in which the public body that is the custodian of the requested records is located.

*Patron - Hudson*

**[C] SB224 Lobbying; local government actions; notice and fee to clerk of governing body.** Requires any individual who is compensated to influence or attempt to influence a local government action through oral or written communication with a local government officer or employee to provide written notice of his status and a \$25 fee to the clerk of the governing body of the officer's or employee's locality. The bill exempts from this requirement (i) certain executive and legislative officials and employees, (ii) local government employees or officers acting in their official capacity, (iii) contractors or employees of a contractor performing services for the local government, and (iv) an attorney clearly identified on a land use application. Failure to provide notice is a Class 1 misdemeanor.

*Patron - McPike*

**[C] SB324 Public agencies; privacy of personal information; penalty.** Provides that public agencies shall not request personal information, defined in the bill, from (i) any individual or any entity organized under § 501(c) of the Internal Revenue Code or (ii) any bidder, offeror, or contractor of an agency. The bill prohibits such public agencies from disclosing personal information without the express, written permission of every individual who is identifiable from the potential release of such personal information, including individuals identifiable as members, supporters, or volunteers of, or donors to, the agency. The bill exempts the Campaign Finance Disclosure Act of 2006 from the requirements that public agencies protect personal information and refrain from requesting personal information.

*Patron - Vogel*

**[C] SB356 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 (George Washington Regional) for the purpose of providing special education and related services when (i) the public school special education program is able to provide ser-

vices 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*

**[C] SB569 Coastal Virginia Resiliency Authority; established.** Establishes the Coastal Virginia Resiliency Authority (the Authority) as a body politic and corporate, a political subdivision of the Commonwealth. The bill provides that the Authority shall be governed by a 17-member Board of Directors as follows: (i) the Secretary of Natural and Historic Resources or his designee; (ii) the Secretary of Transportation or his designee; (iii) the Chair of the Senate Committee on Agriculture, Conservation and Natural Resources or his designee; (iv) the Chair of the House Committee on Agriculture, Chesapeake and Natural Resources or his designee; (v) two members of the Senate appointed by the Senate Committee on Rules; (vi) two members of the House of Delegates appointed by the Speaker of the House; (vii) an Officer, defined in the bill, from the each of the Hampton Roads, Crater, Richmond Region, Middle Peninsula, Northern Neck, and Accomack-Norhampton Planning District Commissions selected by the Governor; and (viii) three nonlegislative members who reside in the Hampton Roads, Crater, Richmond Region, Middle Peninsula, Northern Neck, or Accomack-Norhampton Planning District Commissions appointed by the Joint Rules Committee. Certain portions of the bill have a delayed effective date of January 1, 2023.

*Patron - Kiggins*

**[C] SB615 Governor's Office; creation of a Secretary of Disability Services Coordination.** Creates the position of Secretary of Disability Services Coordination to be appointed by the Governor. The bill provides for the responsibilities of the Secretary.

*Patron - Lucas*

**[C] SB712 Department of Regulatory Innovation; Virginia Regulatory Sandbox Program; created.** Creates the Department of Regulatory Innovation to oversee the Virginia Regulatory Sandbox Program, also created by the bill, which allows an individual or business to demonstrate a product, production method, or service under a waiver or suspension of one or more state laws or regulations. The bill sets out the process by which an individual or business may apply for participation in the Program, the role of the Department in reviewing such applications for approval or denial, and the requirements for participation in the Program, including provisions related to consumer protection.

*Patron - Stanley*

## Agriculture, Animal Care, and Food

### Passed

**[P] HB314 Dissemination of consumer information about noxious weeds and invasive plants.** Requires the Commissioner of Agriculture and Consumer Services to develop, by January 1, 2023, a brochure for use by retail establishments that sell plants that explains the value of native plants and the harm of noxious weeds and other invasive plants.

*Patron - Krizek*



**P HB323 Local Food and Farming Infrastructure Grant Program.** Increases from \$25,000 to \$50,000 the amount of a grant that may be made to a political subdivision for projects that support local food production and sustainable agriculture.

*Patron - Rasoul*

**P HB523 Pet shops; reporting.** Requires pet shops to retain records indicating any time a dog or cat in its possession dies or is euthanized. Such records shall be maintained for two years and made available to animal control officers and the State Animal Welfare Inspector.

*Patron - Convirs-Fowler*

**P HB828 Dairy Producer Margin Coverage Premium Assistance Program; emergency.** Expands eligibility for participation in the Dairy Producer Margin Coverage Premium Assistance Program to include dairy producers who have an approved Natural Resource Conservation Service nutrient management or soil health plan developed by an approved planner. The bill also changes the application deadline from February 1 to May 15 each year and includes an emergency clause.

*Patron - Wilt*

**P HB830 Slaughter and meat-processing facilities.** Establishes that it is the policy of the General Assembly to encourage, expand, and develop slaughter and meat-processing facilities through strategic planning and financial incentive programs. The bill directs the Department of Agriculture and Consumer Services to develop a five-year strategic plan to increase total combined throughput capacity of slaughter and meat-processing facilities. This bill is identical to SB 726.

*Patron - Wilt*

**P HB831 Fertilizer; digestate.** Clarifies that a regulated product, for the purposes of fertilizer law, includes digestate. Digestate is defined in the bill as a biologically stable material derived from the process of anaerobic digestion. The bill also includes digestate in fertilizer labeling requirements. This bill is identical to SB 248.

*Patron - Wilt*

**P HB837 Food and drink law; permitting requirements.** Requires any food manufacturer, food storage warehouse, and retail food establishment to obtain a permit from the Commissioner of Agriculture and Consumer Services prior to operating. Any such entity issued a permit is exempt from any other license, permit, or inspection required for the sale, preparation, or handling of food. The bill requires the Commissioner to notify such entities of the reason for denial of a permit and requires that any denial, suspension, or revocation of a permit be carried out in accordance with the Administrative Process Act. The provisions of the bill do not become effective until January 1, 2023, for those localities that currently have a local food inspection or permitting ordinance in place.

*Patron - Wilt*

**P HB1249 Food donations; labeling; liability.** Exempts individuals and entities that donate food and charitable organizations that accept food donations from criminal and civil liability for donating or receiving food past its best-by date or other non-safety labels so long as all parties are informed. The bill provides that immunity from liability shall not apply in instances of gross negligence or intentional misconduct.

*Patron - Davis*

**P HB1330 Companion animals; duty to identify submitted animal; microchip.** Requires veterinarians, public and private animal shelters, and releasing agencies to seek to identify the lawful owners of the unidentified companion animals that are submitted to them by scanning for embedded microchips. The bill provides that such scanning shall be conducted at the time of intake, at the time of assessment, and prior to disposition and that a reasonable effort shall be made to contact the owner. The bill also requires that documentation of such scanning and any attempts to contact the owner be maintained for at least 30 days from the date of final disposition of the animal. The requirements of the bill do not apply to transfers between veterinarians, shelters, or releasing agencies.

*Patron - Edmunds*

**P HB1350 Dealers; sale of dogs or cats for experimental purposes.** Prohibits a dealer, commercial dog breeder, or cat breeder, including an entity that breeds dogs or cats regulated under federal law as research animals, from importing for sale, selling, or offering for sale a dog or cat bred by a person who has received certain citations on or after July 1, 2023, pursuant to the federal Animal Welfare Act. This bill is identical to SB 87.

*Patron - Bell*

**P SB87 Dealers; sale of dogs or cats for experimental purposes.** Prohibits a dealer, commercial dog breeder, or cat breeder, including an entity that breeds dogs or cats regulated under federal law as research animals, from importing for sale, selling, or offering for sale a dog or cat bred by a person who has received certain citations on or after July 1, 2023, pursuant to the federal Animal Welfare Act. This bill is identical to HB 1350.

*Patron - Stanley*

**P SB88 Breeders; records of animals sold or transferred to animal testing facility.** Requires any person or entity that breeds dogs or cats for sale or transfer to an animal testing facility to keep records of each animal for five years from the date of the acquisition, transfer, or disposition and to quarterly submit a summary of the records to the State Veterinarian.

*Patron - Stanley*

**P SB90 Breeders of dogs and cats for animal testing facilities; adoption of dogs and cats.** Requires a breeder of dogs and cats for sale or transfer to an animal testing facility that no longer has a need for a dog or cat in its possession to offer the animal for adoption prior to euthanizing it. Currently, only animal testing facilities are subject to this requirement.

*Patron - Stanley*

**P SB146 Prepared foods; certified food protection managers.** Provides that regulations adopted by the State Board of Health shall not require an establishment that sells only prepared food to have a certified food protection manager on site during all hours of operation.

*Patron - Suetterlein*

**P SB279 Vicious dogs.** Requires a law-enforcement officer or animal control officer to apply to a magistrate for a summons for a vicious dog if such officer is located in either the jurisdiction where the vicious dog resides or in the jurisdiction where the vicious dog committed one of the acts set forth in the definition of a vicious dog. Current law requires such action only if the law-enforcement officer or animal control officer is located in the jurisdiction where the vicious dog resides. The bill also requires any evidentiary hearing or appeal

to be held not less than 30 days from the date of the summons or appeal, unless good cause is found by the court.

*Patron - DeSteph*

**[P] SB305 Food manufacturers operating in historic buildings.** Authorizes the Commissioner of the Department of Agriculture and Consumer Services to exempt food manufacturers operating in historic buildings from certain laws and regulations related to the structure of a building if the food manufacturer is deemed to be producing food products that are low risk of being adulterated.

*Patron - Deeds*

**[P] SB604 Animal cruelty; companion animals; penalty.** Clarifies that animals are not considered companion animals only when actively involved in bona fide medical or scientific experimentation. Current law exempts animals from the definition of companion animal if they are regulated under federal law as research animals.

*Patron - Stanley*

**[P] SB678 Definition of agricultural operation.** Amends the definition of "agricultural operation" for purposes of the Right to Farm Act to include the housing of livestock. The bill provides that this change is declaratory of existing law.

*Patron - Stuart*

**[P] SB726 Slaughter and meat-processing facilities.** Establishes that it is the policy of the General Assembly to encourage, expand, and develop slaughter and meat-processing facilities through strategic planning and financial incentive programs. The bill directs the Department of Agriculture and Consumer Services to develop a five-year strategic plan to increase total combined throughput capacity of slaughter and meat-processing facilities. This bill is identical to HB 830.

*Patron - Pillion*

## Failed

**[F] HB255 Procurement of dogs and cats for research.** Prohibits any state entity, including a public institution of higher education, from procuring dogs or cats for research purposes from a person or entity that has received certain citations pursuant to the federal Animal Welfare Act.

*Patron - Simonds*

**[F] HB262 Agribusiness.** Clarifies that existing agribusiness in the Commonwealth includes farmers markets and roadside farm markets.

*Patron - Wyatt*

**[F] HB373 County or city public animal shelters; return of animals after expiration of stray hold period.** Authorizes an animal shelter to return a cat to the place from which it was taken after the expiration of the stray hold period. Any such cat shall be vaccinated for rabies, spayed or neutered, and eartipped.

*Patron - Williams Graves*

**[F] HB467 Dangerous and vicious dogs; civil liability; knowledge of propensity not required.** Provides that a dog owner may be civilly liable for a bite or attack by his dog regardless of whether he knew or should have known of such dog's propensity for vicious, dangerous, or otherwise aggressive behavior.

*Patron - Bulova*

**[F] HB897 Regulated hemp products.** Directs the Board of Directors of the Virginia Cannabis Control Authority

to establish a scheme for the regulation of hemp products intended for smoking, edible hemp products, and topical hemp products.

*Patron - Adams, D.M.*

**[F] HB1061 Breeding dogs or cats for foreign animal testing facility prohibited; penalty.** Prohibits a person from breeding or raising a dog or cat for the purpose of selling or transferring the dog or cat, or its offspring, to an animal testing facility outside of the United States. A violation of the bill is a Class 1 misdemeanor.

*Patron - Shin*

**[F] HB1089 Paraquat information.** Requires the Department of Health to develop an information sheet regarding the public health risks of the pesticide known as paraquat and make the sheet available to download from its website. The bill requires the Department of Agriculture and Consumer Services to require that employers with employees licensed to apply paraquat provide a copy of the information sheet to each licensee, keep records concerning licensees, and update and annually report data regarding the use of paraquat to the Department of Health.

*Patron - Tran*

**[F] HB1293 Food donations; labeling; liability.** Exempts individuals and entities that donate food and charitable organizations that accept food donations from criminal and civil liability for donating or receiving food past its best-by date or other non-safety labels so long as all parties are informed. The bill provides that immunity from liability shall not apply in instances of gross negligence or intentional misconduct.

*Patron - Bennett-Parker*

**[F] HB1313 Breeders; records of animals sold or transferred to animal testing facility; report.** Requires entities that breed dogs or cats for sale or transfer to an animal testing facility to keep records of each animal for two years from the date of the sale or transfer, and to annually submit a summary of the records to the State Veterinarian. Such entities shall also report certain information to the State Veterinarian on a monthly basis. The report shall include information regarding the birth, acquisition, death, sale, transfer, or other disposition of a dog or cat in the prior month.

*Patron - Kory*

**[F] SB442 Breeding of dogs and cats for research; reporting.** Requires any person who or entity that breeds dogs and cats for animal testing facilities to report certain information to the State Veterinarian on a monthly basis. The report shall include information regarding the birth, acquisition, death, sale, transfer, or other disposition of a dog or cat in the prior month.

*Patron - Boysko*

**[F] SB457 Breeding dogs for certain research prohibited.** Prohibits for two years a person who has received a particular citation from the U.S. Department of Agriculture (USDA) on or after July 1, 2023, from breeding or raising a dog for the purpose of selling or transferring the dog, or its offspring, to an animal research facility outside of the United States, or to an animal research facility located in the United States that will use the dog for testing or research not required by federal law or regulation. The bill allows a person who has received such a USDA citation to offer a dog or cat in his possession for release or adoption in certain circumstances. The provisions of the bill do not become effective unless reenacted by the 2023 Session of the General Assembly.

*Patron - Boysko*

**[F] SB535 Oversight of research breeders; Animal Welfare Oversight Officer; Animal Welfare Oversight Advisory Committee; civil penalty.** Directs the State Veterinarian to hire an Animal Welfare Oversight Officer to inspect and oversee the operations of research breeders, defined in the bill as a person or entity that breeds dogs or cats for sale or transfer for use in testing or research within or outside the Commonwealth, and report any violations of state or federal law by the research breeder. The bill requires each research breeder to register with the Animal Welfare Oversight Officer, pay a registration fee as determined by the Commissioner of Agriculture and Consumer Services, and allow the Animal Welfare Oversight Officer continuous access to its facilities located in the Commonwealth. The bill subjects a research breeder that does not register, pay the fee, or allow the Animal Welfare Oversight Officer access to its facilities to a civil penalty of \$1,000 for each day of noncompliance. The bill also establishes an Animal Welfare Oversight Advisory Committee.

*Patron - Marsden*

## Carried Over

**[C] HB53 Animal care; zoos and petting zoos; seizure of animals.** Defines animals located at a zoo or petting zoo as agricultural animals for the standards for seizure or impoundment of companion animals. The bill also contains technical amendments.

*Patron - Campbell, R.R.*

**[C] HB491 Noxious weeds.** Amends the definition of "noxious weeds" to exclude plants that are commercially significant, directs the Board of Agriculture and Consumer Services (the Board) to implement a phase out period when a new plant is listed as a noxious weed, directs the Department of Agriculture and Consumer Services to provide signs to nurseries and retail plant outlets listing invasive plants sold in the Commonwealth, and authorizes the Board to adopt regulations for permits required to move noxious weeds, or a part thereof, into or within the Commonwealth. The bill also directs the Department of Conservation and Recreation to update its invasive species list by January 1, 2024, and every four years thereafter.

*Patron - Bulova*

**[C] HB1074 Rabies vaccination; titer test; certification.** Directs the Board of Health to develop, by regulation, an exemption to the rabies vaccination requirement for animals if a licensed veterinarian certifies in writing that the vaccine would endanger the animal based on an underlying medical factor and a titer test indicates a sufficient level of immunity to rabies. The bill provides that such certification is valid for a period of one year and serves as proof of vaccination.

*Patron - Leftwich*

**[C] SB89 Pet shops; sale of unneutered or unspayed dogs and cats prohibited; penalty.** Prohibits a pet shop from selling a dog or cat unless it has first been spayed or neutered. A violation is a Class 3 misdemeanor.

*Patron - Stanley*

## Alcoholic Beverage and Cannabis Control

### Passed

**[P] HB20 Alcoholic beverage control; tax allocation; funding for Virginia Spirits Promotion Fund.** Requires that 20 percent of the 20 percent tax levied on alcoholic beverages sold by the Board of Directors of the Virginia Alcoholic Beverage Control Authority that is attributable to the sale of spirits produced by a distiller licensee be deposited in the Virginia Spirits Promotion Fund. The bill requires the Virginia Spirits Board to submit an annual report to the Governor and General Assembly by October 1 regarding its activities and use of monies in the Virginia Spirits Promotion Fund. This bill is identical to SB 196.

*Patron - Fowler*

**[P] HB426 Alcoholic beverage control; delivery of alcoholic beverages; third-party delivery license; container.** Creates a third-party delivery license that authorizes the licensee to deliver alcoholic beverages purchased by consumers from other retail licensees. The bill establishes conditions for the issuance of third-party delivery licenses, imposes eligibility requirements for delivery personnel, and sets forth requirements for a delivery to be made by such delivery personnel. The bill imposes a \$2,500 fine for first-time violations of the delivery requirements and a \$5,000 fine for second and subsequent violations. The bill also establishes container requirements for certain alcoholic beverages sold for off-premises consumption or delivery. The bill requires that such alcoholic beverages, if not contained in the manufacturer's original sealed container, (i) be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with; (ii) display the name of the licensee from which the alcoholic beverages were purchased; (iii) be clearly marked with the phrase "contains alcoholic beverages"; (iv) have a maximum volume of 16 ounces per beverage for certain beverages; and (v) be stored in the trunk of the vehicle, in an area that is rear of the driver's seat, in a locked container or compartment, or, in the case of delivery by bicycle, in a compartment behind the bicyclist during delivery. The bill also excludes from the rebuttable presumption in current law that a person is consuming alcohol while driving any person who is delivering an alcoholic beverage in accordance with the provisions of the bill. The bill directs the Virginia Alcoholic Beverage Control Authority to collect data regarding the compliance of third-party delivery licensees with the provisions of the bill and report such data to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2023. The bill extends from July 1, 2022, to July 1, 2024, the sunset on prior legislation that allowed certain licensees to sell mixed beverages for off-premises consumption. This bill is identical to SB 254.

*Patron - Bulova*

**[P] HB455 Casino gaming; sale and consumption of alcoholic beverages in casino gaming establishments; casino employees; wagers, accounting, and games.** Authorizes the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) to issue a mixed beverage casino license. The issuance of such license is limited to a mixed beverage casino licensee owned by a casino operator licensed under Virginia law. The bill provides for the sale and

service of alcoholic beverages for on-premises consumption in areas designated by the Board during all hours of operation of the mixed beverage casino licensee and authorizes the licensee to provide gifts of alcoholic beverages to patrons and establish loyalty or reward credit programs under certain conditions. In addition, the bill provides that a mixed beverage restaurant licensee located on the premises of a casino gaming establishment may sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage restaurant licensee and that any alcoholic beverages purchased from a restaurant on the premises of a casino gaming establishment may be taken onto the premises of the mixed beverage casino licensee and possessed and consumed in areas of the establishment as designated by the Board. Under the bill, a mixed beverage restaurant licensee that is located on the premises of and operated by a casino gaming establishment and holds a valid mixed beverage restaurant license issued by the Board prior to July 1, 2022, is authorized to operate with the privileges of a mixed beverage casino license as created by the bill until the casino gaming establishment at which the restaurant is located is issued a mixed beverage casino license or July 1, 2023, whichever occurs first. The Board may promulgate any regulations that it deems necessary for implementing the provisions of the bill no later than October 1, 2022. The initial adoption of regulations is exempt from the Administrative Process Act, except that the Board shall provide an opportunity for public comment on the regulations prior to adoption. The bill also (i) revises the definition of "gross receipts" to include electronic credits and electronic cash and to exclude the cash value of promotions or credits under certain conditions and uncollectable counter checks; (ii) defines and authorizes the use of counter checks and prepaid access instruments; (iii) authorizes wagers to be conducted using electronic credits and electronic cash; and (iv) excludes conviction of misdemeanor possession of marijuana as a disqualifier for the issuance of a service permit by the Virginia Lottery. This bill is identical to SB 519.

*Patron - Knight*

**P HB1251 Alcoholic beverage control; operation of government stores; sale of nonalcoholic spirit alternatives.** Allows government stores of the Virginia Alcoholic Beverage Control Authority to sell nonalcoholic spirit alternatives.

*Patron - Fowler*

**P HB1336 Department of Agriculture and Consumer Services; winery, farm winery, and limited brewery licensees; distribution of wine and beer.** Directs the Department of Agriculture and Consumer Services to convene a work group consisting of representatives of the Virginia Alcoholic Beverage Control Authority, the Virginia Wineries Association, the Virginia Wine Wholesalers Association, the Virginia Beer Wholesalers Association, and the Virginia Craft Brewers Guild and other relevant stakeholders to (i) conduct research to determine the appropriate fee structure and general fund appropriation necessary to adequately address staffing needs and perform information technology system upgrades for the purpose of accommodating winery, farm winery, and limited brewery licensees that wish to utilize the services of the Virginia Winery Distribution Company; (ii) evaluate the number of barrels of beer allowed to be distributed by a limited brewery licensee over the course of one year; and (iii) review and evaluate alternative avenues of distribution, other than distribution through the Virginia Winery Distribution Company, that could be made available to limited brewery licensees. The bill directs the work group to report its findings and recommendations to the Board of Directors of the Virginia Winery Distribution Company (the Board) for approval and directs the Board to report any such approved findings and recommendations to the Chairmen of the Senate Committee on Rehabilitation and

Social Services and the House Committee on General Laws no later than October 1, 2022.

*Patron - Robinson*

**P SB196 Alcoholic beverage control; tax allocation; funding for Virginia Spirits Promotion Fund.** Requires that 20 percent of the 20 percent tax levied on alcoholic beverages sold by the Board of Directors of the Virginia Alcoholic Beverage Control Authority that is attributable to the sale of spirits produced by a distiller licensee be deposited in the Virginia Spirits Promotion Fund. The bill requires the Virginia Spirits Board to submit an annual report to the Governor and General Assembly by October 1 regarding its activities and use of monies in the Virginia Spirits Promotion Fund. This bill is identical to HB 20.

*Patron - Mason*

**P SB254 Alcoholic beverage control; delivery of alcoholic beverages; third-party delivery license; container.** Creates a third-party delivery license that authorizes the licensee to deliver alcoholic beverages purchased by consumers from other retail licensees. The bill establishes conditions for the issuance of third-party delivery licenses, imposes eligibility requirements for delivery personnel, and sets forth requirements for a delivery to be made by such delivery personnel. The bill imposes a \$2,500 fine for first-time violations of the delivery requirements and a \$5,000 fine for second and subsequent violations. The bill also establishes container requirements for certain alcoholic beverages sold for off-premises consumption or delivery. The bill requires that such alcoholic beverages, if not contained in the manufacturer's original sealed container, (i) be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with; (ii) display the name of the licensee from which the alcoholic beverages were purchased; (iii) be clearly marked with the phrase "contains alcoholic beverages"; (iv) have a maximum volume of 16 ounces per beverage for certain beverages; and (v) be stored in the trunk of the vehicle, in an area that is rear of the driver's seat, in a locked container or compartment, or, in the case of delivery by bicycle, in a compartment behind the bicyclist during delivery. The bill also excludes from the rebuttable presumption in current law that a person is consuming alcohol while driving any person who is delivering an alcoholic beverage in accordance with the provisions of the bill. The bill directs the Virginia Alcoholic Beverage Control Authority to collect data regarding the compliance of third-party delivery licensees with the provisions of the bill and report such data to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2023. The bill extends from July 1, 2022, to July 1, 2024, the sunset on prior legislation that allowed certain licensees to sell mixed beverages for off-premises consumption. This bill is identical to HB 426.

*Patron - Bell*

**P SB325 Alcoholic beverage control; transportation of alcoholic beverages.** Increases from one gallon to three gallons the amount of alcoholic beverages that a person may transport into the Commonwealth and consolidates current law regarding the transportation of alcoholic beverages into or within the Commonwealth. The bill contains technical amendments.

*Patron - Reeves*

**P SB527 Alcoholic beverage control; neutral grain spirits or alcohol sold at government stores; proof limit.** Repeals the July 1, 2022, sunset on 2017 legislation that

increased from 101 to 151 the proof limit on neutral grain spirits or alcohol that may be sold in government stores.

*Patron - Saslaw*

**[P] SB591 Marijuana; shape prohibitions; definitions of marijuana and tetrahydrocannabinol.** Modifies the definition of "marijuana" in several Code sections to (i) include any substance containing a total tetrahydrocannabinol concentration that exceeds 0.3 percent or more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package and (ii) exclude industrial hemp that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture or his agent; an industrial hemp extract that contains a tetrahydrocannabinol concentration of no greater than 0.3 percent and no more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package at the time such industrial hemp extract is offered for retail sale and is derived from industrial hemp grown, dealt, or processed in compliance with state or federal law; and any drug product containing tetrahydrocannabinol that is approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act by the Board of Pharmacy. The bill defines "tetrahydrocannabinol" to include any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, or salts of isomers. The bill removes references in the Code to delta-9 tetrahydrocannabinol and amends numerous sections to accommodate for the definitional changes described above. The bill requires the Board of Directors of the Virginia Cannabis Control Authority to promulgate regulations that prohibit the production and sale of retail marijuana and retail marijuana products that depict or are in the shape of a human, animal, vehicle, or fruit. The bill has staggered effective dates. This bill received Governor's recommendations.

*Patron - Hanger*

## Failed

**[F] HB43 Retail marijuana stores; requirement for local referendum.** Provides that if an act of assembly is passed by the 2022 Session of the General Assembly that authorizes the operation of retail marijuana stores in the Commonwealth, such retail marijuana stores may be located only in localities that have approved the operation of retail marijuana stores through a referendum held in accordance with the provisions of the bill.

*Patron - Ware*

**[F] HB72 Marijuana cultivation facility licenses; prohibition on sale of plants and seeds.** Provides that, if an act of assembly is passed by the 2022 Session of the General Assembly that creates a license that authorizes the licensee to cultivate retail marijuana and perform related activities, such licensees shall not be permitted to sell mature or immature marijuana plants or marijuana seeds to consumers.

*Patron - Ware*

**[F] HB176 Cannabis control; vertical integration; social equity.** Requires the Board of Directors of the Virginia Cannabis Control Authority (the Board) to promulgate regulations that allow to qualify as a social equity applicant, and therefore receive certain licensing preferences and advantages, any applicant that has lived or been domiciled for at least 12 months in the Commonwealth and whose principal place of business is, and was prior to July 1, 2021, located in a jurisdiction determined by the Board to be economically distressed. The bill also provides that, if an act of assembly is passed by the 2022 Session of the General Assembly that creates licenses to allow for the cultivation, manufacture, wholesale, and retail

sale of retail marijuana and retail marijuana products in the Commonwealth, any industrial hemp processor that meets certain registration, program, and production requirements set forth in the bill shall be permitted to possess one or any combination of such licenses upon payment of a \$1 million fee to the Board and submission of and compliance with a diversity, equity, and inclusion plan.

*Patron - Marshall*

**[F] HB211 Retail sale of cannabis products by certain pharmaceutical processors; sunset.** Allows certain pharmaceutical processors to, under the oversight of the Board of Pharmacy, sell cannabis products at retail to unregistered persons who are 21 years of age or older without the need for a written certification. The bill provides that such sales will be subject to existing Board of Pharmacy regulations and other requirements set forth in the bill. The bill requires pharmaceutical processors engaging in such sales to pay a \$1 million fee and collect a 21 percent excise tax, both of which shall ultimately be allocated to the Virginia Cannabis Control Authority to be used to assist independent cannabis retailers located in designated rural and urban opportunity zones. The bill also requires such pharmaceutical processors to submit and comply with a plan describing how the pharmaceutical processor will, in its health service area, educate consumers about responsible consumption of cannabis products and incubate independent cannabis retailers or support and educate persons that wish to participate in the cannabis market. The bill directs the Board of Directors of the Virginia Cannabis Control Authority to promulgate regulations governing sales, cultivation, extraction, processing, manufacturing, wholesaling, and other related activities conducted pursuant to the provisions of the bill and provides that, upon the adoption of such regulations, oversight of such activities shall transfer from the Board of Pharmacy to the Board of Directors of the Virginia Cannabis Control Authority. The bill expires when pharmaceutical processors engaging in the sale of cannabis products pursuant to the provisions of the bill are authorized by the Virginia Cannabis Control Authority to apply for and be granted licenses to cultivate, manufacture, wholesale, and sell at retail to consumers 21 years of age or older retail marijuana and retail marijuana products.

*Patron - Hodges*

**[F] HB287 Cannabis.** Replaces the term "marijuana" with the term "cannabis" throughout the Cannabis Control Act. The bill also replaces the terms "botanical cannabis" and "cannabis" with the term "medical cannabis" throughout the sections of the Code of Virginia that govern pharmaceutical processors and the issuance of written certifications for the use of cannabis products and oil.

*Patron - Adams, D.M.*

**[F] HB300 Alcoholic beverage control; distiller licenses; Internet orders and shipments.** Allows the Virginia Alcoholic Beverage Control Authority to include in its agency agreements with licensed distillers provisions that allow distillers to sell spirits and low alcohol beverage coolers through Internet orders and ship such orders to consumers and licensees within the Commonwealth. The bill imposes certain quantity, carriage, transaction, and labeling requirements on such sales and shipments.

*Patron - Freitas*

**[F] HB301 Board of Directors of the Virginia Cannabis Control Authority; Cannabis Public Health Advisory Council; membership criteria; allocation of revenue.** Requires that one member of the Board of Directors of the Virginia Cannabis Control Authority (the Board) be a person who has recovered from a substance use disorder and is not

employed by a government entity. The bill increases from 21 to 25 the number of members on the Cannabis Public Health Advisory Council and requires that four members be persons who have recovered from a substance use disorder and are not employed by a government entity. The bill requires that 40 percent of the Board's net profits distributed to the Department of Behavioral Health and Developmental Services be allocated to private certified recovery residences that provide low-cost evidence-based substance use disorder treatment and recovery services and satisfy certain other requirements set forth in the bill.

*Patron - Freitas*

**[F] HB318 Peer Recovery Support Fund.** Establishes the Peer Recovery Support Fund (the Fund) to provide payment for the cost of peer-to-peer substance abuse recovery support services provided by individuals other than state or local government employees. The bill requires that 10 percent of the net profits of the Virginia Cannabis Control Authority derived from the sale of marijuana be appropriated to the Fund in the general appropriation act. The bill also directs the Board of Behavioral Health and Developmental Services to develop regulations setting forth criteria for payments for peer-to-peer substance abuse recovery support services provided by individuals other than state or local government employees from the Fund.

*Patron - Freitas*

**[F] HB328 Alcoholic beverage control; retail privatization of government stores.** Provides for the issuance of a "package store" license to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill provides that persons holding a retail off-premises wine and beer license are eligible to obtain a package store license. The bill also requires the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) to dispose of all real estate used as government stores and to terminate leased property upon which the Board has operated a government store. The bill requires the Board to complete an implementation study by January 1, 2023, on how it will privatize government stores. The bill directs the Board to adopt emergency regulations to implement the provisions of the bill. The bill contains numerous technical amendments.

*Patron - Freitas*

**[F] HB387 Alcoholic beverage control; sales conducted on licensed premises.** Provides that any reasonable markup imposed by the Board of Directors of the Virginia Alcoholic Beverage Control Authority on spirits sold at a government store established on a distiller's licensed premises shall be retained by such distiller. The bill also repeals the commission of not less than 20 percent of the retail price of any goods sold that is currently paid to a licensed distiller that operates a government store on the distiller's licensed premises or at the site of an event licensed by the Board.

*Patron - Freitas*

**[F] HB430 Cannabis control; retail market; penalties.** Establishes a framework for the creation of a retail marijuana market in the Commonwealth. The bill creates a regulatory and licensing structure for such retail market and for the cultivation, manufacture, and wholesale of marijuana and marijuana products to be administered by the Virginia Cannabis Control Authority. The bill also relocates and modifies numerous criminal provisions regarding marijuana offenses. The bill has staggered effective dates. The bill satisfies the reenactment requirement of Chapters 550 and 551 of the Acts of Assembly of 2021, Special Session I, but makes numerous modifications to the provisions of the 2021 legislation related

to criminal penalties, expungement, regulation of certain hemp products, and diversity, equity, and inclusion.

*Patron - Herring*

**[F] HB464 Alcoholic beverage control; tied house.** Allows licensees to employ persons who are also employed by another licensee operating in a different tier of the Commonwealth's three-tier alcoholic beverage control system.

*Patron - Bulova*

**[F] HB685 Tobacco retail licensing; penalties.** 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 or possession of 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] HB875 Cannabis Equity Reinvestment Board; Board of Directors of Virginia Cannabis Control Authority; Cannabis Public Health Advisory Council; membership criteria.** Adds to the membership of the Cannabis Equity Reinvestment Board, Board of Directors of Virginia Cannabis Control Authority, and Cannabis Public Health Advisory Council one member who is an alumni of an institution of higher education at which Hispanic students comprise at least 25 percent of the institution's full-time undergraduate enrollment.

*Patron - Lopez*

**[F] HB950 Cannabis control; retail market; penalties.** Establishes a framework for the creation of a retail marijuana market in the Commonwealth. The bill creates a regulatory and licensing structure for such retail market and for the cultivation, manufacture, and wholesale of marijuana and marijuana products, to be administered by the Virginia Cannabis Control Authority. The bill also relocates and modifies numerous criminal provisions regarding marijuana offenses. The bill has staggered effective dates.

*Patron - Webert*

**[F] HB1021 Alcoholic beverage control; definitions; designer and vintage spirit bottles.** Defines, for the purposes of the Alcoholic Beverage Control Act, "designer spirit bottle" and "vintage spirit bottle."

*Patron - Simon*

**[F] HB1192 Marijuana cultivation facility licenses; preference for certain Virginia farmers.** Provides that, if an act of assembly is passed by the 2022 Session of the General Assembly that creates a license that authorizes the licensee to cultivate retail marijuana and perform related activities, prefer-

ence for the award of such licenses shall be given to farmers who have legally grown hemp in Virginia prior to October 1, 2021, and farmers from economically distressed areas in Virginia. The bill also provides that such licenses shall be issued beginning April 1, 2023.

*Patron - Campbell, J.L.*

**[F] HB1250 Alcoholic beverage control; marketplace facilitator license.** Allows a winery, farm winery, or brewery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer, after obtaining a marketplace facilitator license from the Board of Directors for the Virginia Alcoholic Beverage Control Authority, to sell and ship wine and beer in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. The bill outlines the specific requirements for holders of a wine and beer marketplace facilitator license.

*Patron - Fowler*

**[F] SB65 Alcoholic beverage control; distiller licenses; Internet orders and shipments.** Allows the Virginia Alcoholic Beverage Control Authority to include in its agency agreements with licensed distillers provisions that allow distillers to sell spirits and low alcohol beverage coolers through Internet orders and ship such orders to consumers and licensees within the Commonwealth. The bill imposes certain quantity, carriage, transaction, and labeling requirements on such sales and shipments.

*Patron - Ruff*

**[F] SB313 Retail sale of cannabis products by certain pharmaceutical processors and industrial hemp processors; sunset.** Allows certain pharmaceutical processors and industrial hemp processors to sell, under the oversight of the Board of Directors of the Virginia Cannabis Control Authority (the Board), cannabis products at retail to unregistered persons who are 21 years of age or older without the need for a written certification. The bill directs the Board to adopt and enforce regulations governing such sales that shall model certain Board of Pharmacy regulations and comply with other requirements set forth in the bill. The bill requires pharmaceutical processors and industrial hemp processors engaging in such sales to pay a \$1 million fee and collect a 21 percent excise tax, both of which shall ultimately be allocated to the Virginia Cannabis Control Authority to be used to assist independent cannabis retailers located in designated rural and urban opportunity zones. The bill also requires such pharmaceutical processors and industrial hemp processors to submit and comply with a plan describing how the processor will educate consumers about responsible consumption of cannabis products and incubate independent cannabis retailers or support and educate persons that wish to participate in the cannabis market. The bill has a delayed effective date of January 1, 2023, and shall expire when pharmaceutical processors and industrial hemp processors engaging in the sale of cannabis products pursuant to the provisions of the bill are authorized by the Virginia Cannabis Control Authority to apply for and be granted licenses to cultivate, manufacture, wholesale, and sell at retail to consumers 21 years of age or older retail marijuana and retail marijuana products.

*Patron - Ebbin*

**[F] SB619 Alcoholic beverage control; food-to-beverage ratio.** Provides an alternative to the food-to-beverage ratio for mixed beverage restaurant licensees by allowing such licensees to meet applicable food sale requirements by demonstrating at least \$10,000 in monthly food sales.

*Patron - Cosgrove*

**[F] SB621 Retail sale of cannabis products by certain pharmaceutical processors; sunset.** Allows certain pharmaceutical processors to, under the oversight of the Board of Pharmacy, sell cannabis products at retail to unregistered persons who are 21 years of age or older without the need for a written certification. The bill provides that such sales will be subject to existing Board of Pharmacy regulations and other requirements set forth in the bill. The bill requires pharmaceutical processors engaging in such sales to collect a 21 percent excise tax, to be deposited into the general fund, and pay a \$1 million fee, to be deposited into the account of the Virginia Cannabis Control Authority and used to assist independent cannabis retailers located in designated rural and urban opportunity zones. The bill also requires such pharmaceutical processors to submit and comply with a plan describing how the pharmaceutical processor will, in its health service area, educate consumers about responsible consumption of cannabis products and incubate independent cannabis retailers or support and educate persons that wish to participate in the cannabis market. The bill directs the Board of Directors of the Virginia Cannabis Control Authority to promulgate regulations governing sales, cultivation, extraction, processing, manufacturing, wholesaling, and other related activities conducted pursuant to the provisions of the bill and provides that, upon the effective date of such regulations, oversight of such activities shall transfer from the Board of Pharmacy to the Board of Directors of the Virginia Cannabis Control Authority. The bill expires when pharmaceutical processors engaging in the sale of cannabis products pursuant to the provisions of the bill are authorized by the Virginia Cannabis Control Authority to apply for and be granted licenses to cultivate, manufacture, wholesale, and sell at retail to consumers 21 years of age or older retail marijuana and retail marijuana products.

*Patron - Dunnivant*

## Carried Over

**[C] SB391 Cannabis control; retail market; transitional sales by pharmaceutical and industrial hemp processors; penalties.** Establishes a framework for the creation of a retail marijuana market in the Commonwealth. The bill creates a regulatory and licensing structure for such retail market and for the cultivation, manufacture, and wholesale of marijuana and marijuana products to be administered by the Virginia Cannabis Control Authority. The bill allows certain pharmaceutical and industrial hemp processors, pending establishment of the retail market, to cultivate, manufacture, and sell to persons 21 years of age or older cannabis products. The bill also relocates and modifies numerous criminal provisions regarding marijuana offenses. The bill has staggered effective dates. The bill satisfies the reenactment requirement of Chapters 550 and 551 of the Acts of Assembly of 2021, Special Session I, but makes numerous modifications to the provisions of the 2021 legislation related to licensure, criminal penalties, expungement, regulation of certain hemp products, local regulation, and diversity, equity, and inclusion.

*Patron - Ebbin*

## Aviation

### Passed

**[P] HB137 Capital Region Airport Commission.** Authorizes the Capital Region Airport Commission to (i) make charitable donations to organizations and (ii) form or support independent foundations designed to foster an appreciation by



the public of the importance of aviation, assist the public in aviation travel, or help develop and educate the next generation of aviation professionals in the Commonwealth. The bill provides that any such foundation is not a public body and is exempt from the provisions of the Virginia Public Procurement Act and the Virginia Freedom of Information Act. The bill also authorizes the Commission to indemnify any current or former Commissioner, officer, employee, or agent of the Commission against liability arising from such position. This bill is identical to SB 478.

*Patron - McQuinn*

**[P] SB54 Chesapeake Airport Authority.** Removes language in the Chesapeake Airport Authority authorizing language related to removal of Authority members from office that conflicts with language added in 2017 specifying that members of the Authority serve at the pleasure of the Chesapeake City Council.

*Patron - Cosgrove*

**[P] SB476 Central Virginia Transportation Authority; membership.** Adds the Chief Executive Officer of the Capital Region Airport Commission as an ex officio, nonvoting member of the Central Virginia Transportation Authority. This bill is identical to HB 138.

*Patron - McClellan*

**[P] SB478 Capital Region Airport Commission.** Authorizes the Capital Region Airport Commission to (i) make charitable donations to organizations and (ii) form or support independent foundations designed to foster an appreciation by the public of the importance of aviation, assist the public in aviation travel, or help develop and educate the next generation of aviation professionals in the Commonwealth. The bill provides that any such foundation is not a public body and is exempt from the provisions of the Virginia Public Procurement Act and the Virginia Freedom of Information Act. The bill also authorizes the Commission to indemnify any current or former Commissioner, officer, employee, or agent of the Commission against liability arising from such position. This bill is identical to HB 137.

*Patron - McClellan*

**[P] SB653 Definition of public aircraft; sunset.** Extends from September 1, 2023, to July 1, 2025, the sunset of changes made to the definition of "public aircraft" by the 2018 Session of the General Assembly.

*Patron - Cosgrove*

## Carried Over

**[C] HB1085 Peninsula Airport Commission.** Adds to the Peninsula Airport Commission (the Commission) two members from the City of Poquoson, two members from the City of Williamsburg, one member from James City County, and one member from York County, appointed by the governing bodies thereof. The bill provides that any such locality is automatically excluded from the Commission if it fails to pay its proportionate share of the cost of participation by June 30, 2023. The bill repeals various provisions authorizing certain localities to join the Commission upon the terms and consent of the Commission. The bill provides a schedule for original appointments and requires the City of Newport News to determine which two of its four members will continue as members and provides that the terms of the other two members representing the City of Newport News expire on July 1, 2022.

*Patron - Cordoza*

## Behavioral Health and Developmental Services

### Passed

**[P] HB388 State facilities; video visitation.** Requires the director of every state facility to establish a process to facilitate virtual visitation through the use of audio and video equipment for individuals receiving services at the state facility.

*Patron - Willett*

**[P] HB679 Providers of treatment for persons with opiate addiction; elimination of location restriction.** Eliminates the requirement that a provider of treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration be located more than one-half mile from a public or private licensed day care center or a public or private K-12 school. This bill has a delayed effective date of January 1, 2023, and is identical to SB 300.

*Patron - Hope*

**[P] HB684 Involuntary temporary detention; disclosure of information.** Provides that in any case in which a person subject to an evaluation to determine whether such person meets the criteria for an involuntary temporary detention order is receiving services in a hospital emergency department, the treating physician or his designee and the employee or designee of the local community services board shall disclose to each other relevant information pertaining to the individual's treatment in the emergency department. This bill is identical to SB 119.

*Patron - Hope*

**[P] SB119 Involuntary temporary detention; disclosure of information.** Provides that in any case in which a person subject to an evaluation to determine whether such person meets the criteria for an involuntary temporary detention order is receiving services in a hospital emergency department, the treating physician or his designee and the employee or designee of the local community services board shall disclose to each other relevant information pertaining to the individual's treatment in the emergency department. This bill is identical to HB 684.

*Patron - Hanger*

**[P] SB268 Emergency custody and temporary detention; transportation; transfer of custody.** Provides that when a magistrate orders alternative transportation for an individual under a temporary detention order, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order. Such alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the temporary detention facility, as is appropriate. The bill adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. The bill clarifies that if no alternative transportation provider is available, the magistrate shall order a person to be kept in law-enforcement custody. The bill also



requires the Department of Behavioral Health and Developmental Services to amend an existing contract or enter into a new contract for alternative custody of persons who are subject to temporary detention orders, to the extent funding for such alternative custody is available. This bill incorporates SB 176, SB 650, and SB 682.

*Patron - Favola*

**P SB300 Providers of treatment for persons with opiate addiction; elimination of location restriction.** Eliminates the requirement that a provider of treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration be located more than one-half mile from a public or private licensed day care center or a public or private K-12 school. This bill has a delayed effective date of January 1, 2023, and is identical to HB 679.

*Patron - Deeds*

**P SB479 Health services; obsolete provisions.** Removes the requirement that the Department of Behavioral Health and Developmental Services develop and biennially update a six-year Comprehensive State Plan for Behavioral Health and Developmental Services (the Plan). Since the Plan was initially required in 1998, other reporting requirements have been enacted that have rendered the Plan obsolete. The bill also removes obsolete provisions of the Uniform Act on Adoption and Medical Assistance. This bill is a recommendation of the Virginia Code Commission.

*Patron - McClellan*

**P SB577 Children's residential facilities; criminal history background checks.** Allows a person who is required to undergo a background check as a condition of employment at a children's residential facility to be employed by the children's residential facility pending the results of the check of the central registry of child abuse and neglect records maintained by the Department of Social Services, provided that (i) the person has received qualifying results on the fingerprint-based criminal history background check, (ii) the person does not work in the children's residential facility or any other location where children placed in such facility are present, and (iii) such employment is permitted under federal law and regulations. This bill incorporates SB 728. This bill received Governor's recommendations.

*Patron - Mason*

**P SB593 Custody and transportation of persons subject to emergency custody or temporary detention order; alternative custody; auxiliary police officers.** Allows auxiliary police officers to provide transportation for a person subject to an emergency custody or temporary detention order. The bill also directs the Department of Criminal Justice Services to establish compulsory minimum training standards for auxiliary police officers who are called into service solely for the purpose of providing transportation for such person subject to an emergency custody order or providing transportation for a person in the temporary detention process. This bill received Governor's recommendations.

*Patron - Newman*

**P SB622 Recovery residences.** Requires that all recovery residences be certified by the Department of Behavioral Health and Developmental Services (the Department) and that recovery residences, as a condition of such certification, comply with any minimum square footage requirements related to beds and sleeping rooms established by the credentialing entity, which shall be no less than the square footage requirements set forth in the Uniform Statewide Building

Code. The bill requires every person who operates a recovery residence to disclose to potential residents its credentialing entity. If the credentialing entity is the National Alliance for Recovery Residences, the bill requires the recovery residence to disclose the level of support provided by the recovery residence and, if the credentialing entity is Oxford House, Inc., the bill requires the recovery residence to disclose that the recovery residence is self-governed and unstaffed. The bill also requires the Department to include such information on the list of all recovery residences maintained by the Department on its website. The bill exempts recovery residences from the provisions of the Virginia Landlord and Tenant Act. This bill is identical to HB 277. This bill received Governor's recommendations.

*Patron - Favola*

## Failed

**F HB134 Involuntary commitment; release of person before expiration of order.** Provides that no person who is the subject of an order for involuntary commitment shall be released from a state hospital or licensed hospital and that no community services board shall petition for rescission of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment during the 96-hour period immediately following entry of the order, unless in the opinion of (i) the psychiatrist or clinical psychologist treating the person, based on an evaluation conducted by the psychiatrist or clinical psychologist, and (ii) a second psychiatrist or clinical psychologist who has evaluated the person, the person will not meet the criteria for involuntary commitment if released.

*Patron - Cherry*

**F HB135 Emergency custody and temporary detention; transportation; transfer of custody.** Provides that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the community services board or its designee that is responsible for conducting the evaluation or the temporary detention facility, as is appropriate. The bill also adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers.

*Patron - Cherry*

**F HB163 Emergency custody and temporary detention; transportation and custody.** Amends numerous sections governing emergency custody and temporary detention of minors and adults to clarify duties of law-enforcement agencies and mental health facilities with regard to custody. The bill requires facilities to take custody of a minor or person who is the subject of an emergency custody order or temporary detention order immediately upon completion of transportation and arrival of the minor or person at the facility; specifies that if a facility does not take custody of a minor or person immediately upon completion of transportation and arrival at the facility, the order is void and the minor or person shall be released; provides that emergency custody orders shall not be extended; and makes other changes to clarify the role and obligations of law

enforcement in the emergency custody and temporary detention process.

*Patron - Ransone*

**[F] HB618 Possession of controlled substances; barrier crimes.** Removes from the definition of barrier crime a felony violation of possession of a controlled substance.

*Patron - Hudson*

**[F] HB624 Department of Behavioral Health and Developmental Services; work group; strategies to meet behavioral health safety net workforce needs; report.** Directs the Department of Behavioral Health and Developmental Services to establish a work group, which shall include representatives of the Department of Health Professions, the Virginia Association of Community Services Boards, the Virginia Area Health Education Centers Program and regional area health education centers, the Virginia Community College System, the State Council of Higher Education for Virginia, and other relevant stakeholders, to develop a strategy to address the behavioral health safety net workforce shortage in the Commonwealth. The bill directs the work group to report its findings and recommendations to the Governor and the General Assembly by November 1, 2022.

*Patron - Roem*

**[F] HB668 Facilities for civilly committed sexually violent predators; reports to the Commonwealth's designated protection and advocacy system.** Adds persons who are civilly committed sexually violent predators to the categories of persons for whom the Commonwealth's designated advocacy and protection system provides oversight, provided that funding for such purpose is provided by the General Assembly. The bill also requires state facilities to which sexually violent predators are civilly committed to notify in writing the Director of the Commonwealth's designated protection and advocacy system within 48 hours of critical incidents or deaths of individuals receiving services in the state facility, and requires the Commissioner of the Department of Behavioral Health and Developmental Services to provide to the Director a written report setting forth the known facts of critical incidents or deaths of individuals receiving services in facilities to which sexually violent predators are civilly committed within 15 working days of such critical incident or death.

*Patron - Hope*

**[F] HB807 Criminal history background checks.** Moves to separate sections of the Code of Virginia provisions governing background checks for individuals providing substance abuse and mental health services for adults. Currently, provisions governing background checks for individuals providing substance abuse and mental health services for adults are included together with provisions governing background checks for providers of substance abuse and mental health services for children and providers of developmental services for individuals of all ages.

*Patron - Price*

**[F] HB1037 Emergency custody and temporary detention; transportation; transfer of custody.** Provides that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the per-

son is transferred to the community services board or its designee that is responsible for conducting the evaluation or the temporary detention facility, as is appropriate. The bill also adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers.

The bill also requires the Department of Behavioral Health and Developmental Services to expand its existing contract for the provision of alternative transportation of a person who is subject to a temporary detention order or enter into new contracts for alternative transportation of a person who is subject to a temporary detention order to ensure sufficient availability of alternative transportation providers to take custody of and provide alternative transportation for all persons for whom alternative transportation is ordered.

*Patron - Sewell*

**[F] HB1147 Temporary detention; alternative custody.** Provides that if the facility indicated on a temporary detention order is a state facility, no bed for the person detained or in custody pursuant to the temporary detention order is immediately available at such state facility, and an employee or designee of such state facility is available to take custody of such person, such employee or designee of the state facility may assume custody of such person wherever such person is located and maintain custody of such person and transport such person to such state facility or to an alternative facility of temporary detention. The bill also provides that a person who is an inmate who is subject to an order authorizing treatment shall remain in law-enforcement custody at all times prior to admission to the facility designated for treatment of the person pursuant to such order.

*Patron - Bell*

**[F] HB1172 Certified recovery residences.** Requires the Board of Behavioral Health and Developmental Services to adopt regulations requiring each certified recovery residence to include one or more resident or nonresident staff persons who are employed by the provider for compensation and who are responsible for oversight or management of the recovery residence.

*Patron - Adams, D.M.*

**[F] HB1180 Substance abuse services providers; assessment; tobacco use.** Requires every provider licensed by the Department of Behavioral Health and Developmental Services who provides services to individuals with substance use disorder to assess each individual receiving services for use of all tobacco products at the time the provider begins providing services and provides that, in cases in which an individual receiving services is identified as having a tobacco use disorder, the provider shall (i) provide information to the individual about how continued use of tobacco products may affect the individual's long-term success in recovery from substance use disorder; (ii) recommend treatment for tobacco use disorder in the treatment plan; and (iii) offer either treatment for tobacco use disorder as part of the individual's treatment plan, if the provider is licensed to provide such treatment, or referral for treatment of tobacco use disorder.

*Patron - Clark*

**[F] SB176 Emergency custody and temporary detention; transportation; transfer of custody.** Makes clear that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the

alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the community services board or its designee that is responsible for conducting the evaluation or the temporary detention facility, as is appropriate. The bill also adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. This bill was incorporated into SB 650.

*Patron - Peake*

**[F] SB641 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*

**[F] SB650 Emergency custody and temporary detention; hospitals and providers of behavioral health services; acceptance of custody.** Requires every hospital with an emergency department to employ sufficient security staff to be able to accept custody of a person who is subject to emergency custody or temporary detention and who is transported to such hospital by a law-enforcement officer or receiving services at such hospital and requires every provider of behavioral health services licensed by the Department of Behavioral Health and Developmental Services to a person who is subject to emergency custody and may be transported for the required evaluation to (i) be licensed to provide the level of security necessary to protect both the person and others from harm, and actually capable of providing the level of security necessary to protect the person and others from harm, and (ii) accept custody of every person transported to such provider for evaluation by law enforcement. This bill was incorporated into SB 268.

*Patron - Hanger*

**[F] SB682 Temporary detention; alternative custody.** Provides that if the facility indicated on a temporary detention order is a state facility, no bed for the person detained or in custody pursuant to the temporary detention order is immediately available at such state facility, and an employee or designee of such state facility is available to take custody of such person, such employee or designee of the state facility may assume custody of such person wherever such person is located and maintain custody of such person and transport such person to such state facility or to an alternative facility of temporary detention. The bill also provides that a person who is an inmate who is subject to an order authorizing treatment shall remain in law-enforcement custody at all times prior to admission to the facility designated for treatment of the person pursuant to such order. This bill was incorporated into SB 268.

*Patron - Deeds*

**[F] SB714 Department of Behavioral Health and Developmental Services; voluntary mental health check-in option as part of the comprehensive crisis system; report.** Directs the Department of Behavioral Health and Developmental Services to implement a voluntary mental health check-in option as part of the comprehensive crisis system and to report by November 1, 2022, to the Governor and the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Education and

Health and Finance and Appropriations regarding its progress in implementing such program.

*Patron - Deeds*

**[F] SB728 Criminal history background checks; children's residential facilities.** Provides that a person may be hired for and may begin compensated employment at a children's residential facility prior to receipt of the results of the criminal history background check and check of the central registry of records but prohibits that person from being alone with, in control of, or supervising one or more children until such time as the criminal history background check and the check of the central registry of records have been completed. Currently, no person who is required to undergo a background check as a condition of employment at a children's residential facility may work at the children's residential facility until the background check is complete. This bill was incorporated into SB 577.

*Patron - Ruff*

## Carried Over

**[C] HB105 Department of Behavioral Health and Developmental Services; feasibility study; Catawba Hospital; substance abuse treatment and recovery services; report.** Directs the Department of General Services, in cooperation with the Department of Behavioral Health and Developmental Services, to study the feasibility of transforming Catawba Hospital into a state-of-the-art facility at which a continuum of substance abuse treatment and recovery services is provided in addition to the array of behavioral health and other services currently provided to geriatric individuals in need of mental health care. The Department of General Services shall report its findings, conclusions, and recommendations to the Governor and the Chairmen of the Senate Committees on Education and Health and Finance and Appropriations and the House Committees on Appropriations and Health, Welfare and Institutions by December 1, 2022.

*Patron - Rasoul*

**[C] SB373 Emergency custody; extension; medical testing, observation, or treatment.** Provides that a magistrate may, upon the sworn petition of the Commissioner of Behavioral Health and Developmental Services or his designee, issue an order extending an emergency custody order for a period of up to 48 hours upon finding that probable cause exists to believe that the behaviors upon which a finding that the person meets the criteria for emergency custody are the result of a medical or physical condition, including substance intoxication or withdrawal, and that the medical standard of care for such medical or physical condition calls for testing, observation, or treatment to prevent harm to the person resulting from such medical or physical condition. Upon issuance of an order extending the period of emergency custody, the person shall be transported to and detained in an appropriate medical care facility for testing, observation, and treatment.

*Patron - Deeds*

**[C] SB429 Department of Behavioral Health and Developmental Services; Department of State Police; mobile applications; mental health and public safety.** Requires the Department of Behavioral Health and Developmental Services (DBHDS) to develop or obtain a mental health mobile application for suicide prevention and the provision of educational materials related to suicide prevention. The bill requires the mobile application to provide a means to directly connect to the 988 Suicide Prevention Lifeline. The bill directs the Secretary of Health and Human Resources and the Secretary of Education to promote, market, and advertise the use of

such application using existing resources. The bill also requires the Department of State Police to (i) develop or obtain a public safety mobile application to enable individuals in the Commonwealth to furnish confidential tips to the Department of State Police through text, audio, images, or video concerning a suspected, anticipated, or completed criminal violation or a school-related safety concern and (ii) develop a referral system to ensure that such confidential tips are referred to the chief law-enforcement officer of the relevant jurisdiction for proper coordination of response and investigation. The bill directs the Secretary of Public Safety and Homeland Security to promote, market, and advertise the use of such application using existing resources. The provisions of the bill related to an application developed by DBHDS have a delayed effective date of July 1, 2023. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Dunnivant*

**[C] SB713 Emergency custody order; duration.** Provides that a law-enforcement officer may transfer custody of a person who is the subject of an emergency custody order to a facility or location that has been authorized by the Department of Behavioral Health and Developmental Services to accept custody of a person who is the subject of an emergency custody order upon a finding by the Department that the facility or location is capable of providing the level of security necessary to protect such person and others from harm and that in cases in which custody of a person who is the subject of an emergency custody order has been transferred to a facility licensed to provide up to 23 hours of crisis stabilization services, the emergency custody order shall be valid for a period not to exceed 23 hours from the time of execution. Currently, all emergency custody orders are valid for a period of up to 8 hours.

*Patron - Deeds*

**[C] SB750 Secretary of Health and Human Resources; plan for transfer of responsibility of Commonwealth's state hospitals.** Directs the Secretary of Health and Human Resources to develop and implement a plan to transfer responsibility for the oversight and operation of the Commonwealth's state hospitals from the Department of Behavioral Health and Developmental Services to another governmental entity and to grant such governmental entity the authority to administer the Commonwealth's state hospitals effectively and efficiently. The bill requires the plan to describe the purposes, structure, organization, governance, management, oversight, powers, and duties of the governmental entity and the mechanisms by which such governmental entity shall be funded.

*Patron - Dunnivant*

## Civil Remedies and Procedure

### Passed

**[P] HB385 Claims; Bobbie James Morman, Jr.; compensation for wrongful incarceration.** Provides relief in the amount of \$1,247,973 to Bobbie James Morman, Jr., who was wrongly convicted of attempted malicious wounding and firearm-related charges. This bill received Governor's recommendations.

*Patron - Sullivan*

**[P] HB397 Compensation for wrongful incarceration.** Modifies the formula for compensating wrongfully incarcerated persons to equal \$55,000 per year of incarceration, adjusted for inflation, changes the amount of compensation

that may be paid out as a lump sum to equal 25 percent of the total award with the remainder to be paid out as an annuity with a term of 10 years, provides that the General Assembly may pay to the wrongfully incarcerated person the amount of court costs and other charges incurred to receive the compensation, and allows a wrongfully incarcerated person who submitted an Alford plea to receive compensation for such wrongful incarceration. The bill also provides an income tax subtraction for any compensation awarded to a wrongfully incarcerated person. This bill is identical to SB 755.

*Patron - Sullivan*

**[P] HB409 Promises not to plead the statute of limitations.** Specifies that a written promise not to plead the statute of limitations is valid only when such written promise is made to avoid or defer litigation pending settlement of any cause of action that has accrued in favor of the promisee against the promisor. The bill further replaces the current requirement of validity that such promise not be made contemporaneously with any other contract with the requirement that the written promise be signed by the promisor or his agent. Finally, the bill specifies that the promisee must commence an action asserting such cause of action within the earlier of the applicable limitations period running from the date the written promise is made or any shorter time provided for in the written promise for such promise to be valid; current law requires that any such written promise may be made for an additional term not longer than the applicable limitations period in order to be valid. The bill provides that its provisions apply only to written promises not to plead the statute of limitations made on or after July 1, 2022. The bill as introduced was a recommendation of the Boyd-Graves Conference.

*Patron - Ballard*

**[P] HB449 Distained or levied on personal property; auctioneers or auction firms outside the county or city of an officer.** Allows for the use of a Virginia-licensed auctioneer or auction firm in selling distressed or levied on personal property and the transportation of such property to an auction site for such sale, regardless of whether the auction site is within or outside the county or city of the officer responsible for selling such property. Under current law, an officer who distrains or levies on personal property is not allowed to remove such property from his county or city.

*Patron - Bulova*

**[P] HB573 Statute of limitations; contracts for health care services.** Provides that the statute of limitations for an action on any contract, written or unwritten, for health care services, including actions brought by the Commonwealth, is three years. The bill further provides that the accrual date for actions on such a contract is 30 days after the later of (i) issuance of the initial invoice or the due date stated in such invoice to the patient or person legally responsible for payment or (ii) if the patient voluntarily enters into a payment plan with the provider, 30 days after the default date contained in such payment plan. This bill was vetoed by the Governor.

*Patron - Clark*

**[P] HB614 Requirement for appeals bond; indigent parties; appeal of unlawful detainer.** Removes the requirement for an indigent defendant, as defined in the bill, to post an appeal bond in an unlawful detainer action appealed from the general district court. This bill is identical to SB 474. This bill received Governor's recommendations.

*Patron - Bourne*

**[P] HB678 Person under a disability; parties unknown.** Includes in the definition of "person under a disability" persons made defendants by the general description of

"parties unknown" in suits involving real property. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Hope*

**P HB682 Service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission.** Provides that all investigators employed by an attorney for the Commonwealth or by the Indigent Defense Commission while engaged in the performance of their official duties when serving witness subpoenas shall not be considered a party or otherwise interested in the subject matter in controversy and, thus, are authorized to serve process to such witnesses. This bill is identical to SB 291.

*Patron - Hope*

**P HB782 Nonsuits; appeals from judgment of a general district court; emergency.** Permits a plaintiff to nonsuit a claim appealed from a general district court in a circuit court. As introduced, the bill was a recommendation of the Boyd-Graves Conference. The bill contains an emergency clause.

*Patron - Williams*

**P HB1132 Payment of small amounts to certain persons without involvement of fiduciary; threshold.** Increases from \$25,000 to \$50,000 the amount under which a payment to certain persons may be made without the involvement of a fiduciary.

*Patron - Williams*

**P HB1145 Civil actions; health care bills and records.** Defines the term "bill" for the purposes of evidence of medical services provided in certain civil actions as any statement of charges, an invoice, or any other form prepared by a health care provider or its agent, or third-party agent, identifying the costs of health care services provided. The bill also clarifies the procedures for introducing evidence of medical reports, statements, or records of a health care provider by affidavit in general district court. This bill is identical to SB 633.

*Patron - Leftwich*

**P HB1234 Limitations on enforcement of judgments.** Provides that no execution shall be issued and no action brought on a judgment dated, extended, or renewed, prior to July 1, 2021, including a judgment in favor of the Commonwealth and a judgment rendered in another state or country, after 20 years from the date of such judgment or domestication of such judgment or 20 years from the date of such extension or renewal of such judgment, whichever is later. Under current law, no such execution or judgment may be issued or brought 20 years from the date of such judgment only. The bill further allows a judgment creditor's assignee or such assignee's attorney or authorized agent to go through the process to extend the limitations period.

*Patron - Head*

**P HB1236 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*

**P HB1255 Claims; Lamar Barnes; compensation for wrongful incarceration.** Provides relief in the amount of \$1,076,115 to Lamar Barnes, who was wrongly convicted of

murder, malicious wounding, and use of a firearm in the commission of a felony.

*Patron - Sullivan*

**P HB1263 Claims; Paul Jonas Crum, Jr.; compensation for wrongful incarceration.** Provides relief in the amount of \$289,068 to Paul Jonas Crum, Jr., who was wrongly convicted of obstruction of justice charges.

*Patron - Hudson*

**P SB64 Proceeds of compromise agreements; minors; investment in college savings trust accounts.** Permits a court to direct the payment of the proceeds of an approved compromise agreement, in the case of damage to the person or property of a minor, by investment in a college savings trust account for which the minor is the beneficiary pursuant to a college savings trust agreement with the Virginia College Savings Plan, provided that (i) the investment options pursuant to such agreement are restricted to target enrollment portfolios; (ii) the order or decree approving and confirming the compromise requires the minor beneficiary's parent, as that term is defined in relevant law, to act as the custodian of the account; and (iii) except in the case of a distribution from the account to be applied toward the minor beneficiary's qualified higher education expenses, as that term is defined in relevant federal law, the order or decree approving and confirming the compromise prohibits the minor beneficiary's parent from making any transfer, withdrawal, termination, or other account transaction unless the court provides prior approval pursuant to a written order.

*Patron - Surovell*

**P SB148 Public health emergencies; immunity for health care providers.** Expands immunity provided to health care providers responding to a disaster to include actions or omissions taken by the provider as directed by any order of public health in response to such disaster when a local emergency, state of emergency, or public health emergency has been declared.

*Patron - Norment*

**P SB291 Service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission.** Provides that all investigators employed by an attorney for the Commonwealth or by the Indigent Defense Commission while engaged in the performance of their official duties when serving witness subpoenas shall not be considered a party or otherwise interested in the subject matter in controversy and, thus, are authorized to serve process to such witnesses. This bill is identical to HB 682.

*Patron - Deeds*

**P SB350 Health records; patient's right to disclosure.** Requires a health care entity to include in its disclosure of an individual's health records any changes made to the health records and an audit trail for such records if the individual specifically requests that such information be included in the health records disclosure. The bill permits the health care entity to charge the requester reasonable costs to produce an audit trail, if specifically requested.

*Patron - Surovell*

**P SB474 Requirement for appeals bond; indigent parties; appeal of unlawful detainer.** Removes the requirement for an indigent defendant, as defined in the bill, to post an appeal bond in an unlawful detainer action appealed from the general district court. This bill is identical to HB 614. This bill received Governor's recommendations.

*Patron - McClellan*

**[P] SB493 Civil action for the dissemination of sexually explicit visual material to another.** Provides that any person 18 years of age or older who knowingly transmits an intimate image, as defined in the bill, by computer or other electronic means to the computer or electronic communication device of another person 18 years of age or older when such other person has not consented to the use of his computer or electronic communication device for the receipt of such material or has expressly forbidden the receipt of such material shall be considered a trespass and shall be liable to the recipient of the intimate image for actual damages or \$500, whichever is greater, in addition to reasonable attorney fees and costs.

*Patron - McClellan*

**[P] SB530 Illegal gaming devices; Virginia Fraud Against Taxpayers Act; civil penalty.** Adds the manufacturing for sale, selling, or distributing of an illegal gaming device while knowing that it is or is intended to be operated in the Commonwealth in violation of the law to the list of violations for which a civil penalty may be assessed against a person who is found to have committed such violation. The bill also adds a knowledge requirement to the existing violation of possessing or controlling an illegal gambling device. The bill also provides for a civil penalty of up to \$25,000 per gambling device for any person who sells a gambling device that is located in an unregulated location. The bill provides that it shall be sufficient ground for an action for pretrial levy or seizure or an attachment that a principal defendant has conducted, financed, managed, supervised, directed, sold, or owned a gambling device that is located in an unregulated location. This bill incorporates SB 566.

*Patron - Reeves*

**[P] SB633 Civil actions; health care bills and records.** Defines the term "bill" for the purposes of evidence of medical services provided in certain civil actions as any statement of charges, an invoice, or any other form prepared by a health care provider or its agent, or third-party agent, identifying the costs of health care services provided. The bill also clarifies the procedures for introducing evidence of medical reports, statements, or records of a health care provider by affidavit in general district court. This bill is identical to HB 1145.

*Patron - Stanley*

**[P] SB681 Duty of in-network providers to submit claims to health insurers; Virginia Consumer Protection Act.** Provides that a knowing violation of the existing requirement for an in-network provider that provides health care services to a covered patient to submit its claim to the health insurer for the health care services in accordance with the terms of the applicable provider agreement or as permitted under applicable federal or state laws is a prohibited practice under the Virginia Consumer Protection Act.

*Patron - Obenshain*

**[P] SB715 Injunctions; review by the Supreme Court of Virginia.** Restores the Supreme Court of Virginia's jurisdiction over appeals of injunctions and orders granting or denying pleas of immunity. Under current law, injunctions must first be appealed to the Court of Appeals.

*Patron - Petersen*

**[P] SB755 Compensation for wrongful incarceration.** Modifies the formula for compensating wrongfully incarcerated persons to equal \$55,000 per year of incarceration, adjusted for inflation, changes the amount of compensation that may be paid out as a lump sum to equal 25 percent of the total award with the remainder to be paid out as an annuity with a term of 10 years, provides that the General Assembly

may pay to the wrongfully incarcerated person the amount of court costs and other charges incurred to receive the compensation, and allows a wrongfully incarcerated person who submitted an Alford plea to receive compensation for such wrongful incarceration. The bill also provides an income tax subtraction for any compensation awarded to a wrongfully incarcerated person. This bill is identical to HB 397.

*Patron - Lucas*

## Failed

**[F] HB92 Health care providers; definition.** Amends the definition of "health care provider" to include home care organizations and hospice.

*Patron - Head*

**[F] HB136 Wrongful death; death of the parent or guardian of a child resulting from driving under the influence; child support.** Provides that any action for death by wrongful act where the defendant, as a result of driving a motor vehicle or operating a watercraft under the influence, unintentionally caused the death of another person who was the parent or legal guardian of a child, the person who has custody of such child may petition the court to order that the defendant pay child support.

*Patron - Campbell, J.L.*

**[F] HB505 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, 2022, governing such actions. The bill has a delayed effective date of July 1, 2023.

*Patron - Mullin*

**[F] HB515 Civil action for malicious prosecution; self-defense.** Creates a civil cause of action for malicious prosecution in any case in which a criminal defendant charged with aggravated murder, murder in the first degree, murder in the second degree, or voluntary manslaughter is found to have acted solely in self-defense. The bill provides that such cause of action shall lie against the prosecutor who brought the charges or prosecuted such criminal case if such criminal defendant can prove that such prosecution was malicious and motivated by reasons other than bringing the alleged defendant to justice.

*Patron - March*

**[F] HB569 Hospices, home care organizations, private providers, assisted living facilities, and adult day care centers; immunity from liability.** Repeals the provision that a licensed hospice, home care organization, private provider, assisted living facility, or adult day care center that delivers care to or withholds care from a patient, resident, or person receiving services who is diagnosed as being or is believed to be infected with the COVID-19 virus shall not be liable for any injury or wrongful death of such patient, resident, or person receiving services arising from the delivery or withholding of care when the emergency and subsequent conditions caused by the emergency result in a lack of resources, attributable to the disaster, that render such hospice, home care organization, private provider, assisted living facility, or adult day care center unable to provide the level or manner of care that otherwise

would have been required in the absence of the emergency and that resulted in the injury or wrongful death at issue.

*Patron - Clark*

**[F] HB609 Civil action for the deprivation of rights; duties and liabilities of certain employers.** Creates a civil cause of action for the deprivation of any rights, privileges, or immunities pursuant to the constitutions and laws of the United States and the Commonwealth due to the acts or omissions of either a public employer or its employee and provides that a plaintiff may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against the public employer and its employee. The bill provides that sovereign immunity is not a defense to such an action. The bill further provides that public employers owe a duty of reasonable care to third parties in the hiring, supervision, training, retention, and use of their employees and that a person who claims to have suffered injury or sustained damages caused, in whole or in part, by a breach of this duty may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against such public employer.

*Patron - Bourne*

**[F] HB984 Liability for sale of alcohol or marijuana product to an underage person.** Creates a cause of action against an alcoholic beverage control retail licensee or cannabis control retail licensee who sells alcohol or a marijuana product to an underage person if the consumption of the alcohol or marijuana product caused or contributed to an injury to person or property while the underage person operated a motor vehicle. The provisions of this act related to the sale of marijuana products have a delayed effective date of January 1, 2024.

*Patron - Runion*

**[F] HB1348 Writ of post-conviction relief for marijuana-related offenses.** Creates a writ of post-conviction relief by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2021, who remain incarcerated on July 1, 2022, may petition the circuit court for modification of such person's sentence. The bill requires such petition to be filed by July 1, 2026. The bill has an expiration date of July 1, 2027.

*Patron - Coyner*

**[F] SB208 Civil actions; standing.** Provides that a person in a civil action shall be deemed to have standing if that person has a cognizable interest in the outcome of the matter, which may be represented by the ownership of an affected property interest or the suffering of an injury unique to that individual.

*Patron - Petersen*

**[F] SB230 Liability for sale of alcohol to an impaired customer; injury to another person due to operation of vehicle while intoxicated.** Creates a cause of action against an alcoholic beverage control retail licensee who sells alcohol to a customer who subsequently injures another by driving while impaired if the consumption of the alcohol caused or contributed to an injury to person or property while the customer operated a motor vehicle.

*Patron - Hanger*

**[F] SB483 Child abuse and neglect; limitations period on sexual abuse of a minor claims; background check and training requirements for youth sports coaches and staff.** Eliminates the civil statute of limitations period for injury resulting from sexual abuse occurring during the infancy of the abused person and allows persons who have previously been

time-barred from filing such an action due to the expiration of the limitations period in effect prior to July 1, 2022, to file such an action. The bill requires youth sports leagues to (i) require all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children to complete a fingerprint-based background check; (ii) provide to all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children and the parent of any child participating in the sports league written notice of the duty of all coaches, directors, and persons 18 years of age or older employed by or volunteering with the sports league to report suspected child abuse or neglect, information regarding how to report suspected child abuse or neglect, an explanation of the penalties that may be imposed for failure to file a required report, contact information for the local department of social services, and the telephone number for the Department of Social Services' toll-free child abuse and neglect hotline; and (iii) require all paid coaches, staff members, and employees who will be alone with, in control of, or supervising children to complete no less than four hours of training annually regarding child abuse prevention and response and require all volunteers who will be alone with, in control of, or supervising children to complete no less than two hours of training annually regarding child abuse prevention and response. The bill directs the Board of Education to promulgate regulations to implement the provisions of the bill and to develop and provide to sports leagues resources regarding child abuse prevention and response training opportunities.

*Patron - McClellan*

**[F] SB555 Liability for sale of alcohol to an underage person.** Creates a cause of action against an alcoholic beverage control retail licensee who sells alcohol to an underage person who was visibly intoxicated if the consumption of the alcohol caused or contributed to an injury to person or property while the underage person operated a motor vehicle. The plaintiff must prove such negligence by a clear and convincing evidence standard.

*Patron - Obenshain*

**[F] SB599 Limitation on recovery in certain medical malpractice actions.** Provides that the limits on recovery in medical malpractice cases shall not apply when the plaintiff has sustained certain catastrophic injuries.

*Patron - Stanley*

## Carried Over

**[C] SB144 Admissibility of statements of a deceased or incompetent party.** Repeals the "dead man's statute," which provides that no judgment shall be entered against a person incapable of testifying based upon the uncorroborated testimony of the adverse party.

*Patron - Edwards*

## Commonwealth Public Safety

### Passed

**[P] HB283 Human trafficking training for law-enforcement personnel.** Requires the Department of Criminal Justice Services to establish training standards for law-enforcement personnel regarding the recognition, prevention, and reporting of human trafficking. This bill is identical to SB 467.

*Patron - Brewer*



**P HB746 Volunteer Fire Department Training Fund.** Creates a special nonreverting fund to be known as the Volunteer Fire Department Training Fund that shall be used solely for the purposes of assisting or reimbursing volunteer fire departments or volunteer fire companies with the costs of training and certifying volunteer firefighters. The bill also requires the Secretary of Public Safety and Homeland Security to establish a workgroup to study the accessibility and availability of training programs with a specific focus on providing training programs to volunteer fire departments, volunteer fire companies, and volunteer firefighters in a cost-efficient and effective manner. This bill received Governor's recommendations.

*Patron - Bell*

**P HB748 Department of Forensic Science; DNA data bank sample tracking system.** Replaces certain references in the Code to the Local Inmate Data System with references to the Department of Forensic Science DNA data bank sample tracking system. This bill is identical to SB 150.

*Patron - Bell*

**P HB749 Virginia Sexual and Domestic Violence Victim Fund; purpose.** Provides that the Department of Criminal Justice Services shall adopt guidelines to make funds from the Virginia Sexual and Domestic Violence Victim Fund, which is used to support the prosecution of domestic violence cases and victim services, available to sexual assault service providers and hospitals for the purpose of funding the cost of salaries and equipment for sexual assault forensic examiners, sexual assault nurse examiners, and pediatric sexual assault nurse examiners, with priority for funding such costs given to such forensic examiners and nurse examiners serving rural or underserved areas of the Commonwealth.

*Patron - Bell*

**P HB1080 Sex offenders in emergency shelters; notification registration.** Provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. This bill provides that no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law. The bill requires that the Department of State Police provide to any registered sex offender at the time of his initial registration a summary of his obligation to inform the staff of an emergency shelter of his status as a registered sex offender.

*Patron - Leftwich*

**P HB1191 Marcus alert system; participation.** Extends the date by which localities shall establish voluntary databases to be made available to the 9-1-1 alert system and the Marcus alert system to provide relevant mental health information and emergency contact information for appropriate response to an emergency or crisis from July 1, 2021, to July 1, 2023, and provides an exemption to the requirement that localities establish protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law-enforcement back-up during mobile crisis or community care team response and minimum standards, best practices, and a system for the review and approval of protocols for law-enforcement participation in the Marcus alert system for localities with a population that is less than or equal to 40,000, so that localities with a population that is less than or equal to 40,000 may but are not required to establish such protocols. The bill also requires the

Department of Behavioral Health and Developmental Services to include in its annual report to the Governor and the Chairmen of the House Committees for Courts of Justice and on Health, Welfare and Institutions, the Senate Committees on the Judiciary and Education and Health, and the Behavioral Health Commission information regarding barriers to establishment of local Marcus alert programs and community care or mobile crisis teams to provide mobile crisis response in geographical areas served by community services boards or behavioral health agencies in which such programs and teams have not been established and a plan for addressing such barriers. This bill is identical to SB 361.

*Patron - Ransone*

**P SB150 Department of Forensic Science; DNA data bank sample tracking system.** Replaces certain references in the Code to the Local Inmate Data System with references to the Department of Forensic Science DNA data bank sample tracking system. This bill is identical to HB 748.

*Patron - Edwards*

**P SB361 Marcus alert system; participation.** Extends the date by which localities shall establish voluntary databases to be made available to the 9-1-1 alert system and the Marcus alert system to provide relevant mental health information and emergency contact information for appropriate response to an emergency or crisis from July 1, 2021, to July 1, 2023, and provides an exemption to the requirement that localities establish protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law-enforcement back-up during mobile crisis or community care team response and minimum standards, best practices, and a system for the review and approval of protocols for law-enforcement participation in the Marcus alert system for localities with a population that is less than or equal to 40,000, so that localities with a population that is less than or equal to 40,000 may but are not required to establish such protocols. The bill also requires the Department of Behavioral Health and Developmental Services to include in its annual report to the Governor and the Chairmen of the House Committees for Courts of Justice and on Health, Welfare and Institutions, the Senate Committees on the Judiciary and Education and Health, and the Behavioral Health Commission information regarding barriers to establishment of local Marcus alert programs and community care or mobile crisis teams to provide mobile crisis response in geographical areas served by community services boards or behavioral health agencies in which such programs and teams have not been established and a plan for addressing such barriers. This bill is identical to HB 1191.

*Patron - Stuart*

**P SB467 Human trafficking training for law-enforcement personnel.** Requires the Department of Criminal Justice Services to establish training standards for law-enforcement personnel regarding the recognition, prevention, and reporting of human trafficking. This bill is identical to HB 283.

*Patron - Vogel*

**P SB468 Virginia Retirement System; Line of Duty Act; medical reviews to be conducted by Virginia practitioners.** Provides 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 Virginia or a contiguous state. The bill has a delayed effective date of July 1, 2023.

*Patron - DeSteph*



**P SB743 Former law-enforcement officers; retention of identification and badge.** Provides that a former law-enforcement officer with at least 10 years of service who has been diagnosed with post-traumatic stress disorder or is disabled shall, upon request, be issued a photo identification and badge indicating that he honorably served, both of which will be mounted by the employing department or agency in such a manner that it will be impossible for anyone to carry it on his person.

*Patron - Vogel*

## Failed

**F HB70 Law-Enforcement Officers Procedural Guarantee Act; minimum rights.** Provides that the rights accorded to law-enforcement officers in the Law-Enforcement Officers Procedural Guarantee Act are minimum rights and all law-enforcement agencies shall adopt grievance procedures that are consistent with such rights. The bill removes the current exception from the provisions of the Law-Enforcement Officers Procedural Guarantee Act for any law-enforcement officer or law-enforcement agency that serves under the authority of a locality that has established a law-enforcement civilian oversight body.

*Patron - Davis*

**F HB260 Sex Trafficking Response Coordinator; Human Trafficking Victim Support Certification Program; victim service providers.** Requires all victim service providers working or volunteering for a treatment program for victims of human trafficking, including sex trafficking, to obtain a human trafficking victim support certificate through the Human Trafficking Victim Support Certification Program developed by the Sex Trafficking Response Coordinator within the Department of Criminal Justice Services and to renew such certificate through the Program every two years. The bill also provides that all treatment programs for victims of human trafficking, including sex trafficking, shall ensure that all victim service providers working or volunteering for such program obtain and maintain the required human trafficking victim support certificate and that any treatment program that is not in compliance may be ineligible for grants from the Commonwealth available for treatment programs for sex trafficking or any other form of human trafficking. The bill requires any person who is a victim service provider working or volunteering for a treatment program for victims of human trafficking, including sex trafficking, prior to July 1, 2022 to obtain a human trafficking victim support certificate by July 1, 2024. The bill requires the Sex Trafficking Response Coordinator to develop and oversee the Program and establish compulsory minimum training standards for such program.

*Patron - Simonds*

**F HB408 Virginia Sexual and Domestic Violence Victim Fund; funding for sexual assault services.** Adds payments to sexual assault service providers and hospitals for the purpose of providing salaries and equipment for sexual assault nurse examiners and pediatric forensic nurses to the list of purposes for which funds from the Virginia Sexual and Domestic Violence Victim Fund may be used and requires the Department of Criminal Justice Services to prioritize funding to sexual assault service providers and hospitals that provide sexual assault nurse examiner services and pediatric forensic nurse services in rural and underserved communities when making funds available for such purpose. The bill also increases the amount apportioned to the Fund from the fixed-fee assessment for misdemeanors and traffic infractions tried in district court.

*Patron - Delaney*

**F HB412 Human trafficking training for law-enforcement personnel.** Requires the Department of Criminal Justice Services to establish standards for law-enforcement personnel regarding trauma-informed training for the recognition, prevention, and reporting of human trafficking.

*Patron - Delaney*

**F HB428 Use of confidential informants in drug-related investigations.** Directs the Department of Criminal Justice Services to establish a model policy for the use of confidential informants in drug-related investigations and to include in such model policy that (i) no individual currently on probation may serve as a confidential informant without notice to his probation or parole officer, (ii) no individual who has recently violated the terms of his probation or parole shall serve as a confidential informant, (iii) law-enforcement personnel shall obtain approval from the appropriate local attorney for the Commonwealth prior to working with a confidential informant, and (iv) such confidential informant shall not unlawfully use or possess any controlled substances.

*Patron - Willett*

**F HB798 Gun Violence Survivor Assistance Fund and Grant Program.** Establishes the Gun Violence Survivor Assistance Fund and Grant Program, to be administered by the Department of Criminal Justice Services for the purpose of providing grants to gun violence survivors who are in need of financial assistance to make accessibility adaptations to their homes to accommodate a disability resulting from a gun violence-related injury.

*Patron - Price*

**F HB801 Civilian deaths in custody; report.** Requires every law-enforcement agency and correctional facility to report to the Department of Criminal Justice Services certain information regarding the death of any person who is detained, under arrest or in the process of being arrested, en route to be incarcerated, incarcerated, or otherwise in the custody of such law-enforcement agency or correctional facility. The bill provides that any law-enforcement agency or correctional facility that fails to comply may, at the discretion of the Department, be declared ineligible for state grants or funds. The bill also requires the Department to analyze the submitted data to (i) determine the means by which such information can be used to reduce the number of such deaths and (ii) examine the relationship, if any, between the number of such deaths and the actions of management of such law-enforcement agencies and correctional facilities. The Director of the Department shall annually report the findings and recommendations resulting from the analysis and interpretation of the data to the Governor, the General Assembly, and the Attorney General beginning on or before July 1, 2023, and each July 1 thereafter.

*Patron - Price*

**F HB825 Virginia Center for Firearm Violence Intervention and Prevention; Virginia Firearm Violence Intervention and Prevention Fund; creation.** Establishes the Virginia Center for Firearm Violence Intervention and Prevention (the Center) within the Department of Criminal Justice Services and transfers to the Center the administration of the existing Virginia Gun Violence Intervention and Prevention Fund.

*Patron - Price*

**F HB870 Law-enforcement officers; conduct of investigation.** Requires that a law-enforcement officer who is under investigation for an officer-involved shooting or an

instance of alleged use of excessive force be questioned not more than 24 hours after the incident is reported.

*Patron - Lopez*

**[F] HB1000 Law-enforcement civilian oversight bodies; requirements.** Requires every member appointed to a locality's law-enforcement civilian oversight body to observe a law-enforcement officer employed with such locality's law-enforcement agency while such law-enforcement officer is engaged in his official duties. The bill also provides that any disciplinary determination recommended by a law-enforcement civilian oversight body shall be advisory and that if any law-enforcement agency declines to implement such recommendation, such agency shall create and make available to the public within 30 days from the date such recommendation is reported to such agency a written public record of its rationale for declining to implement such recommendation. The bill requires that such observation take place within 90 days of the member's appointment to the civilian oversight body and total no fewer than 24 hours, a portion of which includes a ride-along with a law-enforcement officer. The bill also requires each law-enforcement civilian oversight body to include at least one retired law-enforcement officer as a voting member; under current law, a retired law-enforcement officer may serve on such body as an advisory, nonvoting ex officio member.

*Patron - Runion*

## Carried Over

**[C] SB299 Virginia Sexual and Domestic Violence Victim Fund; purpose; fee apportionment.** Provides that the Department of Criminal Justice Services shall adopt guidelines to make funds from the Virginia Sexual and Domestic Violence Victim Fund, which is used to support the prosecution of domestic violence cases and victim services, available to sexual assault service providers and hospitals for the purpose of funding the cost of salaries and equipment for sexual assault forensic examiners, sexual assault nurse examiners, and pediatric forensic nurses, with priority for funding such costs given to such forensic examiners, nurse examiners, and forensic nurses serving rural and underserved communities. The bill also increases the amount apportioned to the Fund from the fixed-fee assessments for misdemeanors and traffic infractions tried in district court.

*Patron - Deeds*

**[C] SB487 Virginia Center for Firearm Violence Intervention and Prevention; Virginia Firearm Violence Intervention and Prevention Fund; creation.** Establishes the Virginia Center for Firearm Violence Intervention and Prevention (the Center) within the Department of Criminal Justice Services and transfers to the Center the administration of the existing Virginia Gun Violence Intervention and Prevention Fund.

*Patron - McClellan*

## Conservation

### Passed

**[P] HB28 Scenic river designation; Maury River.** Extends the portion of the Maury River previously designated as a state scenic river by an additional 23.2 miles. This bill is identical to SB 292.

*Patron - Campbell, R.R.*

**[P] HB49 James State Scenic River.** Designates an additional 37-mile portion of the James River running through Nelson and Appomattox Counties as a component of the Virginia Scenic Rivers System. The bill also provides that nothing in the Scenic Rivers Act shall preclude the construction, use, or removal of any asset that traverses certain portions of the James River.

*Patron - Fariss*

**[P] HB140 Historical African American cemeteries.** Changes the date of establishment that qualifies historical African American cemeteries for appropriated funds to care for such cemeteries from prior to January 1, 1900, to prior to January 1, 1948, and provides that the total number of graves in a qualifying cemetery shall be the number of markers of African Americans who were interred in such cemetery prior to January 1, 1948. Under current law, the total number of graves is the number of markers of African Americans who lived at any time between January 1, 1800, and January 1, 1900. This bill is identical to SB 477.

*Patron - McQuinn*

**[P] HB141 Virginia Black, Indigenous, and People of Color Historic Preservation Fund established.** Establishes the Virginia Black, Indigenous, and People of Color Historic Preservation Fund for the purpose of awarding grants to eligible state-recognized and federally recognized Indian tribes, private nonprofit organizations, and localities for the eligible costs of acquiring land or permanent protective interest therein, and of undertaking preservation activities on such land, that is of cultural or historic significance to Black, indigenous, or people of color communities. The bill provides that land or interests acquired with grant funds shall grant the Board of Historic Resources or other holder a perpetual preservation interest in the property. This bill is identical to SB 158.

*Patron - McQuinn*

**[P] HB206 Small renewable energy projects; impact on natural resources.** Requires, as a condition for a permit by rule for a small energy project, that if the Department of Environmental Quality determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 45-day public comment period. The bill specifies that a disturbance of (i) more than 10 acres of prime agricultural soils, (ii) more than 50 acres of contiguous forest lands, or (iii) forest lands enrolled in a forestry preservation program is deemed to be a significant adverse impact on natural resources. The bill directs the Department to convene an advisory panel to assist in developing regulations to implement these requirements, and the main provisions of the bill do not become effective until such regulations are adopted. Any application for a small renewable energy project received for which an interconnection request is applied for and received by December 31, 2024, is not subject to the provisions of the bill.

*Patron - Webert*

**[P] HB516 Flood resiliency and protection.** Implements recommendations from the first Virginia Coastal Resilience Master Plan. The bill provides guidelines for the development of a Virginia Flood Protection Master Plan for the Commonwealth and requires that the Coastal Resilience Master Plan be updated by December 31, 2022, and every five years thereafter. The bill establishes the Virginia Coastal Resilience Technical Advisory Committee to assist with the updates and requires the development of a community outreach and engagement plan to ensure meaningful involvement by affected and vulnerable community residents. The bill also requires that the Chief Resilience Officer report every two

years, beginning July 1, 2023, on the status of flood resilience in the Commonwealth. This bill is identical to SB 551.

*Patron - Bulova*

**P HB562 Conservation and natural resources; sections not set out; technical revisions.** Sets out in the Code of Virginia with amendments for clarity sections in Title 28.2 (Fisheries and Habitat of the Tidal Waters), Title 29.1 (Wildlife, Inland Fisheries and Boating), and Title 62.1 (Waters of the State, Ports and Harbors) that are currently carried by reference only. The bill also makes technical revisions to the description of the Historic Falls of the James State Scenic River. This bill is a recommendation of the Virginia Code Commission.

*Patron - Scott, D.L.*

**P HB727 Historical African American cemeteries; disbursement of funds; qualified organization.** Expands the definition of a qualified organization that may receive funds for maintenance of a historical African American cemetery to include any locality whose purpose for applying for funding from the Department of Historic Resources is to maintain a neglected historical African American cemetery, or a portion thereof, that is located within its jurisdictional bounds. The bill also creates an exemption by allowing localities that are eligible for funding for the maintenance and care of historical African American cemeteries to apply to the Director of the Department for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction on any such cemeteries and graves without first having received initial funding for the maintenance and care of those cemeteries and graves. Current law requires a qualified organization to apply for any such grant only after it has received initial funding for the maintenance and care of a historical African American cemetery. This bill is identical to SB 23.

*Patron - Ward*

**P HB1067 Enhanced Nutrient Removal Certainty Program; Fredericksburg wastewater treatment facility.** Adds the Fredericksburg wastewater treatment facility to the list of priority projects for the Enhanced Nutrient Removal Certainty Program. The bill provides that the new nutrient technology requirements applicable to the Fredericksburg wastewater treatment facility shall take effect when the expanded facility receives its certificate to operate. This bill is identical to SB 355.

*Patron - Scott, P.A.*

**P HB1223 Scenic river designation; North Fork of the Shenandoah River.** Designates an 8.8-mile portion of the North Fork of the Shenandoah River as the North Fork of the Shenandoah State Scenic River.

*Patron - Avoli*

**P HB1309 Resilient Virginia Revolving Fund.** Creates the Resilient Virginia Revolving Fund. The bill provides guidelines for deposits, expenditures, and investments and requires an annual audit of the Virginia Resources Authority. The bill provides that the Fund be used for loans or to refinance projects for local governments or to give grants to them, provides that the Fund may be used by local governments for loans or grants to persons of the Commonwealth eligible for projects for resilience purposes, and establishes guidelines for the priority of such loans and grants. This bill is identical to SB 756. This bill received Governor's recommendations.

*Patron - Bulova*

**P SB23 Historical African American cemeteries; disbursement of funds; qualified organization.** Expands the definition of a qualified organization that may receive funds

for maintenance of a historical African American cemetery to include any locality whose purpose for applying for funding from the Department of Historic Resources is to maintain a neglected historical African American cemetery, or a portion thereof, that is located within its jurisdictional bounds. The bill also creates an exemption by allowing localities that are eligible for funding for the maintenance and care of historical African American cemeteries to apply to the Director of the Department for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction on any such cemeteries and graves without first having received initial funding for the maintenance and care of those cemeteries and graves. Current law requires a qualified organization to apply for any such grant only after it has received initial funding for the maintenance and care of a historical African American cemetery. This bill incorporates SB 76 and is identical to HB 727.

*Patron - Locke*

**P SB31 Virginia Land Conservation Foundation and Fund.** Allows the Virginia Land Conservation Fund to make grants to state-recognized and federally recognized Virginia Indian Tribes and requires that at least one nonlegislative citizen member of the Virginia Land Conservation Foundation Board of Trustees be a member of a state-recognized or federally recognized Virginia Indian Tribe.

*Patron - Marsden*

**P SB158 Virginia Black, Indigenous, and People of Color Historic Preservation Fund established.** Establishes the Virginia Black, Indigenous, and People of Color Historic Preservation Fund for the purpose of awarding grants to eligible state-recognized and federally recognized Indian tribes, private nonprofit organizations, and localities for the eligible costs of acquiring land or permanent protective interest therein, and of undertaking preservation activities on such land, that is of cultural or historic significance to Black, indigenous, or people of color communities. The bill provides that land or interests acquired with grant funds shall grant the Board of Historic Resources or other holder a perpetual preservation interest in the property. This bill is identical to HB 141.

*Patron - Hashmi*

**P SB250 Nonhazardous solid waste fees.** Increases the annual fees for nonhazardous solid waste management facilities and indexes the fees annually based on the change in the Consumer Price Index. This bill was vetoed by the Governor.

*Patron - Surovell*

**P SB292 Scenic river designation; Maury River.** Extends the portion of the Maury River previously designated as a state scenic river by an additional 23.2 miles. This bill is identical to HB 28.

*Patron - Deeds*

**P SB355 Enhanced Nutrient Removal Certainty Program; Fredericksburg wastewater treatment facility.** Adds the Fredericksburg wastewater treatment facility to the list of priority projects for the Enhanced Nutrient Removal Certainty Program. The bill provides that the new nutrient technology requirements applicable to the Fredericksburg wastewater treatment facility shall take effect when the expanded facility receives its certificate to operate. This bill is identical to HB 1067.

*Patron - Stuart*

**P SB477 Historical African American cemeteries.** Changes the date of establishment that qualifies historical African American cemeteries for appropriated funds to care for such cemeteries from prior to January 1, 1900, to prior to Janu-

ary 1, 1948, and provides that the total number of graves in a qualifying cemetery shall be the number of markers of African Americans who were interred in such cemetery prior to January 1, 1948. Under current law, the total number of graves is the number of markers of African Americans who lived at any time between January 1, 1800, and January 1, 1900. This bill is identical to HB 140.

*Patron - McClellan*

**[P] SB508 Virginia Soil and Water Conservation Board; Virginia Community Preparedness Fund.** Shifts the administration of the Virginia Community Preparedness Fund from the Department of Conservation and Recreation to the Virginia Soil and Water Conservation Board (the Board). The bill expands from nine to 11 the membership of the Board with the addition of two nonlegislative members, one of whom shall be appointed by the Speaker of the House of Delegates from a flood-prone community outside the Chesapeake Bay watershed and one of whom shall be appointed by the Senate Committee on Rules from a flood-prone community in the Chesapeake Bay watershed. The bill raises from five to six the number of Board members needed to constitute a quorum, at least four of whom shall be farmer or district director representatives. This bill received Governor's recommendations.

*Patron - Lewis*

**[P] SB551 Flood resiliency and protection.** Implements recommendations from the first Virginia Coastal Resilience Master Plan. The bill provides guidelines for the development of a Virginia Flood Protection Master Plan for the Commonwealth and requires that the Coastal Resilience Master Plan be updated by December 31, 2022, and every five years thereafter. The bill establishes the Virginia Coastal Resilience Technical Advisory Committee to assist with the updates and requires the development of a community outreach and engagement plan to ensure meaningful involvement by affected and vulnerable community residents. The bill also requires that the Chief Resilience Officer report every two years, beginning July 1, 2023, on the status of flood resilience in the Commonwealth. This bill incorporates SB 504 and SB 506 and is identical to HB 516.

*Patron - Marsden*

**[P] SB657 Air Pollution Control Board and State Water Control Board; transfer of authority to Department of Environmental Quality.** Limits the authority of the Air Pollution Control Board and the State Water Control Board to issuance of regulations and transfers the Boards' existing authority to issue permits and orders to the Department of Environmental Quality. The bill provides procedures for public comment on pending controversial permits, defined in the bill, and on regulatory changes necessary to implement the provisions of the bill. This bill incorporates SB 81.

*Patron - Stuart*

**[P] SB756 Resilient Virginia Revolving Fund.** Creates the Resilient Virginia Revolving Fund. The bill provides guidelines for deposits, expenditures, and investments and requires an annual audit of the Virginia Resources Authority. The bill provides that the Fund be used for loans or to refinance projects for local governments or to give grants to them, provides that the Fund may be used by local governments for loans or grants to persons of the Commonwealth eligible for projects for resilience purposes, and establishes guidelines for the priority of such loans and grants. This bill is identical to HB 1309. This bill received Governor's recommendations.

*Patron - Lewis*

## Failed

**[F] HB5 Flood Relief Fund established.** Establishes the Flood Relief Fund (the Fund), funded by reducing the allocation of Regional Greenhouse Gas Initiative (RGGI) funds to the Community Flood Preparedness Fund from 45 to 40 percent and allocating the five percent to the Fund. The Flood Relief Fund is administered by the Virginia Department of Emergency Management (VDEM) and used to make payments to owners of property that is damaged by a flood, landslide, or mudslide for which the President declares a major disaster under the federal Stafford Act. Under the bill, claims are paid at 175 percent of property value in a double distressed locality, 150 percent of property value in a distressed locality, and 100 percent of property value in all other localities. Claims are limited to \$1 million for commercial properties and \$500,000 for residential properties and are exempt from individual and corporate income tax. If there are no flood disasters, VDEM will award grants for flood prevention efforts to applicants in double distressed localities. The bill provides that if Virginia withdraws from RGGI, \$50 million of any unobligated auction proceeds will be reallocated to the Fund from the accounts established for flood preparedness and low-income energy efficiency programs.

*Patron - Morefield*

**[F] HB132 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 - Cherry*

**[F] HB202 Solar facilities; permit by rule.** Lowers from 150 to 20 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] HB395 Carbon offset credits; Marine Habitat and Waterways Improvement Fund.** Directs any revenue resulting from the sale of offset credits from submerged aquatic vegetation restoration to the Marine Habitat and Waterways Improvement Fund.

*Patron - Willett*

**[F] HB411 Military personnel; free admittance to state parks, museums, and cultural institutions.** Provides free access to state parks, museums, and cultural institutions to active duty and reserved members of the United States Armed Forces and their dependents.

*Patron - Ballard*

**[F] HB487 State park fees; Virginia National Guard and Virginia Air National Guard.** Directs the Department of Conservation and Recreation to establish a policy that entitles any active duty member of the Virginia National Guard or the Virginia Air National Guard, and the accompanying spouse or dependent of such person, to pay no fees for access or parking at state parks.

*Patron - Helmer*

**[F] HB508 Department of Historic Resources; the Green Book.** Directs the Department of Historic Resources to develop a program to identify, publicize, and educate the pub-

lic about sites in the Commonwealth featured in the Green Book.

*Patron - Mullin*

**[F] HB602 Department of Flood Control; Commonwealth Flood Plan.** Creates the Commonwealth Flood Board as a policy board in the executive branch. The bill provides that the Board's duties shall include, among others, overseeing the development, implementation, and updating of the Commonwealth Flood Plan. The bill also creates the Department of Flood Control under the authority of the Secretary of Natural and Historic Resources to provide technical expertise in all aspects related to flood control, management, mitigation, abatement, and recovery. The Commonwealth Flooding Scientific and Technical Advisory Committee is also established in the bill as an advisory committee of the Commonwealth Flood Board to assist the Commonwealth in developing and implementing the Commonwealth Flood Plan.

*Patron - Hayes*

**[F] HB647 Packaging Stewardship Program and Fund; Stewardship Advisory Committee; established.** Establishes the Packaging Stewardship Program, administered by the Department of Environmental Quality. Under the Program, a producer that sells products with packaging materials in the Commonwealth pays a fee to the Department based upon the amount of packaging used and whether or not it is easily recyclable. A producer may establish an alternative collection program to offset some or all of the fees. The fees are paid into the Packaging Stewardship Fund, established in the bill, and are used to reimburse participating localities for expenses related to recycling, invest in recycling infrastructure and education, and pay administrative costs related to the Program. The bill authorizes the Department to contract with a third party to administer the Program. The bill also establishes a Stewardship Advisory Committee, with 23 members appointed by the Director of the Department, to oversee implementation of the Program.

*Patron - Carr*

**[F] HB666 State park fees; active duty 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 to pay no fee for access, entry, or parking at a state park, and to receive a 50 percent discount for various park services and amenities.

*Patron - Wampler*

**[F] HB708 Virginia Electric Vehicle Grant Program; use of state funds.** Allows the Department of Environmental Quality to use state funds for costs associated with convening a work group to develop recommendations and establish criteria for the Virginia Electric Vehicle Grant Program. Current law prohibits the use of state funds for the Program.

*Patron - Keam*

**[F] HB709 Packaging Stewardship Program and Fund; established.** Establishes the Packaging Stewardship Program (the Program), administered by the Department of Environmental Quality. Under the Program, a producer that sells products with packaging materials in the Commonwealth pays a fee to the Department based upon the amount of packaging used and whether or not it is easily recyclable. A producer may establish an alternative collection program to offset some or all of the fees. The fees are paid into the Packaging Stewardship Fund, established in the bill, and are used to reimburse participating localities for expenses related to recycling, invest in recycling infrastructure and education, and pay administrative costs related to the Program. The bill authorizes the

Department to contract with a third party to administer the Program.

*Patron - Keam*

**[F] HB809 Historical African American cemeteries and graves; Isle of Wight, Prince George, and Surry Counties.** Adds four cemeteries in Isle of Wight County, one cemetery in Prince George County, and eight cemeteries in Surry County to the list of cemeteries for which qualified organizations may receive funds from the Department of Historic Resources for the care of historical African American cemeteries and graves. The bill also directs the Department of Historic Resources, in consultation with the relevant qualified organizations, to verify the number of graves, monuments, and markers in such cemeteries.

*Patron - Price*

**[F] HB826 Beverage container deposit and redemption program; established; civil and criminal penalties.** Establishes a beverage container deposit, refund, and redemption program involving distributors, retailers, and consumers. The program would be run by a Producer Responsibility Organization under the Department of Environmental Quality. The bill creates an advisory committee, requires reporting, and imposes civil and criminal penalties for violation.

*Patron - Hope*

**[F] HB892 Regional Greenhouse Gas Initiative; pre-existing contracts.** Establishes a reserve account for the purchase of Regional Greenhouse Gas Initiative (RGGI) allowances by an entity that has a preexisting contractual arrangement related to a power purchase entered into on or before May 16, 2017, and continuing in effect on July 1, 2020, through December 31, 2025. Such entity is authorized under the bill to purchase RGGI credits at a discounted rate, subject to conditions set forth in the bill, if, because of the preexisting contractual arrangement, the entity is unable to pass through or recover its RGGI costs.

*Patron - Kilgore*

**[F] HB918 Packaging Stewardship Program and Fund; established.** Establishes the Packaging Stewardship Program (the Program), administered by the Department of Environmental Quality. Under the Program, a producer that sells products with packaging materials in the Commonwealth pays a fee to the Department based upon the amount of packaging used and whether or not it is easily recyclable. A producer may establish an alternative collection program to offset some or all of the fees. The fees are paid into the Packaging Stewardship Fund, established in the bill, and are used to reimburse participating localities for expenses related to recycling, invest in recycling infrastructure and education, and pay administrative costs related to the Program. The bill authorizes the Department to contract with a third party to administer the Program.

*Patron - Lopez*

**[F] HB949 Pavement sealants containing coal tar prohibited.** Prohibits the sale and distribution of any pavement sealant that contains coal tar on or after July 1, 2022, except that a retailer may continue to sell any existing inventory that remains in stock on that date. The bill prohibits the use of such sealants beginning July 1, 2023. The bill subjects any person who violates either prohibition to a civil penalty of \$250, to be paid into the Virginia Environmental Emergency Response Fund.

*Patron - Tran*

**[F] HB1035 State parks; free entry for veterans.** Establishes a Veteran's Passport program for veterans of the

Armed Forces of the United States or members of the Virginia National Guard that entitles the bearer to enter state parks in the Commonwealth without the payment of a parking or admission fee.

*Patron - Guzman*

**[F] HB1200 Landfill siting; proximity to private wells.** Prohibits the siting of a new municipal solid waste landfill within one mile upgradient of any existing private well.

*Patron - Ware*

**[F] HB1266 Department of Historic Resources; Tribal Outreach Liaison.** Adds to the powers and duties of the Director of the Department of Historic Resources the appointment of a full-time Tribal Outreach Liaison.

*Patron - Krizek*

**[F] HB1267 Low-emissions and zero-emissions vehicle standards.** Provides that the State Air Pollution Control Board may promulgate regulations in accordance with an Advanced Clean Car I Program beginning with vehicle model year 2030. Current law requires the Board to adopt such regulations beginning with vehicle model year 2025. Any regulations adopted by the Board under prior law shall be withdrawn and repromulgated. Such new regulations shall not be adopted prior to December 1, 2027, and shall not be effective prior to December 1, 2029.

*Patron - Wilt*

**[F] HB1301 Repeal of the Clean Energy and Community Flood Preparedness Act.** Directs the Director of the Department of Environmental Quality to suspend the Commonwealth's participation in the Regional Greenhouse Gas Initiative.

*Patron - Kilgore*

**[F] HB1317 Statewide urban and community forest management plan.** Directs the Department of Forestry to develop a 10-year statewide urban and community forest management plan that includes tree canopy goals, best management practices, and local guidelines for localities.

*Patron - Hope*

**[F] SB76 Historical African American cemeteries and graves; qualified organization.** Amends the definition of a qualified organization authorized to apply for funds for the maintenance of historical African American cemeteries to include a locality in which such a cemetery is located. This bill was incorporated into SB 23.

*Patron - Norment*

**[F] SB81 Air Pollution Control Board; consideration of certain facts and circumstances.** Limits when the Air Pollution Control Board must consider certain facts and circumstances relevant to the reasonableness of the activity involved. This bill was incorporated into SB 657.

*Patron - Stanley*

**[F] SB398 Regional Greenhouse Gas Initiative; pre-existing contracts.** Establishes a reserve account for the purchase of Regional Greenhouse Gas Initiative (RGGI) allowances by an entity that has a preexisting contractual arrangement related to a power purchase entered into on or before May 16, 2017, and continuing in effect on July 1, 2020, through December 31, 2025. Such entity is authorized under the bill to purchase RGGI credits at a discounted rate, subject to conditions set forth in the bill, if, because of the preexisting contractual arrangement, the entity is unable to pass through or recover its RGGI costs.

*Patron - McDougle*

**[F] SB504 Coastal Resilience Master Plan Technical Advisory Committee; established.** Establishes the Coastal Resilience Master Plan Technical Advisory Committee (TAC) to provide independent advice and recommendations to the Office of the Governor and relevant executive branch agencies related to coastal resilience and the development and implementation of the Coastal Resilience Master Plan (the Master Plan). The bill provides that the TAC shall support the Chief Resilience Officer and the Special Assistant to the Governor for Coastal Adaptation and Protection in evaluating coastal adaptation and protection project proposals, facilitating project implementation, and developing updates to the Master Plan. Under the bill, the TAC is composed of representatives of state agencies, coastal planning district commissions and other regional commissions, and academic advisors, among others. Members shall serve at the pleasure of the Governor. This bill was incorporated into SB 551.

*Patron - Lewis*

**[F] SB506 Flood resiliency and protection.** Implements recommendations from the first Virginia Coastal Resilience Master Plan. The bill provides guidelines for the development of a flood protection plan for the Commonwealth and requires that the Coastal Resilience Master Plan be updated by November 1, 2022, and every five years thereafter. The bill establishes the Virginia Coastal Resilience Technical Advisory Committee to assist with the updates and requires the development of a community outreach and engagement plan to ensure meaningful involvement by affected community residents. The bill also requires that the Chief Resilience Officer report every two years, beginning July 1, 2023, on the status of flood resilience in the Commonwealth. This bill was incorporated into SB 551.

*Patron - Lewis*

**[F] SB532 Clean Energy and Community Flood Preparedness Act.** Repeals the Clean Energy and Community Flood Preparedness Act and directs the Director of the Department of Environmental Quality to take all steps necessary to suspend the Commonwealth's participation in the Regional Greenhouse Gas Initiative market-based trading program.

*Patron - Stuart*

**[F] SB695 State Air Pollution Control Board; regulations; low-emissions and zero-emissions vehicle standards.** Repeals the State Air Pollution Control Board's authority to implement low-emissions and zero-emissions vehicle standards for vehicles with a model year of 2025 and later.

*Patron - Stuart*

## Carried Over

**[C] HB1261 State environmental boards.** Provides for appointment of members to the State Air Pollution Control Board, the Virginia Waste Management Board, and the State Water Control Board by the Governor, the Senate Committee on Rules, and the Speaker of the House of Delegates. Currently, all members of such boards are appointed by the Governor. The bill provides that the authority of such boards does not include the authority to issue any environmental permit or to abridge or deny any environmental permit issued by the Department of Environmental Quality.

*Patron - Bloxom*

**[C] SB482 Consultation with federally recognized Tribal Nations; permits and reviews with potential impacts on environmental, cultural, and historic resources.** Requires the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Historic

Resources, and the Virginia Marine Resources Commission to establish policies and procedures for consulting with federally recognized Tribal Nations in the Commonwealth when evaluating certain permits and reviews with potential impacts on environmental, cultural, or historic resources or that would have tribal implications, as defined in the bill. The bill directs the Secretary of the Commonwealth to designate an Ombudsman for Tribal Consultation to facilitate communication and consultation with Tribal Nations. The bill codifies Executive Order 82 (2021).

*Patron - McClellan*

## Contracts

### Passed

**P HB889 Nonpayment of wages; defense of contractor.** Provides that a general contractor or subcontractor, regardless of tier, may submit as evidence in defending against a claim for nonpayment a written certification, under oath, from any lower-tier subcontractor stating 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 below the subcontractor, regardless of tier, have similarly paid their employees all such wages. This bill is identical to SB 538. This bill received Governor's recommendations.

*Patron - Kilgore*

**P SB538 Nonpayment of wages; defense of contractor.** Provides that a general contractor or subcontractor, regardless of tier, may submit as evidence in defending against a claim for nonpayment a written certification, under oath, from any lower-tier subcontractor stating 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 below the subcontractor, regardless of tier, have similarly paid their employees all such wages. This bill is identical to HB 889. This bill received Governor's recommendations.

*Patron - Peake*

### Failed

**F HB881 Contracts; payment clauses to be included; right to payment of subcontractors.** Requires contracts awarded by state or local government agencies or private entities to include a payment clause that obligates the contractor to be individually liable for the entire amount owed to any subcontractor with which it contracts minus any amount that may otherwise be withheld due to the subcontractor's breach of contract. The bill provides that payment by the party contracting with the contractor shall not be a condition precedent to payment to any lower-tier subcontractor.

*Patron - Fowler*

## Corporations

### Passed

**P HB309 Limited liability companies; online prepayment of annual registration fees.** Authorizes the State Corporation Commission to establish a process for online prepayment of annual registration fees whereby a domestic or foreign limited liability company may prepay its annual registration fees for two or three years.

*Patron - Rasoul*

**P HB561 Corporations and regulated business entities; not set out and obsolete sections of the Code of Virginia.** Sets out sections in Title 13.1 (Corporations) and Title 56 (Public Service Companies) that are currently carried by reference only. The bill also repeals a section not set out in Title 13.1 (Corporations) that states the legislative intent of the chapter relating to professional corporations and is currently carried by reference only. The bill contains technical amendments. This bill is a recommendation of the Virginia Code Commission.

*Patron - Scott, D.L.*

**P HB691 Business entities; conversion and domestication.** Provides that, for the purposes of the Virginia Non-stock Corporation Act, the Virginia Limited Liability Act, and the Virginia Business Trust Act, "entity conversion" has the same meaning as "conversion" as defined in each respective act and that a certificate of entity conversion is the same as a certificate of conversion. Additionally, the bill provides that "incorporation surrender," "organization surrender," and "trust surrender" have the same meaning as "domestication" as defined in each such respective act and that a certificate of incorporation surrender, certificate of organization surrender, and a certificate of trust surrender are the same as a certificate of domestication.

*Patron - Keam*

## Counties, Cities and Towns

### Passed

**P HB32 Fee for solid waste disposal; Bath County.** Adds Bath County to the list of counties that may by ordinance, and after a public hearing, 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. The bill also grants Bath County various powers with regard to collection of the fee, including to levy penalties and interest for late payment and unpaid fees, to require payment of the fee prior to approval of certain land use applications, and to provide discounts to the standard fee rates for certain older and disabled persons. This bill is identical to SB 294.

*Patron - Campbell, R.R.*

**P HB60 Economic development authority; Town of Louisa.** Provides that the Town of Louisa may appoint from five to seven members to serve on the board of the economic development authority, with terms staggered as agreed upon by the town council. Under current law, unless specifically provided otherwise, the authority consists of seven members.

*Patron - McGuire*



**P HB167 Publication of notice by localities.** Provides that in any instance in which a locality has submitted a correct and timely notice request to a newspaper published or having general circulation in the locality and such newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the appropriate notice requirements so long as the notice was published in the next available edition of a newspaper having general circulation in the locality.

*Patron - Ransone*

**P HB173 City of Martinsville; city reversion.** Requires approval from the City of Martinsville voters before the city can revert to town status. The bill has an expiration date of July 1, 2026.

*Patron - Marshall*

**P HB223 Insurance for employees of certain public school foundations.** Provides that any locality may provide group life, accident, and health insurance programs for employees of certain public school foundations. This bill is identical to SB 437.

*Patron - Coyner*

**P HB272 Local land use approvals; extension of approvals to address the COVID-19 pandemic.** Extends from July 1, 2022, to July 1, 2023, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the COVID-19 housing crisis. This bill is identical to SB 501.

*Patron - Marshall*

**P HB277 Recovery residences.** Requires that all recovery residences be certified by the Department of Behavioral Health and Developmental Services (the Department) and that recovery residences, as a condition of such certification, comply with any minimum square footage requirements related to beds and sleeping rooms established by the credentialing entity, which shall be no less than the square footage requirements set forth in the Uniform Statewide Building Code. The bill requires every person who operates a recovery residence to disclose to potential residents its credentialing entity. If the credentialing entity is the National Alliance for Recovery Residences, the bill requires the recovery residence to disclose the level of support provided by the recovery residence and, if the credentialing entity is Oxford House, Inc., the bill requires the recovery residence to disclose that the recovery residence is self-governed and unstaffed. The bill also requires the Department to include such information on the list of all recovery residences maintained by the Department on its website. The bill exempts recovery residences from the provisions of the Virginia Landlord and Tenant Act. This bill is identical to SB 622. This bill received Governor's recommendations.

*Patron - Coyner*

**P HB377 Charitable institutions and associations; local appropriations to faith-based organizations.** Provides that no organization shall be prohibited from applying for or receiving public funds as part of a neutral grant or funding program from a locality on the basis of the organization's religious status, provided that all government funds received from the locality are used to provide community services for secular purposes, and further provides that nothing in the bill shall be construed to absolve or change any existing right or obligation created by certain provisions of the Virginia Human Rights Act or related to the exercise of religion.

*Patron - Subramanyam*

**P HB437 Localities; public meeting; state project planning phase.** Allows a locality the option to request a public meeting in the locality during the planning phase of a public facilities state project from the state agency or institution of higher education responsible for such project.

*Patron - Bulova*

**P HB443 Park authorities; electric vehicle charging stations.** Gives park authorities created by a locality the authority to locate, operate, regulate the use of, and install signage relating to electric vehicle (EV) charging stations on property under its jurisdiction. The bill adds park authorities to the list of entities for which provision of electricity for EV charging is exempt from the definition of retail sale of electricity. The bill adds park authorities to the list of entities that the State Corporation Commission cannot regulate or prescribe the rates, charges, and fees for retail EV charging service.

*Patron - Bulova*

**P HB445 Broadband service; new residential and commercial development; stakeholder advisory group.** Provides that the Department of Housing and Community Development shall convene a stakeholder advisory group for the purpose of evaluating local and state policies, procedures, or ordinances to facilitate the expansion of high-speed broadband service and associated infrastructure in new residential and commercial development. The stakeholder advisory group shall be composed of representatives from the commercial and residential land development and construction industry, local government, high-speed broadband providers, and other stakeholders as determined by the Department and shall report its findings and recommendations to the Broadband Advisory Council no later than September 30, 2022. This bill is identical to SB 446.

*Patron - Murphy*

**P HB616 Board of zoning appeals; funding.** Provides that upon request of the board of zoning appeals (BZA), a governing body shall consider appropriation of funds so that the BZA may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. The bill also provides that if a BZA has needs that surpass the budgeted amount, the governing body shall review the BZA's request. Existing law allows such BZA expenditures "within the limits of funds appropriated by the governing body."

*Patron - Roem*

**P HB648 Comprehensive plan; substantial accord; parks.** Clarifies provisions related to whether certain public facilities are substantially in accord with the adopted comprehensive plan by adding parks to the types of public uses that may, with certain types of land use applications, be excepted from the requirement for submittal to and approval by the planning commission or the governing body for the purpose of determining substantial accord.

*Patron - Kory*

**P HB670 County manager plan of government; independent policing auditor.** Allows the governing body of any county with the county manager plan of government (Arlington County) to appoint an independent policing auditor. The independent policing auditor shall support any law-enforcement civilian oversight body created by the governing body and shall have all the powers of the law-enforcement civilian oversight body, to the extent that such powers are delegated to the independent policing auditor by the oversight body. The independent policing auditor shall serve at the plea-



sure of the governing body. This bill was vetoed by the Governor.

*Patron - Hope*

**P HB710 Local government hiring; people with disabilities.** Requires any locality to take into consideration or give preference to an individual's status as a person with a disability in its employment hiring policies and practices, provided that such person with a disability meets all of the knowledge, skills, and eligibility requirements for the available position.

*Patron - Keam*

**P HB750 Arrest and summons quotas; prohibition.** Prohibits (i) any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers, (ii) any sheriff, (iii) any police force, or (iv) the Department of State Police from establishing a formal or informal quota that requires a law-enforcement officer to make a specific number of arrests or issue a specific number of summonses within a designated period of time. The bill also provides that the number of arrests made or summonses issued by a law-enforcement officer shall not be used as the sole criterion for evaluating the law-enforcement officer's job performance. This bill is identical to SB 327.

*Patron - Bell*

**P HB902 Removal of county courthouse; Augusta County; authorization by electorate.** Allows Augusta County to hold a referendum on the courthouse removal in 2022, despite the 10-year waiting requirement, if plans are developed for (i) relocating to a newly constructed courthouse in Augusta County and (ii) either (a) the renovation and expansion of the current courthouse in the City of Staunton or (b) the construction of a new courthouse in the City of Staunton. The bill specifies that both plans are to be schematic, prepared by a licensed architect, include good faith estimates of the costs of construction, including necessary acquisition of property, and be made available to the public at least two months before the planned referendum. The result of the referendum shall be binding. The bill also directs the architect preparing the plans to consider options for reducing record storage space requirements and for shared use of facilities within Staunton and to develop a plan for the preservation of the existing courthouse regardless of which plan is chosen. This bill is identical to SB 283. This bill received Governor's recommendations.

*Patron - Avoli*

**P HB907 Regulation of alarm systems; battery-charged fence security systems.** Allows a locality to require those persons providing or operating a battery-charged fence security system, defined in the bill, to obtain an alarm company permit and the corresponding fee and to require certain other requirements as defined in the bill. The bill provides that the locality can also require the installer of such security system to submit an affidavit disclosing information about the installation that includes an affirmation of compliance. The bill also provides that a locality can inspect such newly installed security system and issue a citation warning of noncompliance and can impose a penalty not exceeding \$500 if the noncompliance is not remedied within the time period specified by the locality. This bill is identical to SB 526.

*Patron - Brewer*

**P HB961 Cemeteries; registration; publication prior to sale.** Expands provisions that allow localities to adopt an ordinance setting forth a register of identified cemeteries, graveyards, or other places of burial located on private property not belonging to any memorial or monumental association by providing that such localities shall publish a notice prior to

the public sale of any publicly owned property that contains a known cemetery, graveyard, or other place of burial, or as soon thereafter as possible. The notice shall specify that a cemetery is present on the property. If the property falls under an exception provided for significant historic and archeological sites that would be jeopardized by public disclosure of their location, then no such notice is required.

*Patron - Roem*

**P HB1060 Receipt of critically missing adult reports; Virginia Critically Missing Adult Alert Program; definition.** Expands the definition of "critically missing adult" to include any missing adult, including an adult who has a developmental disability, intellectual disability, or mental illness, 18 years of age or older for the purpose of receipt of critically missing adult reports by a police or sheriff's department and the Virginia Critically Missing Adult Alert Program administered by the Department of State Police and removes from the Program the eligibility requirement that the adult is believed to have been abducted. This bill is identical to SB 49.

*Patron - Cordoza*

**P HB1088 Planning; subdivision of land and zoning.** Changes the definition of "subdivision" to provide that it does not preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. The bill also provides that for any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of certain existing subdivision provisions and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent.

*Patron - Leftwich*

**P HB1194 Industrial Development and Revenue Bond Act; legislative intent; affordable housing grants.** Authorizes an industrial development authority to make grants associated with the construction of affordable housing in order to promote safe and affordable housing in the Commonwealth and to benefit thereby the safety, health, welfare, and prosperity of the inhabitants of the Commonwealth.

*Patron - Carr*

**P HB1268 Local government self-insurance pools.** Expands provisions related to local government self-insurance pools by providing that a local government group self-insurance pool may provide all authorized insurance coverages to (i) any separate corporation established by one or more counties, cities, towns, or school boards, as permitted by law, that is supported wholly or principally by local public funds or utilize federal funds for local community housing projects and (ii) other corporations recognized under §§ 501(c)(3) or 501(c)(4) of the Internal Revenue Code that are supported wholly or principally by local public funds or utilizes federal funds for local community housing projects and that are recognized by a political subdivision and authorized by law to perform a government function.

*Patron - Head*

**P HB1271 Virginia Regional Industrial Facilities Act; revenue sharing agreements; facilities.** Allows facilities owned by a non-authority that are utilized as part of a cooperative arrangement entered into by an authority promoting economic and workforce development to participate in localities' revenue sharing agreements. This bill is identical to SB 720.

*Patron - Morefield*

**P HB1325 General Powers of local governments; additional powers; Commercial Property Assessed Clean Energy (C-PACE) financing programs.** Changes the existing authorization for local governments to finance, by ordinance, clean energy, resiliency, and stormwater management programs to authorize the financing of eligible improvements to eligible properties, as defined in the bill, under C-PACE loan programs. The bill allows localities to delegate billing, collection, and remittance of C-PACE loan payments to a third party.

*Patron - Reid*

**P SB12 Local taxes; surplus revenues.** Grants localities permissive authority to return surplus personal property tax revenues to taxpayers. Under current law, localities may return only surplus real property tax revenues. This bill is identical to HB 267.

*Patron - Suetterlein*

**P SB52 Pro rata reimbursements for installation of certain utilities.** Requires localities that adopt subdivision ordinances that permit subdividers or developers to install certain utilities to provide within that ordinance the subdivider's or developer's entitlement to pro rata reimbursement for costs of such installations. Under current law, localities are permitted to provide such entitlement but are not required to do so.

*Patron - Cosgrove*

**P SB82 City reversion; disposition of police department or sheriff's department motorcycles.** Provides that when a city reverts to a town and the police department or sheriff's department of the former city ceases to exist, officers of the former city police department or sheriff's department shall be entitled to purchase motorcycles that previously belonged to the police department or sheriff's department at the same cost as the city's original purchase price.

*Patron - Stanley*

**P SB85 City of Martinsville; city reversion; sunset.** Requires approval from the City of Martinsville voters before the city can revert to town status. The bill has an expiration date of July 1, 2026.

*Patron - Stanley*

**P SB172 County boards of supervisors; salaries.** Requires county boards of supervisors, prior to July 1 of each year, to set a maximum annual compensation, which will become effective as of January 1 of the year following the next regularly scheduled elections.

*Patron - Peake*

**P SB283 Removal of county courthouse; Augusta County; authorization by electorate.** Allows Augusta County to hold a referendum on the courthouse removal in 2022, despite the 10-year waiting requirement, if plans are developed for (i) relocating to a newly constructed courthouse in Augusta County and (ii) either (a) the renovation and expansion of the current courthouse in the City of Staunton or (b) the construction of a new courthouse in the City of Staunton. The bill specifies that both plans are to be schematic, prepared by a licensed architect, include good faith estimates of the costs of construction, including necessary acquisition of property, and

be made available to the public at least two months before the planned referendum. The result of the referendum shall be binding. The bill also directs the architect preparing the plans to consider options for reducing record storage space requirements and for shared use of facilities within Staunton and to develop a plan for the preservation of the existing courthouse regardless of which plan is chosen. This bill is identical to HB 902. This bill received Governor's recommendations.

*Patron - Hanger*

**P SB294 Fee for solid waste disposal; Bath County.** Adds Bath County to the list of counties that may by ordinance, and after a public hearing, 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. The bill also grants Bath County various powers with regard to collection of the fee, including to levy penalties and interest for late payment and unpaid fees, to require payment of the fee prior to approval of certain land use applications, and to provide discounts to the standard fee rates for certain older and disabled persons. This bill is identical to HB 32.

*Patron - Deeds*

**P SB327 Arrest and summons quotas; prohibition.** Prohibits (i) any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers; (ii) any sheriff; (iii) any police force; or (iv) the Department of State Police from establishing a formal or informal quota that requires a law-enforcement officer to make a specific number of arrests or issue a specific number of summonses within a designated period of time. The bill also provides that the number of arrests made or summonses issued by a law-enforcement officer shall not be used as the sole criterion for evaluating the law-enforcement officer's job performance. This bill is identical to HB 750.

*Patron - Reeves*

**P SB437 Insurance for employees of certain public school foundations.** Provides that any locality may provide group life, accident, and health insurance programs for employees of certain public school foundations. This bill is identical to HB 223.

*Patron - Dunnavant*

**P SB446 Broadband service; new residential and commercial development; stakeholder advisory group.** Provides that the Department of Housing and Community Development shall convene a stakeholder advisory group for the purpose of evaluating local and state policies, procedures, or ordinances to facilitate the expansion of high-speed broadband service and associated infrastructure in new residential and commercial development. The stakeholder advisory group shall be composed of representatives from the commercial and residential land development and construction industry, local government, high-speed broadband providers, and other stakeholders as determined by the Department and shall report its findings and recommendations to the Broadband Advisory Council no later than September 30, 2022. This bill is identical to HB 445.

*Patron - Boysko*

**P SB501 Local land use approvals; extension of approvals to address the COVID-19 pandemic.** Extends from July 1, 2022, to July 1, 2023, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the COVID-19 housing crisis. This bill is identical to HB 272.

*Patron - Lewis*

**P SB526 Regulation of alarm systems; battery-charged fence security systems.** Allows a locality to require those persons providing or operating a battery-charged fence security system, defined in the bill, to obtain an alarm company permit and the corresponding fee and to require certain other requirements as defined in the bill. The bill provides that the locality can also require the installer of such security system to submit an affidavit disclosing information about the installation that includes an affirmation of compliance. The bill also provides that a locality can inspect such newly installed security system and issue a citation warning of noncompliance and can impose a penalty not exceeding \$500 if the noncompliance is not remedied within the time period specified by the locality. This bill is identical to HB 907.

*Patron - Lucas*

**P SB537 Powers of local government; trees during development process; replacement and conservation.** Prevents the prohibition or the unreasonable limitation of silvicultural activities related to the replacement of trees during the development process and the conservation of trees during the land development process in certain localities. The bill specifies provisions related to the replacement of trees during the development process in localities and allows that any locality may adopt an ordinance providing for the planting and replacement of trees during the development process. Further, the bill specifies provisions related to the conservation of trees during the development process in localities and allows that any locality may adopt an ordinance providing for the conservation of trees during the land development process. The bill directs specified stakeholders and parties to meet at least twice prior to the 2023 Session of the General Assembly to consider specified topics. The bill directs the participants to report their recommendations to the Chairmen of the House Committee on Counties, Cities and Towns and the Senate Committee on Agriculture, Conservation and Natural Resources by December 1, 2022. The provisions of the bill related to the conservation of trees during the development process do not become effective unless reenacted by the 2023 Session of the General Assembly.

*Patron - Marsden*

**P SB720 Virginia Regional Industrial Facilities Act; revenue sharing agreements; facilities.** Allows facilities owned by a non-authority that are utilized as part of a cooperative arrangement entered into by an authority promoting economic and workforce development to participate in localities' revenue sharing agreements. This bill is identical to HB 1271.

*Patron - Hackworth*

**P SB741 Facial recognition technology; authorized uses; penalty.** Authorizes local law-enforcement agencies, campus police departments, and the Department of State Police (the Department) to use facial recognition technology for certain authorized uses as defined in the bill. The bill requires that the appropriate facial recognition technology be determined by the Division of Purchases and Supply and that such facial recognition technology be evaluated by the National Institute of Standards and Technology and have an accuracy score of at least 98 percent true positives across all demographic groups. The bill directs the Department to develop a model policy regarding the investigative uses of facial recognition technology to be posted publicly no later than January 1, 2023, and requires local law-enforcement agencies or campus police departments that use facial recognition technology to either adopt the Department's model policy or develop an individual policy that meets or exceeds the standards set by the Department's model policy. The bill directs local law-enforcement agencies, campus police departments, and the Department to

collect and maintain certain data related to the use of facial recognition technology and to publish an annual report to provide information to the public regarding the agency's use of facial recognition technology. The bill clarifies that any match made through facial recognition technology shall not be used in an affidavit to establish probable cause for the purposes of a search or arrest warrant. Additionally, any facial recognition technology operator employed by a local law-enforcement agency, campus police department, or the Department who violates the agency's or department's policy for the use of facial recognition technology or conducts a search for any reason other than those authorized by the bill is guilty of a Class 3 misdemeanor for a first offense, and is guilty of a Class 1 misdemeanor for a second or subsequent offense. This bill received Governor's recommendations.

*Patron - Surovell*

## Failed

**F HB26 Control of firearms by localities.** Removes the authority for a locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. The bill provides that any firearm received by the locality pursuant to a buy-back program shall be offered for sale by public auction or sealed bids to a person licensed as a dealer. Current law provides that any such firearm shall be destroyed by the locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale. The bill also limits the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others.

*Patron - Anderson*

**F HB38 Constitutional officers; appointed deputies; dual office holding.** Subjects any person appointed by a constitutional officer to serve as deputy as provided by law to the same dual office holding requirements and prohibitions applicable to the constitutional officer.

*Patron - Convirs-Fowler*

**F HB58 Local government; prohibits certain practices that would require contractors to provide benefits.** Prohibits local governing bodies from establishing provisions related to procurement of goods, professional services, or construction that would require a wage floor or any other employee benefit or compensation above what is otherwise required by state or federal law to be provided by a contractor to one or more of the contractor's employees as part of a contract with the locality. The bill provides that the prohibition shall not affect contracts between a locality and another party that were executed prior to January 1, 2023, or the renewal or future rebids of services thereof. The bill provides that localities shall not be prohibited from entering into contracts for economic development incentives in which the company receiving the incentives is required to maintain a certain stated wage level for its employees.

*Patron - Davis*

**F HB110 Law-enforcement civilian oversight bodies.** Removes the authority of a locality to establish a law-enforcement civilian oversight body. Under current law, law-enforcement civilian oversight bodies may (i) receive, investigate, and

issue findings on complaints from civilians regarding conduct of law-enforcement officers and civilian employees; (ii) investigate and issue findings on incidents, including the use of force by a law-enforcement officer, death or serious injury to any person held in custody, serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law-enforcement officers or civilian employees; (iii) make binding disciplinary determinations in cases that involve serious breaches of departmental and professional standards; (iv) investigate policies, practices, and procedures of law-enforcement agencies and make recommendations regarding changes to such policies, practices, and procedures; (v) review all investigations conducted internally by law-enforcement agencies and issue findings regarding the accuracy, completeness, and impartiality of such investigations and the sufficiency of any discipline resulting from such investigations; (vi) request reports of the annual expenditures of law-enforcement agencies and make budgetary recommendations; (vii) make public reports on the activities of the law-enforcement civilian oversight body; and (viii) undertake any other duties as reasonably necessary for the law-enforcement civilian oversight body to effectuate its lawful purpose to effectively oversee the law-enforcement agencies as authorized by the locality.

*Patron - McGuire*

**[F] HB172 Solar projects and energy storage projects; siting agreements with host localities.** Permits a host locality in which an applicant is seeking to install a solar project or energy storage project to establish certain requirements in the siting agreement to restrict the visibility of the solar project or energy storage project from public secondary roads in order to maintain the view of the surrounding community.

*Patron - Marshall*

**[F] HB364 Regional planning; climate resilience.** Requires regional planning commissions to include climate resilience as part of their strategic plans.

*Patron - Willett*

**[F] HB372 Prohibiting loitering; curfew for minors; age restrictions on trick-or-treating.** Prohibits localities from imposing age restrictions on trick-or-treating that exceed current loitering and curfew provisions.

*Patron - Convirs-Fowler*

**[F] HB379 Energy benchmarking; access to data on energy usage in certain buildings; civil penalty.** Authorizes a locality to adopt an ordinance requiring utilities, upon request by the owner of a covered building, defined in the bill as any building with one or more utility accounts and a gross floor area of not less than 30,000 square feet, to provide the owner with aggregated measured energy usage data for multiple utility accounts of customers receiving service in the covered building. The bill makes such energy benchmarking mandatory for a covered building with three or more active utility accounts in which no single utility account amounts to at least 85 percent of the aggregated energy usage and optional for other covered buildings. The bill provides that the building owner shall only provide aggregated data received via the benchmarking tool subject to ENERGY STAR Portfolio Manager guidelines unless the Department of Energy gives other guidelines. Violators of the ordinance are subject to a civil penalty of not more than \$2,500 to be paid into the state treasury for the general fund. The bill requires the Department to develop uniform guidelines for energy benchmarking with input from stakeholders, with such guidelines finalized no later than December 1, 2022.

*Patron - Sullivan*

**[F] HB465 Affordable dwelling unit ordinances in certain localities.** Provides that any project may be required, outside of an affordable housing dwelling unit program, to contribute to a county or city housing fund but not for density covered by the program. The bill's provision applies to any county where the urban county executive form of government (Fairfax County) or the county manager plan of government (Arlington County) is in effect, as well as to the Counties of Albemarle and Loudoun and the Cities of Alexandria, Charlottesville, and Fairfax.

*Patron - Bennett-Parker*

**[F] HB483 Control of firearms by localities.** Removes the authority for a locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. The bill provides that any firearm received by the locality pursuant to a buy-back program shall be offered for sale by public auction or sealed bids to a person licensed as a dealer. Current law provides that any such firearm shall be destroyed by the locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale. The bill also limits the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others.

*Patron - Freitas*

**[F] HB520 Comprehensive plan; climate resilience.** Requires a locality's comprehensive plan to consider strategies to address climate resilience in order to anticipate, prepare for, respond to, and adapt to changing conditions and hazardous events.

*Patron - Bulova*

**[F] HB541 Conservation of trees during land development process; authorized localities.** Allows any locality to adopt an ordinance providing for the conservation of trees during the land development process. Under current law, only a locality within Planning District 8 that meets certain population density and nonattainment classification criteria is authorized to adopt such an ordinance.

*Patron - Convirs-Fowler*

**[F] HB568 Green banks; regional agreements.** Provides that any two or more localities may enter into agreements with one another for joint action to establish a green bank to promote investment in clean energy technologies and provide financing for clean energy technologies. The governing bodies of participating localities must each adopt an ordinance to approve such agreement before the agreement takes effect. The existing green bank enabling statute is silent on the issue of regional agreements.

*Patron - Kory*

**[F] HB596 Local rent stabilization authority.** Provides that any locality may by ordinance adopt rent stabilization provisions. The bill provides that no such ordinance shall be adopted until the proposed ordinance has been posted on the locality's website and advertised in a newspaper of general circulation in the locality at least two weeks prior to a public hearing on such ordinance. All landlords who are under rent stabilization may be required to give up to a two-month written notice of a rent increase and cannot increase the rent by more

than the locality's rent stabilization allowance, the maximum amount a landlord can increase a tenant's rent during any 12-month period, in effect at the time of the increase, and the bill requires the locality to annually publish this allowance on its website. The allowance is equal to the annual increase in the Consumer Price Index for the region in which the locality sits and is effective for a 12-month period beginning July 1. The bill provides that no such ordinance shall apply to the following:

1. Any unit in a licensed facility, the primary purpose of which is the diagnosis, cure, mitigation, and treatment of illnesses;
2. Any unit in a facility owned or leased by an organization exempt from federal income taxes pursuant to § 501(c)(3) of the Internal Revenue Code, the primary purpose of which is to provide temporary sanctuary or shelter for qualified clients, provided that the organization has notified the clients residing in the facility of the temporary nature of their housing at the inception of their residence;
3. Any owner-occupied group house;
4. Religious facilities, such as churches, synagogues, parsonages, rectories, convents, and parish homes;
5. Transient facilities, such as motels, tourist homes, and bed and breakfast facilities;
6. School dormitories;
7. Licensed assisted living facilities and nursing homes; or
8. Single-family residences.

The bill states that such ordinance shall provide a procedure by which a landlord may apply for an exemption from the rent stabilization provisions in situations where the net operating income generated by the rental facility has not been maintained due to escalating operating expenses or for other appropriate reasons as established by the locality.

The locality may establish a civil penalty for failure to comply with the requirements set out in the ordinance that shall not exceed \$2,500 per separate violation.

*Patron - Clark*

**[F] HB611 Conduct of law-enforcement officers; establishment of an Early Identification System.** Requires the Department of Criminal Justice Services (the Department) to establish a best practices model for the implementation, training, and management of an Early Identification System (EIS). The bill defines an EIS as a system through which a law-enforcement agency collects and manages data to identify and assess patterns of behavior, including misconduct and high-risk behavior, or performance of law-enforcement officers and law-enforcement agency employees. The bill directs each sheriff or chief of police to implement an EIS by July 1, 2024, and requires that law-enforcement officers receive training prior to implementation of the EIS and annually thereafter. The bill also directs the Department to establish and administer written policies and procedures for law-enforcement agencies to report to the Office of the Attorney General all judgments or settlements in cases relating to negligence or misconduct of a law-enforcement officer.

*Patron - Bourne*

**[F] HB626 Disclosure in land use proceedings; state-wide application.** Alters certain land use disclosure requirements applicable to officials in any county with the urban county executive form of government (Fairfax County) by replacing "relationship of employee-employer, agent-principal, or attorney-client" with the broader phrase of "business or financial interest." The same change is made to existing provisions that currently apply only to Loudoun County but will now apply statewide.

*Patron - Roem*

**[F] HB627 Violation of ordinances; schedule of civil penalties.** Allows localities to create schedules of fines and

penalties for violations of designated ordinances. The bill establishes limits on fine amounts and frequency, as well as guidance on separate offenses. The bill precludes prosecution as a criminal misdemeanor for aggregate penalties of all offenses from the same operative set of facts totaling less than \$5,000. The bill allows prosecution as a criminal misdemeanor for violations arising from the same operative set of facts for penalties totaling \$5,000 or more. The bill provides for civil summons, waiver of trial, admitting liability, and payment of the penalty. The bill provides trial procedure and abatement of the offense and it creates liens for unpaid penalties and enforcement guidelines for such liens.

*Patron - Hudson*

**[F] HB706 Trees during development process; conservation and replacement.** Changes the timeframe for minimum canopy coverage for all localities from 20 years to 10 years and removes special provisions that had allowed for a timeframe of 10 years for the City of Williamsburg and local ordinances adopted prior to July 1, 1990. The bill provides an additional one-quarter times the canopy area credit for preservation of trees that are taller than 30 feet, thereby increasing the canopy area credit from one and one-quarter to one and one-half.

*Patron - Keam*

**[F] HB729 Vacant building registration.** Allows cities and certain towns to require annual registration by the owners of buildings that have been vacant for a continuous period of 12 months or more and that may endanger the public health, safety, or welfare. Under current law, buildings must meet a specific definition of "derelict building" before their owners can be required to register by these localities.

*Patron - Ward*

**[F] HB827 Control of firearms by localities.** Removes the authority for a locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. The bill provides that any firearm received by the locality pursuant to a buy-back program shall be offered for sale by public auction or sealed bids to a person licensed as a dealer. Current law provides that any such firearm shall be destroyed by the locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale. The bill also limits the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others.

*Patron - Wilt*

**[F] HB855 Comprehensive plan approval.** Allows a planning commission to extend the 60-day period during which it makes a recommendation to the governing body on a comprehensive plan amendment if an applicant agrees to such extension. The bill also extends from 60 days to 100 days, or such longer period as agreed to by an applicant, the period of time during which the governing body shall hear and determine an appeal from a planning commission decision.

*Patron - Reid*

**[F] HB905 Energy efficiency standards; more stringent energy efficiency requirements.** Allows a locality by ordinance to create and require stretch codes, defined in the bill as energy efficiency standards that are in addition to or more stringent than those in the Uniform Statewide Building Code,

and use them as an alternative means of compliance with a locality's building requirements. The bill requires periodic review of the codes and allows the locality to make amendments.

*Patron - Lopez*

**[F] HB969 Comprehensive plan; environmental justice strategy.** Requires cities with populations greater than 20,000 and counties with populations greater than 100,000 to consider, at the next and all subsequent reviews of the comprehensive plan, adopting an environmental justice strategy. The bill provides that the locality's strategy shall be to identify environmental justice and fenceline communities within the jurisdiction of the local planning commission and identify objectives and policies to reduce health risks, to promote civic engagement, and to prioritize improvements and programs that address the needs of the environmental justice and fenceline communities.

*Patron - Simonds*

**[F] HB980 Virginia Freedom of Information Act; exclusions to application of chapter; local administrative investigations; disclosure.** Adds email addresses as information that, when furnished in confidence to the local governing body, with respect to complainants in local investigations are exempt from disclosure under the Virginia Freedom of Information Act. The bill expands the applicability of the exemption to zoning enforcement complaints for all such complaints, not just individual enforcement complaints. The bill also adds local public health and safety, nuisance, and waste and recycling complaints to the list of complainants whose personal information is exempt from disclosure.

*Patron - Williams Graves*

**[F] HB998 Building energy use intensity; reporting; reduction; requirements; incentives and incentive programs.** Allows localities to incentivize, by ordinance, the owner or operator of a building meeting certain criteria, or an agent of such owner or operator, to report energy use intensity (EUI) information and reduce EUI. The bill allows localities to set EUI requirements for certain buildings and develop local incentive programs for increasing building energy efficiency.

*Patron - Kory*

**[F] HB1016 Local land use approvals; extension of approvals to address the COVID-19 pandemic.** Extends from July 1, 2022, to July 1, 2023, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020.

*Patron - Marshall*

**[F] HB1033 Control of firearms by localities.** Removes the authority for a locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. The bill provides that any firearm received by the locality pursuant to a buy-back program shall be offered for sale by public auction or sealed bids to a person licensed as a dealer. Current law provides that any such firearm shall be destroyed by the locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale. The bill also limits the authority of

localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others.

*Patron - Davis*

**[F] HB1052 Broadband providers and public utilities; late payment fees restricted.** Prohibits a broadband provider or a public utility from charging (i) a residential customer a late payment fee or similar penalty that exceeds the lesser of 2.5 percent of the balance due or \$5 or (ii) any interest on a residential customer's outstanding balance. The bill provides that "public utility" includes utilities that are not subject to the jurisdiction of the State Corporation Commission and that provide electric, gas, or water or wastewater service in the Commonwealth.

*Patron - Shin*

**[F] HB1055 Local government; employment of grant writer.** Requires all counties and cities to employ a grant writer to assist individuals and organizations with (i) researching and identifying public and private grant opportunities; (ii) developing, writing, and submitting proposals to federal, state, and private funding agencies; and (iii) satisfying eligibility requirements for grant funds sought or received.

*Patron - Cordoza*

**[F] HB1070 Fund to Assist Localities with Translation of Essential Information; established.** Establishes the Fund to Assist Localities with Translation of Essential Information to be administered by the Department of Housing and Community Development for the purpose of making grants to local governments to address the lack of translated documents for those citizens and taxpayers of the Commonwealth and its localities for whom English is a second language. The bill provides that the Fund shall make grants to local governments for the purpose of translating essential documents into foreign languages.

*Patron - Cordoza*

**[F] HB1082 Elections; time of certain local elections.** Removes a provision that requires local elections for mayor, members of a local governing body, or members of an elected school board to be held at the time of the November general election. The bill allows cities and towns that made the transition between July 1, 2021, and July 1, 2022, to provide by ordinance for its reversal.

*Patron - Leftwich*

**[F] HB1109 Elections; time of certain local elections.** Removes a provision that requires local elections for mayor, members of a local governing body, or members of an elected school board to be held at the time of the November general election. The bill allows cities and towns that made the transition between July 1, 2021, and July 1, 2022, to provide by ordinance for its reversal.

*Patron - LaRock*

**[F] HB1276 Comprehensive plan; healthy communities strategy.** Authorizes cities with populations greater than 20,000 and counties with populations greater than 100,000 to consider, at the next and all subsequent reviews of the comprehensive plan, adopting a healthy communities strategy. The bill provides that the locality's strategy shall be to identify neighborhoods with major sources of pollution or hazardous waste, to identify objectives and policies to reduce health risks in such neighborhoods, to promote civic engagement by residents of such neighborhoods, and to prioritize improvements and programs that address the needs of such neighborhoods.

*Patron - Simonds*

**F HB1316 Tree canopy credits; forest stands.** Requires that localities that have adopted a tree canopy ordinance provide tree cover credit for high conservation value forest stands if a site developer provides a stand assessment before creating development plans. The bill also allows localities with such ordinances to provide additional credit if the pre-identified forest stands achieve environmental, ecological, and wildlife conservation objectives of the locality.

*Patron - Hope*

**F HB1337 Local regulation of gas-powered leaf blowers; civil penalty.** Provides that any locality may by ordinance regulate the use of gas-powered leaf blowers. Prior to enactment of such ordinance, a public hearing is required. The ordinance may include provisions for a civil penalty.

*Patron - Kory*

**F HB1346 Powers of local government; trees during development process; replacement and conservation.** Expands to all localities provisions that currently allow only certain localities to adopt an ordinance providing for the planting and replacement of trees during the development process and adds more flexibility for implementation and management of tree canopy banks, tree canopy credits, and tree canopy requirements. The bill changes and updates standards, reference documents, and published reference texts, expands options for localities to disburse funds to charitable organizations, and adds percentage specifications for ordinances related to cemeteries. In addition, the bill removes the prohibition of invalidating local ordinances adopted before July 1, 1990, the allowance of 10-year minimum requirements for pre-1990 ordinances, and the inability to invalidate an ordinance adopted that relates to the replacement of trees during the development process in certain localities. The bill allows ordinances that have been made pursuant to the law prior to the effective date of the changes in this bill to not be invalidated by the changes. The bill requires the Virginia State Forester to create standards for tree canopy percentages and to select members for the Stakeholder Advisory Group, established by the bill to provide recommendations on such standards. Some provisions of the bill become effective on July 1, 2022, and some have a delayed effective date of January 1, 2023.

*Patron - Bulova*

**F SB35 Comprehensive plan approval.** Allows a planning commission to extend the 60-day period during which it makes a recommendation to the governing body on a comprehensive plan amendment if an applicant agrees to such extension. The bill also allows the extension to such longer period as agreed to by an applicant of the period of time during which the governing body shall hear and determine an appeal from a planning commission decision.

*Patron - Favola*

**F SB74 Control of firearms by localities.** Removes the authority for a locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. The bill provides that any firearm received by the locality pursuant to a buy-back program shall be offered for sale by public auction or sealed bids to a person licensed as a dealer. Current law provides that any such firearm shall be destroyed by the locality unless the per-

son surrendering the firearm requests in writing that the firearm be offered for sale. The bill also limits the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others.

*Patron - Chase*

**F SB140 Smoke alarm retrofitting; dwelling unit buildings.** Expands the requirement to retrofit buildings with one or more dwelling units, hotels and motels, and rooming houses with smoke alarms without regard to the time of construction of such buildings.

*Patron - Edwards*

**F SB147 Timing of municipal elections.** Narrows the scope of existing provisions that require all municipal elections to be held in November by applying those provisions only to cities with a population greater than 200,000.

*Patron - Suetterlein*

**F SB206 Historic preservation.** Provides that the filing of a historic designation application shall stay a locality from issuing any permit to raze or demolish a proposed historic landmark, building, or structure until 30 days after the rendering of the final decision of the governing body of the locality. The bill also specifies that the affected property owner, the applicant, or any resident of the locality who provided public input on the locality's historic district plan may appeal to the circuit court for review of any final decision of the governing body pursuant to such application.

*Patron - Petersen*

**F SB218 Local condemnation authority.** Provides that any locality may acquire property interests outside its boundaries by exercise of eminent domain power in connection with a highway transportation project located partially within a neighboring locality when the governing body of the neighboring locality wherein such property interests are located approves such use of eminent domain.

*Patron - McPike*

**F SB282 Supplementing compensation of public defender.** Requires the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of his deputies or his employees, above the salary of any such officer, deputy, or employee to supplement the compensation of the public defender, or any of his deputies or employees. The bill provides that such supplemental compensation is proportional if the public defender, his deputies, and his other employees are each paid in amounts commensurate to the closest equivalent position in the local Office of the Commonwealth's Attorney, as adjusted for seniority and experience level. The bill has a delayed effective date of July 1, 2024.

*Patron - Ebbin*

**F SB290 Solar-ready roofs for certain government buildings; net-zero energy consumption building design for schools.** Requires any executive branch agency or institution and any 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, to ensure that such building includes a solar-ready, cool, or energy-efficient roof, defined in the bill. However, the provisions of the bill do not apply to localities with a population of less than 100,000 until July 1, 2023. The bill also requires new public school buildings and facilities and improvements and renovations to existing public school buildings and facilities where the cost of the renovation exceeds 50 percent of the value of the building to, after notice is given to the governing body, be designed,



constructed, maintained, and operated to generate more electricity than consumed. The provisions of this bill only apply to projects entering the design phase on or after January 1, 2023.

*Patron - Favola*

**[F] SB319 Charitable institutions and associations; local appropriations to faith-based organizations.** Allows localities to make appropriations to nonprofit faith-based organizations that provide community services in the locality for nonreligious purposes and regardless of recipients' faith affiliation.

*Patron - Vogel*

**[F] SB388 County manager plan of government; independent policing auditor.** Allows the governing body of any county with the county manager plan of government (Arlington County) to appoint an independent policing auditor. The independent policing auditor shall support any law-enforcement civilian oversight body created by the governing body and shall have all the powers of the law-enforcement civilian oversight body, to the extent such powers are delegated to the independent policing auditor by the oversight body. The independent policing auditor shall serve at the pleasure of the governing body.

*Patron - Favola*

**[F] SB452 Powers of local governments; additional powers; energy efficiency of buildings.** Requires the Board of Housing and Community Development to adopt optional building energy efficiency standards and allows localities to adopt and enforce these standards. The bill allows localities to require disclosure of energy use intensity (EUI) information to prospective buyers, lessees, and lenders at the point of sale, and to require an energy audit for the building prior to the completion of the sale if there is insufficient available data or upon request. The bill allows localities to implement energy benchmarking, requiring utilities to collect and report energy use data for covered buildings to owners, and to require utilities to maintain 12 months of aggregated data for any building with an active utility account. The bill permits localities to create a scorecard program using Energy Star Portfolio Manager and require owners to disclose data to it, subject to program guidelines. The bill allows localities to incentivize owners, operators, and agents of certain buildings to report EUI information and reduce EUI amounts. The bill allows localities to set EUI requirements for certain buildings and develop local incentive programs.

*Patron - Boysko*

**[F] SB458 Employers; institutions of higher education; localities; public schools; face coverings.** Prohibits any locality, institution of higher education, employer, school board, division superintendent, school principal, or private school from adopting, implementing, or enforcing any policy, rule, or order related to COVID-19 that requires individuals to wear a face covering.

*Patron - Chase*

**[F] SB602 Short-term rental properties; definition; locality requirements and restrictions.** Prohibits, except as provided, localities from (i) requiring or allowing the approval of neighbors or the neighborhood for the operation of short-term rental properties; (ii) imposing requirements or restrictions that exceed those of regular properties, including special parking and occupancy restrictions; or (iii) restricting short-term rentals by geographic location within the locality by means other than the normal general land use and zoning authority. The bill expands the current definition of short-term rental to include any house provided for such purpose.

*Patron - DeSteph*

**[F] SB732 Comprehensive plan; climate resilience.** Requires a locality's comprehensive plan to consider strategies to address climate resilience in order to anticipate, prepare for, respond to, and adapt to changing conditions and hazardous events.

*Patron - Lewis*

## Carried Over

**[C] HB116 Regional criminal justice academy; Town of Pulaski.** Allows the Town of Pulaski to withdraw from the Cardinal Criminal Justice Academy and send its cadets to the New River Criminal Justice Training Academy without penalty.

*Patron - March*

**[C] HB635 Inclusionary housing; zoning.** Requires cities and towns in the Commonwealth to develop and promulgate housing plans that address the supply of safe, sanitary, and affordable shelter for all current and anticipated residents of their communities. Such plans must connect economic development efforts that bring new jobs to the supply of safe, sanitary, and affordable shelter for all who will fill those jobs; the location of housing and the location of mobility resources; and the availability of accredited high-quality affordable education, parks, indoor and outdoor recreation, libraries, health care, and healthy living resources, including the availability of fresh food. Such housing plans shall be reviewed and revised no less frequently than every five years. Cities and towns that promulgate a housing plan may create, implement, and enforce inclusionary housing programs applicable to new housing development and conversions of previously nonresidential uses into residential uses. Counties utilizing the urban county executive form of government (Fairfax County) or the county manager plan of government (Arlington County) may also follow and use these provisions to provide inclusionary housing.

*Patron - Carr*

**[C] HB778 Relocation of monument and memorials.** Requires a locality that votes to remove, relocate, contextualize, or cover certain war monuments or memorials to initiate a process to gift the monument or memorial to a nonprofit organization that is most related to the mission and spirit of the monument or memorial, at the locality's expense. The bill provides that the placement of the monument or memorial shall be decided by an independent committee and that a majority vote by the committee as to the relocation of the memorial is binding on the locality and shall be carried out within six months from the date of the committee's decision.

*Patron - Williams*

**[C] HB1157 Attorneys for the Commonwealth; compensation and collection of fees.** Prohibits the Compensation Board, when determining staffing and funding levels for offices of attorneys for the Commonwealth, from (i) considering the number of charges brought or the number of convictions obtained by such attorney for the Commonwealth; (ii) relying on standards devised or recommended by the attorney for the Commonwealth, law-enforcement agencies, or professional associations representing attorneys for the Commonwealth or law-enforcement officers; or (iii) using measures that increase if an attorney for the Commonwealth (a) elects to prosecute a more serious charge, (b) elects to prosecute additional charges from a single arrest or criminal incident, (c) obtains convictions rather than dismissing charges or offering reduced charges, or (d) proceeds with prosecution rather than diversion. The bill requires attorneys for the Commonwealth to pay into the state treasury all fees collected by them in consideration of the performance of official duties or functions; cur-



rent law requires the payment of half of such fees. The bill requires the State Treasurer to pay to the treasuries of the respective counties and cities of the attorneys for the Commonwealth a proportion of half of all such fees collected by all attorneys for the Commonwealth, as determined by each county or city's crime rate, criminal incident rate, or arrest rate. Finally, the bill changes the fees collected by attorneys for the Commonwealth on trials of felony indictments from \$40 on each count to \$120 for each trial of a Class 1 or Class 2 felony indictment, or any other felony punishable by imprisonment for life, and \$40 for each trial on all other felony indictments, regardless of the number of counts. The bill contains technical amendments.

*Patron - Simon*

**[C] HB1210 Historic preservation.** Provides that the filing of a historic designation application shall stay a locality from issuing any permit to raze or demolish a proposed historic landmark, building, or structure until 30 days after the rendering of the final decision of the governing body of the locality. The bill also specifies that the affected property owner, the applicant, or any resident of the locality who provided public input on the locality's historic district plan may appeal to the circuit court for review of any final decision of the governing body pursuant to such application.

*Patron - Hope*

**[C] HB1339 Facial recognition technology; local law enforcement; campus police.** Redefines facial recognition technology, for the purposes of providing criteria for the lawful use of facial recognition technology by law enforcement, as conducting an algorithmic comparison of images of an individual's facial features for the purposes of identification. The bill authorizes local law-enforcement agencies and campus police departments to utilize facial recognition technology for certain authorized uses as defined in the bill. The bill requires that local law-enforcement agencies and campus police departments publicly post and annually update policies regarding the use of facial recognition technology and maintain records regarding the use of facial recognition technology and report the data annually to their communities. The bill also makes it a Class 3 misdemeanor for any facial recognition technology operator employed by a local law-enforcement agency or campus police department to violate the agency or department's policy regarding the use of facial recognition technology or to conduct a search for any other reason than an authorized use. Additionally, the bill requires the Department of State Police to develop a model policy regarding the use of facial recognition technology by January 1, 2023. The bill directs the Virginia State Crime Commission to submit a report with an analysis and recommendations about the use of facial recognition technology to the Chairmen of the Senate Committee on the Judiciary and the House Committee on Public Safety by November 1, 2025. The provisions of the bill expire on July 1, 2026.

*Patron - Leftwich*

**[C] HB1353 Virginia Football Stadium Authority.** Establishes the Virginia Football Stadium Authority as a political subdivision charged with financing the construction of a football stadium and related facilities. The Authority is authorized to hire independent contractors, enter contracts, acquire property, borrow money, and exercise other similar powers. The Authority is exempt from the Personnel Act and the Public Procurement Act.

The Authority may issue bonds with a maximum maturity date of 20 years. The bill provides that at least 50 percent of any revenues received from selling the naming rights to the stadium shall be dedicated to the principal and financing costs of any bonds issued under the bill and provides that if the football team that will primarily use the stadium (the primary team)

relocates, it shall be required to repay any outstanding principal and financing costs.

The bill entitles the Authority to sales tax revenues from transactions at the stadium but excludes certain revenues that current law dedicates to transportation and education. The entitlement begins on the stadium's operational date. The bill enables localities to appropriate tax revenues to the Authority.

The Authority is made up of nine members appointed by the Governor and subject to confirmation by the General Assembly. Four of the nine members are appointed from a list chosen by the primary team. The provisions of the bill expire if the Authority has not entered into a development and lease agreement with the primary team before July 1, 2025.

*Patron - Knight*

**[C] HB1362 Short-term rentals; localities' ability to restrict.** Clarifies that short-term rentals may be operated in any locality in the absence of an ordinance pursuant to the locality's general land use and zoning authority restricting short-term rentals.

*Patron - Wiley*

**[C] SB59 Local law enforcement; records.** Requires the chief of police of a local police department that is dissolved to relinquish certain required records to the sheriff for that locality. The bill makes failure to relinquish such records to the sheriff a misdemeanor.

*Patron - Hackworth*

**[C] SB132 Local regulation of smoking; outdoor parks, recreation facilities, and playgrounds.** Allows localities to designate smoking areas within 100 feet of sports fields, recreation centers, and playgrounds in outdoor parks. The bill requires signs regarding designated smoking areas to be posted at the entrances to such parks.

*Patron - Edwards*

**[C] SB255 Zoning; wireless communications infrastructure; application process.** Provides that in its consideration of certain communications infrastructure applications, a locality shall not disapprove an application if (i) the proposed new structure provides additional wireless coverage or capacity for first responders or (ii) the proposed tower is not within a four-mile radius of an existing tower that is part of the applicant's network. Additional changes in the bill provide that a locality shall not be prohibited from disapproving certain applications for any zoning approval required for non-administrative review-eligible projects on the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 200 feet above ground level. Current law sets the limit at 50 feet above ground level.

*Patron - Bell*

**[C] SB727 Virginia Football Stadium Authority.** Establishes the Virginia Football Stadium Authority as a political subdivision charged with financing the construction of a football stadium and related facilities. The Authority is authorized to hire independent contractors, enter contracts, acquire property, borrow money, and exercise other similar powers. The Authority is exempt from the Personnel Act and the Public Procurement Act. The Authority may issue bonds with a maximum maturity date of 40 years.

The bill entitles the Authority to sales tax revenues from transactions at the stadium but would exclude certain revenues that current law dedicates to transportation and education. The bill also entitles the Authority to corporate income tax revenues from football teams that use the stadium and personal income tax revenues from income generated by employment or the conduct of business at the stadium. The Authority receives all

corporate income tax revenues but only 4.25 percent of personal income tax revenues. Remaining personal income tax revenues accrue to the general fund.

The Authority is made up of nine members appointed by the Governor and subject to confirmation by the General Assembly. Four of the nine members are appointed from a list chosen by the football team that primarily will use the stadium.

The bill enables localities to exercise their eminent domain power to acquire property and convey it to the Authority. It also authorizes localities to appropriate tax revenues to the Authority.

*Patron - Saslaw*

## Courts Not of Record

### Passed

**P HB228 Department of Juvenile Justice; juvenile boot camps.** Eliminates the authority of the Department of Juvenile Justice to establish juvenile boot camps and the ability of a court to order a juvenile adjudicated delinquent to attend such a boot camp. This bill is identical to SB 546.

*Patron - Coyner*

**P HB731 Juvenile law-enforcement records; inspection.** Provides that a juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile may inspect a law-enforcement record concerning such juvenile if (i) no other law or rule of the Supreme Court of Virginia requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted. This bill is identical to SB 149.

*Patron - Ward*

**P SB106 Retired circuit and district court judges under recall; evaluation; qualification by the Senate Committee on the Judiciary and the House Committee for Courts of Justice.** Requires that retired district court judges sitting as substitutes be found qualified every three years by the Senate Committee on the Judiciary and House Committee for Courts of Justice instead of authorized by the Chief Justice of the Supreme Court of Virginia. The bill also requires the Office of the Executive Secretary of the Supreme Court of Virginia to prepare and distribute an evaluation form for each circuit and district court retired judge who has requested to be called upon to sit in recall during his final year of the three-year period following qualification. The bill further requires that the Office of the Executive Secretary of the Supreme Court of Virginia annually prepare and transmit a report including such evaluations conducted that year to the Senate Committee on the Judiciary and the House Committee for Courts of Justice by the first day of the next regular session of the General Assembly.

*Patron - Surovell*

**P SB149 Juvenile law-enforcement records; inspection.** Provides that a juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile may inspect a law-enforcement record concerning such juvenile if (i) no other law or rule of the Supreme Court of Virginia requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted. This bill is identical to HB 731.

*Patron - Norment*

**P SB396 Foster care placements; court review.** Provides that the juvenile and domestic relations district court has the authority to review a child's status in foster care or review a foster care plan. The bill requires a foster care plan to describe in writing an assessment of the stability of proposed placements, the services provided or plans for services to be provided to address placement instability, and a description of other placements that were considered for the child.

The bill also (i) requests that the Committee on District Courts study child dependency hearings in the Juvenile and Domestic Relations District Court system and make recommendations to the General Assembly as to whether a separate docket or court would result in better service to children and families involved in child dependency hearings and other family law matters and (ii) directs the Office of the Children's Ombudsman to convene a work group to consider issues relating to the Commonwealth's model of court-appointed legal counsel in child dependency cases.

*Patron - Edwards*

**P SB546 Department of Juvenile Justice; juvenile boot camps.** Eliminates the authority of the Department of Juvenile Justice to establish juvenile boot camps and the ability of a court to order a juvenile adjudicated delinquent to attend such a boot camp. This bill is identical to HB 228.

*Patron - Marsden*

**P SB649 Juvenile law-enforcement records; disclosures to school principals.** Changes from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school has been charged with a violent juvenile felony, an arson offense, or a concealed weapon offense and adds an offense that requires a juvenile intake officer to make a report with the school division superintendent to the list of such instances that must be disclosed to a school principal for the protection of the juvenile, his fellow students, and school personnel.

*Patron - Hanger*

### Failed

**F HB159 Emergency custody and temporary detention orders; custody.** Requires a facility or location to which a minor or adult who is subject to an emergency custody or temporary detention order is transported to accept custody of the minor or adult upon completion of transportation and arrival of the minor or adult at the facility and specifies that the primary law-enforcement agency shall provide transportation of a person who is involved in the involuntary commitment process, rather than a sheriff, as provided under current law.

*Patron - Byron*

**F HB536 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 - Convirs-Fowler*

**F HB658 Juveniles; appointment of counsel; indigency.** Removes provisions stating that when the court appoints counsel to represent a child in a detention hearing or in a case involving a child who is alleged to be in need of services, in need of supervision, or delinquent and, after an investigation by the court services unit, finds that the parents are

financially able to pay for such attorney in whole or in part and refuse to do so, the court shall assess costs against the parents for such legal services in the amount awarded the attorney by the court, not to exceed \$100 if the action is in circuit court or the maximum amount specified for court-appointed counsel appearing in district court. The bill also removes provisions requiring that before counsel is appointed in any case involving a child who is alleged to be in need of services, in need of supervision, or delinquent, the court determine that the child is indigent. The bill provides that for the purposes of appointment of counsel for a delinquency proceeding, a child shall be considered indigent.

*Patron - Hope*

**[F] HB762 Maximum number of judges in each judicial district.** Increases from two to three the maximum number of authorized general district court judges in the Twenty-second Judicial District.

*Patron - Adams, L.R.*

**[F] HB856 Child custody, visitation, and placement; best interests of the child.** Requires consideration of a child's attachment to a parent or guardian when determining the best interests of the child. The bill defines "attachment" as an aspect of the child's relationship with a parent or guardian that promotes the child's use of the parent or guardian as a secure base from which to explore, learn, and relate and to feel value, security, comfort, familiarity, and continuity.

*Patron - Reid*

**[F] HB1248 Juveniles; adjudication of delinquency.** Specifies that a delinquent child is a child 11 years of age or older who has committed a delinquent act. Currently, there is no minimum age for a child to be adjudicated delinquent. The bill provides that if a juvenile younger than 11 years of age is found to have committed a delinquent act, the juvenile shall not be proceeded upon as delinquent; however, the court may make any orders of disposition authorized for a child in need of services or a child in need of supervision.

*Patron - Watts*

**[F] SB134 Juvenile and domestic relations district courts; Department of Juvenile Justice; extending jurisdiction in delinquency matters to persons 18 years of age or older but less than 21 years of age.** Raises the maximum age for delinquency matters in juvenile and domestic relations district courts from persons under 18 years of age to persons under 21 years of age. The bill defines "underage person" as an individual who is 18 years of age or older but less than 21 years of age. The bill adds underage persons to all provisions regarding delinquency proceedings in juvenile and domestic relations district courts, the transfer of delinquency matters to circuit courts, and criminal procedure as currently applies to juveniles only. The bill differentiates between juveniles and underage persons in specific circumstances, including consent for medical or mental health records or procedures, mental health screenings in secure detention facilities, and provisions regarding release on bail or recognizance. The bill has a delayed effective date of January 1, 2024, and provides that the provisions of the bill shall apply prospectively and only to conduct or an offense that occurs on or after January 1, 2024. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Edwards*

**[F] SB696 Maximum number of judges in each judicial district.** Increases from two to three the maximum number of authorized general district court judges in the Twenty-second Judicial District.

*Patron - Stanley*

## Carried Over

**[C] HB622 Custodial interrogation of a child; advisement of rights.** Requires that prior to any custodial interrogation of a child by a law-enforcement officer, the child and, if no attorney is present and if no exception to the requirement that the child's parent, guardian, or legal custodian be notified applies, the child's parent, guardian, or legal custodian shall be advised that (i) the child has a right to remain silent; (ii) any statement the child makes can and may be used against the child; (iii) the child has a right to an attorney and that one will be appointed for the child if the child is not represented and wants representation; and (iv) the child has a right to have his parent, guardian, custodian, or attorney present during any questioning. The bill states that if a child indicates in any manner and at any stage of questioning during a custodial interrogation that he does not wish to be questioned further, the law-enforcement officer shall cease questioning. The bill also requires, before admitting into evidence any statement made by a child during a custodial interrogation, that the court find that the child knowingly, intelligently, and voluntarily waived his rights and states that no admission or confession made by a child younger than 16 years of age during a custodial interrogation may be admitted into evidence unless it was made in the presence of the child's parent, guardian, custodian, or attorney.

*Patron - Hudson*

**[C] SB412 Termination of parental rights; murder of child.** Requires the court to terminate the parental rights of a parent upon finding, based upon clear and convincing evidence, that termination of parental rights is in the best interests of the child and that the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, and the victim of the offense was the child of the parent over whom parental rights would be terminated. The bill also requires local boards of social services to file a petition to terminate parental rights in such instances.

*Patron - Morrissey*

**[C] SB770 Places of confinement for juveniles.** Provides that there shall be a presumption prohibiting the incarceration of a juvenile offender, who has been convicted and sentenced as an adult in circuit court, in an adult correctional facility prior to his or her eighteenth birthday; however, this presumption may be overcome if the judge determines that the juvenile's behavior while incarcerated poses a continued threat to the security and safety of other juveniles or staff at the juvenile facility where he or she is confined.

*Patron - Marsden*

## Courts of Record

### Passed

**[P] HB761 Judicial Inquiry and Review Commission; availability of complaint forms.** Requires that a sign be posted in all state courts of the Commonwealth, in a location accessible to the public, that notes the availability of and provides instructions to obtain a downloadable electronic version of any standardized form developed and utilized by the Judicial Inquiry and Review Commission for the filing of a complaint

from the official website of the judicial system of the Commonwealth.

*Patron - Krizek*

**[P] HB821 Maximum number of judges in each judicial circuit.** Increases from six to seven the maximum number of authorized judges in the Thirty-first Judicial Circuit. This bill is a recommendation of the Judicial Council of Virginia and is identical to SB 6.

*Patron - Torian*

**[P] HB1320 Discretionary sentencing guidelines; midpoint for violent felony offenses.** Clarifies the Virginia Criminal Sentencing Commission's authority to recommend revisions to the discretionary sentencing guidelines based on historical sentencing data. This bill is identical to SB 423. This bill received Governor's recommendations.

*Patron - Adams, L.R.*

**[P] HB1327 Civil cases; reimbursement of costs.** Provides that the court shall not allow a defendant convicted of a crime from which a civil matter arose to recover costs for court reporting and recording of such trial from the victim of such crime.

*Patron - Krizek*

**[P] SB6 Maximum number of judges in each judicial circuit.** Increases from six to seven the maximum number of authorized judges in the Thirty-first Judicial Circuit. This bill is a recommendation of the Judicial Council of Virginia and is identical to HB 821.

*Patron - Surovell*

**[P] SB143 Court of Appeals of Virginia.** Makes various changes to the procedures and jurisdiction of the Court of Appeals of Virginia, including (i) clarifying that an aggrieved party of certain pretrial orders may petition the Court of Appeals for review of such order and that such petitions shall be reviewed by a three-judge panel, (ii) providing that a party to an appeal that requests an extension for a filing deadline in the Court of Appeals must show good cause for the extension to be granted, (iii) clarifying that appeal bonds and security bonds are not required in criminal appeals, (iv) permitting the Court of Appeals to dispense with oral argument if the parties agree that it is not necessary, and (v) making consistent the grounds for seeking a delayed appeal in a criminal case in the Court of Appeals and the Supreme Court of Virginia. The bill additionally corrects the unintentional elimination of reviews of interlocutory decrees or orders involving certain equitable claims from the jurisdiction of the Court of Appeals. This bill received Governor's recommendations.

*Patron - Edwards*

**[P] SB423 Discretionary sentencing guidelines; midpoint for violent felony offenses.** Clarifies the Virginia Criminal Sentencing Commission's authority to recommend revisions to the discretionary sentencing guidelines based on historical sentencing data. This bill is identical to HB 1320. This bill received Governor's recommendations.

*Patron - Edwards*

**[P] SB497 Judge; Second Judicial Circuit; resident judge in Counties of Accomack and Northampton.** Requires that one judge from the Second Judicial Circuit be a resident and domiciliary of the County of Accomack or Northampton and preside regularly in the Counties of Accomack and Northampton.

*Patron - Lewis*

## Failed

**[F] HB378 Jury duty; allowance increase.** Increases the jury duty allowance from \$30 to \$40 for each day of attendance upon the court effective July 1, 2022; to \$45 effective July 1, 2023; and to \$50 effective July 1, 2024, and thereafter.

*Patron - Williams Graves*

**[F] HB617 Discretionary sentencing guidelines; prior convictions and juvenile adjudications.** Provides that, for the purposes of discretionary sentencing, previous convictions shall not include (i) any adult conviction more than 10 years prior to the date of the commission of the present offense, unless the prior adult conviction was for a violent felony offense punishable by a maximum term of imprisonment of 40 years or more, the defendant was sentenced to an active prison term of more than 12 months for the offense, and the defendant has committed another violent felony within a 15-year period between the date of the defendant's sentencing for the prior offense and commission of the present offense and (ii) any juvenile adjudications of delinquency or any juvenile convictions, unless the juvenile was tried as an adult and the conviction was for a violent felony offense punishable by a maximum term of imprisonment of 40 years or more, the defendant was sentenced to an active prison term of more than 12 months, and the date of offense was within the 10 years preceding sentencing for the present offense. The bill also provides that juvenile adjudications of delinquency and certain adult prior convictions shall not serve as the basis for any sentencing enhancement in an adult criminal case.

*Patron - Bourne*

**[F] SB730 Jurors; compensation.** Increases the daily compensation for jurors from \$30 to \$50.

*Patron - Lewis*

## Crimes and Offenses Generally

### Passed

**[P] HB16 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 30 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. Current law requires the child to be delivered within the first 14 days of the child's life at such hospital or emergency medical services agency. This bill is identical to SB 63.

*Patron - Fowler*

**[P] HB17 Military honor guards and veterans service organizations; paramilitary activities; exception.** Exempts members of a lawfully recognized military color guard, honor guard, or similar organization, and members 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 training or educational exercise, funeral, or public ceremony on behalf of such military color guard, honor guard, or similar organization or veterans service organization, from the crime of unlawful paramilitary activity unless such member engages in such activity with malicious intent. This bill is identical to SB 618.

*Patron - Fowler*

**[P] HB50 Safe haven protections; hotline to provide information about infant relinquishment laws and options.** Directs the Department of Social Services to establish a toll-free, 24-hour hotline to make information about the Commonwealth's safe haven laws that provide for relinquishment of an infant, infant relinquishment locations, and support and resources available for parents available to the public and to make information about the hotline, including the toll-free number that may be used to contact the hotline, available on its website. The bill also directs the Department to undertake a campaign to increase public awareness of the Commonwealth's laws providing for relinquishment of an infant and the hotline established pursuant to the bill.

*Patron - Fariss*

**[P] HB350 Threats and harassment of certain officials and property; venue.** Removes provisions that allow certain crimes relating to threats and harassment to be prosecuted in the City of Richmond if venue cannot otherwise be established and (i) the victim is the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, or Attorney General-elect, a member or employee of the General Assembly, a justice of the Supreme Court of Virginia, or a judge of the Court of Appeals of Virginia and (ii) such official or employee was threatened or harassed while engaged in the performance of his public duties or because of his position with the Commonwealth. The bill also removes provisions that allow threats to damage property to be prosecuted in the City of Richmond if (a) venue cannot otherwise be established and (b) the threatened property is owned by the Commonwealth and located in the Capitol District.

*Patron - Freitas*

**[P] HB434 Criminal sexual assault; definition of intimate parts; penalty.** Includes in the definition of "intimate parts," for the purposes of criminal sexual assault, the chest of a child under the age of 15.

*Patron - Sewell*

**[P] HB451 Stalking; venue; penalty.** Allows a person to be prosecuted for a stalking charge in the jurisdiction where the person resided at the time of such stalking. The bill also provides that evidence of any conduct that occurred outside the Commonwealth may be admissible, if relevant, in any prosecution for stalking. Currently, such evidence is admissible as long as the prosecution is based upon conduct occurring within the Commonwealth.

*Patron - Bennett-Parker*

**[P] HB496 Abuse and neglect; financial exploitation; incapacitated adults; penalties.** Changes the term "incapacitated adult" to "vulnerable adult" for the purposes of the crime of abuse and neglect of such adults and defines "vulnerable adult" as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or legal interests. The bill also changes the term "person with

mental incapacity" to the same meaning of "vulnerable adult" for the purposes of the crime of financial exploitation. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. This bill is identical to SB 687.

*Patron - Mullin*

**[P] HB497 Misuse of power of attorney; financial exploitation; incapacitated adults; penalty.** Makes it a Class 1 misdemeanor for an agent under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult who is the principal of that agent. The bill also provides that the agent's authority terminates upon such conviction. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. This bill is identical to SB 124.

*Patron - Mullin*

**[P] HB740 Catalytic converters; penalties.** 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 involves the breaking, injuring, tampering with, or removal of a catalytic converter or the parts thereof. The bill also provides that prosecution for such felony is a bar to a prosecution or proceeding under the Code section prohibiting the injuring, etc., of any property, monument, etc., for the same act. Current law makes such violation a Class 1 misdemeanor.

Additionally, the bill requires that the copies of the documentation that scrap metal purchasers are required to maintain for purchases of catalytic converters or the parts thereof (i) establish that the person from whom they purchased the catalytic converter or the parts thereof had lawful possession of it at the time of sale or delivery and (ii) detail the scrap metal purchaser's diligent inquiry into whether the person selling had a legal right to do so. The bill also requires that such documentation be maintained for at least two years after the purchase and that copies be made available upon request to any law-enforcement officer, conservator of the peace, or special conservator of the peace in the performance of his duties who presents his credentials at the scrap metal purchaser's normal business location during normal business hours. This bill is identical to SB 729.

*Patron - Bell*

**[P] HB763 Charitable gaming; social organizations and social quarters; electronic gaming.** Provides that the conduct of electronic gaming, defined in the bill, is restricted to qualified social organizations on their premises or other qualified organizations that lease the premises of a qualified social organization pursuant to the guidelines set out in the bill. The bill eliminates the exceptions related to the sale of instant bingo, pull tabs, or seal cards or the conduct of bingo games in current law for veterans and fraternal organizations. The bill provides that such qualified organizations shall be subject to two prohibitions that, under current law, apply to all other organizations, as defined in relevant law: (i) they are prohibited from selling instant bingo, pull tabs, or seal cards or conducting bingo games outside of their home locality and (ii) they are prohibited from offering such games at an establishment that has been granted a license by the Alcoholic Beverage Control Authority unless they hold such license. The bill provides that, with the exception of social organizations qualified under § 501(c)(7) of the Internal Revenue Code, all gross receipts attributable to electronic gaming shall be reported to the

Department of Agriculture and Consumer Services (the Department) and shall be subject to application, audit, and administration fees. Under the provisions of the bill, social organizations that are exempt from taxation pursuant to § 501(c)(7) of the Internal Revenue Code are permitted to conduct electronic gaming until such organizations reach \$200,000 in electronic gaming adjusted gross receipts, defined in the bill, during any 12-month period. Such organizations are required to report their adjusted gross receipts to the Department and are subject to application, audit, and administration fees based on their adjusted gross receipts. The bill provides that application fees shall be paid to the Department by the qualified organization and that audit fees may be paid to the Department either by the qualified organization or the electronic gaming manufacturer that provides electronic gaming devices to such organization. The bill imposes on any person or organization conducting charitable gaming without a permit a civil penalty of not less than \$25,000 and not more than \$50,000 per incident. Finally, the bill sets out via a second enactment provisions that require qualified organizations permitted to conduct electronic gaming to report and pay all required fees to the Department based on such organization's electronic gaming adjusted gross receipts. The provisions of the first enactment of the bill requiring the use of a qualified organization's electronic gaming gross receipts for the purpose of reporting and payment of required fees has an expiration date of July 1, 2024. The provisions of the second enactment of the bill requiring the use of a qualified organization's electronic gaming adjusted gross receipts for the purpose of reporting and payment of required fees has a delayed effective date of July 1, 2024. This bill is identical to SB 403. This bill received Governor's recommendations.

*Patron - Krizek*

**P HB765 Virginia Department of Agriculture and Consumer Services; Charitable Gaming Board; powers and duties.** Changes the Charitable Gaming Board (the Board) from a policy board to an advisory board in the executive branch of state government, decreases the membership from 11 members to nine members, and moves the power and duty to promulgate regulations related to charitable gaming in the Commonwealth from the Board to the Department of Agriculture and Consumer Services (the Department). The bill provides that (i) the current regulations enacted by the Board shall be administered by the Department and remain in full force and effect until the Department promulgates new regulations pursuant to this bill and (ii) notwithstanding clause (i), the regulations promulgated by the Board regarding Texas Hold'em poker games and tournaments, which became effective on March 23, 2021, and were rescinded by the General Assembly pursuant to Item 105 of Chapter 552 of the Acts of Assembly of 2021, Special Session I, shall not take effect, but the Department shall promulgate regulations regarding Texas Hold'em poker games and tournaments consistent with the provisions of Chapter 982 of the Acts of Assembly of 2020 and pursuant to the provisions of the Administrative Process Act. The bill contains technical amendments. This bill is identical to SB 402.

*Patron - Krizek*

**P HB767 Charitable gaming; violations; civil penalty.** Provides for a civil penalty of not less than \$25,000 and not more than \$50,000 for any person or organization, whether permitted or qualified pursuant to applicable charitable gaming laws or not, that (i) conducts charitable gaming without first obtaining a permit to do so, (ii) continues to conduct such games after revocation or suspension of such permit, or (iii) otherwise violates any charitable gaming provisions. The bill provides that any such civil penalties collected shall be payable

to the State Treasurer for remittance to the Department of Agriculture and Consumer Services. This bill is identical to SB 399.  
*Patron - Krizek*

**P HB1332 Covering a security camera in a correctional facility; penalty.** Provides that any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera, as defined in the bill, without the permission of the sheriff, jail superintendent, warden, or Director of the Department of Corrections or Department of Juvenile Justice is guilty of a Class 1 misdemeanor. The bill also provides that any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera with the intent of inhibiting or preventing a security camera from recording or transmitting a photograph, motion picture, or other digital image of the commission of a felony is guilty of a Class 6 felony. This bill is identical to SB 700.

*Patron - Greenhalgh*

**P SB63 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 30 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. Current law requires the child to be delivered within the first 14 days of the child's life at such hospital or emergency medical services agency. This bill incorporates SB 175 and is identical to HB 16.

*Patron - Ruff*

**P SB124 Misuse of power of attorney; financial exploitation; incapacitated adults; penalty.** Makes it a Class 1 misdemeanor for an agent under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult who is the principal of that agent. The bill also provides that the agent's authority terminates upon such conviction. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. This bill incorporates SB 10 and SB 690 and is identical to HB 497.

*Patron - Obenshain*

**P SB249 Sexual abuse of animals; penalty.** Provides that any person who knowingly (i) engages in sexual contact with an animal; (ii) causes another person by force, threat, or intimidation to engage in sexual contact with an animal; (iii) advertises, solicits, offers, sells, purchases, or possesses an animal with the intent that the animal be subject to sexual contact; (iv) permits sexual contact with an animal to be conducted on any premises under his ownership or control; or (v) produces, distributes, publishes, sells, transmits, finances, possesses, or possesses with the intent to distribute, publish, sell, or transmit an obscene item depicting a person engaged in sexual contact with an animal is guilty of a Class 6 felony. The bill also provides that any person convicted of sexual abuse of an animal shall be prohibited from possessing, owning, or exercising control over any animal and may be ordered to attend an appropriate treatment program or obtain psychiatric or psychological counseling.

*Patron - Surovell*

**P SB394 Charitable gaming; registration of landlords; Texas Hold'em poker operations.** Provides that the Department of Agriculture and Consumer Services may promulgate regulations that require any landlord that leases to a qualified charitable organization any premises devoted in whole or in part to the conduct of bingo games or any other charitable gaming to register with the Department. The bill also prohibits an organization qualified to conduct Texas Hold'em poker tournaments from conducting any Texas Hold'em poker games where the game has no predetermined end time and the players wager actual money or poker chips that have cash value. The bill contains technical amendments.

*Patron - Bell*

**P SB399 Charitable gaming; violations; civil penalty.** Provides for a civil penalty of not less than \$25,000 and not more than \$50,000 for any person or organization, whether permitted or qualified pursuant to applicable charitable gaming laws or not, that (i) conducts charitable gaming without first obtaining a permit to do so, (ii) continues to conduct such games after revocation or suspension of such permit, or (iii) otherwise violates any charitable gaming provisions. The bill provides that any such civil penalties collected shall be payable to the State Treasurer for remittance to the Department of Agriculture and Consumer Services. This bill is identical to HB 767.

*Patron - Bell*

**P SB401 Enforcement of illegal gaming laws; Illegal Gaming Enforcement Coordinator established.** Establishes the Office of the Illegal Gaming Enforcement Coordinator in the Department of State Police and charges such Coordinator with coordinating local, state, and federal enforcement of illegal gaming laws, defined as laws regulating gambling, charitable gaming, lottery games, sports betting, casino gaming, fantasy contests, and horse racing and pari-mutuel wagering, and with establishing a tip line for members of the public to report concerns about illegal gaming. This bill is identical to HB 766. This bill received Governor's recommendations.

*Patron - Bell*

**P SB402 Virginia Department of Agriculture and Consumer Services; Charitable Gaming Board; powers and duties.** Changes the Charitable Gaming Board (the Board) from a policy board to an advisory board in the executive branch of state government, decreases the membership from 11 members to nine members, and moves the power and duty to promulgate regulations related to charitable gaming in the Commonwealth from the Board to the Department of Agriculture and Consumer Services (the Department). The bill provides that (i) the current regulations enacted by the Board shall be administered by the Department and remain in full force and effect until the Department promulgates new regulations pursuant to this bill and (ii) notwithstanding clause (i), the regulations promulgated by the Board regarding Texas Hold'em poker games and tournaments, which became effective on March 23, 2021, and were rescinded by the General Assembly pursuant to Item 105 of Chapter 552 of the Acts of Assembly of 2021, Special Session I, shall not take effect, but the Department shall promulgate regulations regarding Texas Hold'em poker games and tournaments consistent with the provisions of Chapter 982 of the Acts of Assembly of 2020 and pursuant to the provisions of the Administrative Process Act. The bill contains technical amendments. This bill is identical to HB 765.

*Patron - Reeves*

**P SB403 Charitable gaming; social organizations and social quarters; electronic gaming.** Provides that the conduct of electronic gaming, defined in the bill, is restricted to

qualified social organizations on their premises or other qualified organizations that lease the premises of a qualified social organization pursuant to the guidelines set out in the bill. The bill eliminates the exceptions related to the sale of instant bingo, pull tabs, or seal cards or the conduct of bingo games in current law for veterans and fraternal organizations. The bill provides that such qualified organizations shall be subject to two prohibitions that, under current law, apply to all other organizations, as defined in relevant law: (i) they are prohibited from selling instant bingo, pull tabs, or seal cards or conducting bingo games outside of their home locality and (ii) they are prohibited from offering such games at an establishment that has been granted a license by the Alcoholic Beverage Control Authority unless they hold such license. The bill provides that, with the exception of social organizations qualified under § 501(c)(7) of the Internal Revenue Code, all gross receipts attributable to electronic gaming shall be reported to the Department of Agriculture and Consumer Services (the Department) and shall be subject to application, audit, and administration fees. Under the provisions of the bill, social organizations that are exempt from taxation pursuant to § 501(c)(7) of the Internal Revenue Code are permitted to conduct electronic gaming until such organizations reach \$200,000 in electronic gaming adjusted gross receipts, defined in the bill, during any 12-month period. Such organizations are required to report their adjusted gross receipts to the Department and are subject to application, audit, and administration fees based on their adjusted gross receipts. The bill provides that application fees shall be paid to the Department by the qualified organization and that audit fees may be paid to the Department either by the qualified organization or the electronic gaming manufacturer that provides electronic gaming devices to such organization. The bill imposes on any person or organization conducting charitable gaming without a permit a civil penalty of not less than \$25,000 and not more than \$50,000 per incident. Finally, the bill sets out via a second enactment provisions that require qualified organizations permitted to conduct electronic gaming to report and pay all required fees to the Department based on such organization's electronic gaming adjusted gross receipts. The provisions of the first enactment of the bill requiring the use of a qualified organization's electronic gaming gross receipts for the purpose of reporting and payment of required fees has an expiration date of July 1, 2024. The provisions of the second enactment of the bill requiring the use of a qualified organization's electronic gaming adjusted gross receipts for the purpose of reporting and payment of required fees has a delayed effective date of July 1, 2024. This bill is identical to HB 763. This bill received Governor's recommendations.

*Patron - Reeves*

**P SB675 Criminal history record information check required to sell firearm; exception for purchase of service weapon.** Provides that the purchase of a service weapon by a retired law-enforcement officer is not subject to a criminal history record information check.

*Patron - Reeves*

**P SB687 Abuse and neglect; financial exploitation; incapacitated adults; penalties.** Changes the term "incapacitated adult" to "vulnerable adult" for the purposes of the crime of abuse and neglect of such adults and defines "vulnerable adult" as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or



legal interests. The bill also changes the term "person with mental incapacity" to the same meaning of "vulnerable adult" for the purposes of the crime of financial exploitation. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. This bill incorporates SB 126 and is identical to HB 496.

*Patron - Mason*

**[P] SB700 Covering a security camera in a correctional facility; penalty.** Provides that any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera, as defined in the bill, without the permission of the sheriff, jail superintendent, warden, or Director of the Department of Corrections or Department of Juvenile Justice is guilty of a Class 1 misdemeanor. The bill also provides that any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera with the intent of inhibiting or preventing a security camera from recording or transmitting a photograph, motion picture, or other digital image of the commission of a felony is guilty of a Class 6 felony. This bill is identical to HB 1332.

*Patron - DeSteph*

**[P] SB729 Catalytic converters; penalties.** 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 involves the breaking, injuring, tampering with, or removal of a catalytic converter or the parts thereof. The bill also provides that prosecution for such felony is a bar to a prosecution or proceeding under the Code section prohibiting the injuring, etc., of any property, monument, etc., for the same act. Current law makes such violation a Class 1 misdemeanor.

Additionally, the bill requires that the copies of the documentation that scrap metal purchasers are required to maintain for purchases of catalytic converters or the parts thereof (i) establish that the person from whom they purchased the catalytic converter or the parts thereof had lawful possession of it at the time of sale or delivery and (ii) detail the scrap metal purchaser's diligent inquiry into whether the person selling had a legal right to do so. The bill also requires that such documentation be maintained for at least two years after the purchase and that copies be made available upon request to any law-enforcement officer, conservator of the peace, or special conservator of the peace in the performance of his duties who presents his credentials at the scrap metal purchaser's normal business location during normal business hours. This bill incorporates SB 41 and is identical to HB 740.

*Patron - Ruff*

**[P] SB758 Selling or possessing switchblade.** Eliminates the prohibition for selling, bartering, giving, furnishing, or possessing with the intent of selling, bartering, giving, or furnishing a switchblade.

*Patron - Pillion*

## Failed

**[F] HB10 Fees for resident concealed handgun permits.** Eliminates the fees that may be charged for the processing of an application for or issuing of a resident concealed

handgun permit, including any costs associated with the clerk's consultation with law-enforcement agencies.

*Patron - Anderson*

**[F] HB11 Concealed handgun permits; penalties.** Changes the penalty for a first violation of carrying a concealed weapon without a permit from a Class 1 misdemeanor to a civil penalty of not more than \$100, a second violation from a Class 6 felony to a Class 2 misdemeanor, and a third or subsequent violation from a Class 5 felony to a Class 1 misdemeanor. The bill also provides that a person, unless otherwise disqualified, shall not be precluded from applying for a concealed handgun permit during the pendency of the proceedings for a violation. If such person is issued a valid concealed handgun permit while a charge for a violation is pending, he may offer such permit to the court, and the court may dismiss the charge.

*Patron - Anderson*

**[F] HB14 Purchase of handguns; limitation on handgun purchases.** Removes the prohibition on any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period. Current law makes it a Class 1 misdemeanor for a violation of this provision, subject to certain exemptions.

*Patron - Anderson*

**[F] HB23 Carrying dangerous weapon to place of religious worship; repeal.** Repeals the prohibition on the carrying of dangerous weapons in a place of worship without good and sufficient reason while a meeting for religious purposes is being held at such place.

*Patron - Walker*

**[F] HB51 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] HB77 Illegal gambling; exceptions; internet poker; private residence.** Exempts from the definition of "illegal gambling" participation in a game of internet poker, defined in the bill, conducted in a private residence, provided such private residence is not commonly used for internet poker games and there is no operator. The bill contains technical amendments.

*Patron - Davis*

**[F] HB89 Disorderly conduct; students in grades kindergarten through grade eight.** Provides that the crime of disorderly conduct shall not apply to any student in grades kindergarten through eight if the disorderly conduct occurred on the property of any elementary or secondary school, on a school bus, or at any activity conducted or sponsored by any elementary or secondary school. Current law provides that dis-



orderly conduct shall not apply to any elementary or secondary school student in such locations and at such activities.

*Patron - Walker*

**[F] HB107 Larceny and certain property crimes; penalties.** Decreases from \$1,000 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill decreases the threshold by the same amount for the classification of certain property crimes. The bill also provides that a person convicted of petit larceny, which is punishable as a Class 1 misdemeanor, shall be subject to a mandatory minimum term of confinement of 10 days in jail if the larceny was of a package delivered to a residence.

The bill also 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 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 \$500 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 \$500 remains a Class 1 misdemeanor.

*Patron - McGuire*

**[F] HB108 Felony homicide; certain drug offenses; penalties.** Provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another person and such other person's use of the controlled substance results in his death, regardless of the time or place death occurred in relation to the commission of the underlying felony. The bill provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. The bill also provides that if a person gave or distributed a Schedule I or II controlled substance only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility, or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he is guilty of a Class 5 felony.

*Patron - McGuire*

**[F] HB123 Destroying or tampering with firefighting or emergency medical services equipment or law-enforcement vehicles and equipment; 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 vehicle used by emergency medical services personnel or law-enforcement officers.

*Patron - Wyatt*

**[F] HB133 Possession of firearms or other weapons on school property.** Removes preschools and licensed child day centers that are not operated at the residence of the provider or of any of the children from the list of schools where possessing a firearm or other weapon on school property or on a school bus is prohibited.

*Patron - Cherry*

**[F] HB144 Charitable gaming; definition of organization.** Adds to the list of organizations permitted to conduct charitable gaming organizations that are exempt from income tax pursuant to § 501(c)(7) of the Internal Revenue Code and are operated, and have always been operated, exclusively to provide scholarships to local schools and other community assistance.

*Patron - Wiley*

**[F] HB188 Carrying dangerous weapon to place of religious worship; repeal.** Repeals the prohibition on the carrying of dangerous weapons in a place of worship without good and sufficient reason while a meeting for religious purposes is being held at such place.

*Patron - McGuire*

**[F] HB204 Sale and transfer of firearms; criminal history record information check delay.** Decreases from five business days to three 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 third business day, the dealer may complete the sale or transfer without being deemed in violation.

*Patron - Wachsmann*

**[F] HB212 Provision of abortion; right to informed consent.** Requires physicians and authorized nurse practitioners to follow certain procedures and processes to effect a pregnant woman's informed written consent prior to the performance of an abortion.

*Patron - Greenhalgh*

**[F] HB247 Grand larceny and certain property crimes; threshold; penalty.** Decreases from \$1,000 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill decreases the threshold by the same amount for the classification of certain property crimes.

*Patron - Ransone*

**[F] HB257 Virginia State Crime Commission; stakeholder work group to create a common definition of human trafficking.** Directs the Virginia State Crime Commission to convene a stakeholder work group to create a common definition of human trafficking that may be used in the Code of Virginia and recognized by local and state agencies.

*Patron - Simonds*

**[F] HB288 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] HB292 Concealed handgun permits; demonstration of competence.** Removes the requirement that concealed handgun permit applicants demonstrate competence with a handgun by completing an in-person course and adds the

option for applicants to demonstrate competence by completing an electronic, video, or online course conducted by a state-certified or National Rifle Association-certified firearms instructor.

*Patron - Freitas*

**[F] HB299 Purchase of handguns; limitation on handgun purchases.** Removes the prohibition on any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period. Current law makes it a Class 1 misdemeanor for a violation of this provision, subject to certain exemptions.

*Patron - Freitas*

**[F] HB304 Abortion; born alive infant; treatment and care; penalty.** Requires every health care provider licensed by the Board of Medicine who attempts to terminate a pregnancy to (i) exercise the same degree of professional skill, care, and diligence to preserve the life and health of an infant who has been born alive following such attempt as a reasonably diligent and conscientious health care practitioner would render to any other child born alive at the same gestational age and (ii) take all reasonable steps to ensure the immediate transfer of the infant who has been born alive to a hospital for further medical care. A health care provider who fails to comply with the requirements of this act is guilty of a Class 4 felony and may be subject to disciplinary action by the Board of Medicine. The bill also requires every hospital licensed by the Department of Health to establish a protocol for the treatment and care of an infant who has been born alive following performance of an abortion and for the immediate reporting to law enforcement of any failure to provide such required treatment and care.

*Patron - Freitas*

**[F] HB325 Reporting lost or stolen firearms; civil penalty.** Repeals the requirement that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 48 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. Under current law, a violation is punishable by a civil penalty of not more than \$250.

*Patron - Freitas*

**[F] HB334 Unlawful dissemination of sexually explicit visual material to another; penalty.** Provides that any person 18 years of age or older who knowingly transmits sexually explicit visual material by computer or other electronic means to another person 18 years of age or older when such other person has not requested or consented to the transmittal of such material or has expressly forbidden the transmittal of such material is subject to a civil penalty of not more than \$250 for a first offense and not more than \$500 for a second or subsequent offense.

*Patron - Convirs-Fowler*

**[F] HB345 Robbery.** Conforms certain provisions of the Code referencing robbery to the degrees of robbery offenses established by Chapter 534 of the Acts of Assembly of 2021, Special Session I. These changes include: (i) limiting certain non-robbery crimes for which committing such crime with the intent to commit a robbery is an element to the offenses to the two higher degrees of robbery, (ii) allowing persons convicted of the two lesser degrees of robbery to be eligible for conditional release if they are terminally ill and for the enhanced earned sentence credits, (iii) allowing persons who are ineligible for parole as a result of being convicted of three certain enumerated offenses to be eligible for parole if convicted of an offense that would constitute any of the three lesser degrees of

robbery, (iv) limiting the application of the three-strikes law to the two higher degrees of robbery and making persons convicted under the three-strikes law eligible for parole if one of the three convictions resulting in the mandatory life sentence would constitute one of the two lesser degrees of robbery, and (v) specifying that persons convicted of either of the two higher degrees of robbery while on administrative furlough or released for work release are ineligible for further furlough or work release and that persons convicted of such offenses are ineligible for home/electronic incarceration. The bill leaves unchanged the current law making all degrees of robbery predicate criminal acts by adding the two lesser degrees of robbery to the definition of "predicate criminal act" and adding the two higher degrees of robbery to the definition of "act of violence."

*Patron - Watts*

**[F] HB361 Allowing access to, purchase for, or provision of marijuana to minors; penalties.** Clarifies that it is a Class 1 misdemeanor for any person who cultivates marijuana plants for personal use to recklessly allow unauthorized access to such marijuana plants by a person younger than 21 years of age.

The bill provides that any person who purchases marijuana or marijuana products for, or otherwise gives, provides, or assists in the provision of marijuana or marijuana products to, another person when he knows or has reason to know that such person is younger than 21 years of age, except by any federal, state, or local law-enforcement officer when possession of marijuana or marijuana products is necessary in the performance of his duties, is guilty of a Class 1 misdemeanor. The bill also removes marijuana from the types of drugs for which distribution to a person under the age of 18 is a felony punishable by a period not less than 10 nor more than 50 years, and a fine not more than \$100,000 with the possibility of mandatory minimum sentences. Such provisions shall not become effective if the corresponding provisions of Chapters 550 and 551 of the Acts of Assembly of 2021, Special Session I, are reenacted by the 2022 Session of the General Assembly.

*Patron - Watts*

**[F] HB366 Assault and battery; penalties.** Provides that a simple assault or 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 by a juvenile who has not been previously convicted of or proceeded against informally or adjudicated delinquent for an offense that would be a felony if committed by an adult is punishable as a Class 1 misdemeanor. Currently, any such offense is punishable as a Class 6 felony, with a mandatory minimum term of confinement of six months. The bill also provides that any person charged with such offense who has been diagnosed by a psychiatrist or clinical psychologist with a mental illness, developmental disability, or intellectual disability and the violation was caused by or had a direct and substantial relationship to the person's mental illness or disability, then such person is guilty of a Class 1 misdemeanor.

*Patron - Watts*

**[F] HB399 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 with a major component, as defined in the bill, that when subjected to inspection by the types of detection devices, including X-ray machines, commonly used at airports for security screening does not generate an image that accurately depicts the shape of the component.

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 knowingly possess, transport, or receive an unfinished frame or receiver unless the party possessing or receiving the unfinished frame or receiver is a federal firearms importer, manufacturer, or dealer or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by a federal firearms importer, manufacturer, or dealer and (ii) for any person to knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver unless the party selling, offering to sell, transferring, or purchasing the unfinished frame or receiver is a federal firearms importer, manufacturer, or dealer or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by a federal firearms importer, manufacturer, or dealer. The provisions related to the prohibition for possessing, transporting, or receiving an unfinished frame or receiver have a delayed effective date of January 1, 2023.

*Patron - Simon*

**[F] HB413 Minor victims of sex trafficking; services.** Provides that a minor engaged in prostitution or keeping, residing in, or frequenting a bawdy place shall not be proceeded upon as delinquent and shall be referred to the local department of social services for an assessment and services.

*Patron - Delaney*

**[F] HB417 Carrying concealed weapons; members of the United States Armed Forces; permit not required.** Provides that current members of the United States Armed Forces are not required to obtain a concealed handgun permit in order to carry a concealed weapon.

*Patron - Ballard*

**[F] HB513 Carrying a firearm or explosive material within Capitol Square and the surrounding area, into building owned or leased by the Commonwealth, etc.; penalty.** Repeals the prohibition on carrying a 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 any agency thereof are regularly present for the purpose of performing their official duties. Current law makes it a Class 1 misdemeanor for any person to carry a firearm or explosive material within these areas, subject to certain exceptions, including 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.

*Patron - March*

**[F] HB554 Larceny of a catalytic converter; penalty.** Provides that any person who conspires, confederates, or combines with another to commit larceny or counsels, assists, aids, or abets another in the performance of a larceny of a catalytic converter from a motor vehicle where the value of such catalytic converter is less than \$1,000 is guilty of a Class 1 misdemeanor.

*Patron - Hayes*

**[F] HB578 Victim of sex trafficking; affirmative defense; writ of vacatur; minors.** Makes changes to the definitions of victim of sex trafficking used for the purposes of the issuance of a writ of vacatur and the affirmative defense avail-

able to victims of sex trafficking to include a minor charged with, convicted, or adjudicated delinquent of a qualifying offense in the Commonwealth who committed such offense while younger than 18 years of age.

*Patron - Convors-Fowler*

**[F] HB590 Storage of firearms in residence where minor present; penalty.** Requires any person who possesses a firearm in a residence where such person knows or reasonably should know that a minor under 18 years of age is present to store such firearm unloaded in a locked container, compartment, or cabinet, and to store all ammunition in a separate locked container, compartment, or cabinet. The bill requires that the key or combination to such locked containers, compartments, or cabinets be inaccessible to minors. The bill provides that a violation is a Class 1 misdemeanor, and, in a case where there is more than one firearm stored in violation of these provisions, each firearm shall constitute a separate Class 1 misdemeanor. The bill exempts any person in lawful possession of a firearm who exercises immediate control, defined in the bill, and when the firearm is an antique firearm.

*Patron - VanValkenburg*

**[F] HB597 Concealed handgun permits; penalties.** Changes the penalty for a first violation of carrying a concealed weapon without a permit from a Class 1 misdemeanor to a civil penalty of not more than \$100, a second violation from a Class 6 felony to a civil penalty of not more than \$500, and a third or subsequent violation from a Class 5 felony to a civil penalty of not more than \$1,000. The bill also provides that a person, unless otherwise disqualified, shall not be precluded from applying for a concealed handgun permit during the pendency of the proceedings for a violation. If such person is issued a valid concealed handgun permit while a charge is pending, he may offer such permit to the court and the court may dismiss the charge.

*Patron - Scott, D.L.*

**[F] HB612 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 committed on or after July 1, 2022, 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 provides that, for the purposes of the offense of possession of controlled substances, the term "controlled substance" does not include mere residue of any drug, substance, or immediate precursor in Schedules I through VI that is not a usable quantity or a countable dosage unit.

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 for an offense 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. The bill contains technical amendments.

*Patron - Hudson*

**[F] HB613 Arrest and prosecution of individual experiencing a mental health emergency; assault or assault and battery against a law-enforcement officer.** Provides that no individual shall be subject to arrest or prosecution for an assault or assault and battery against a law-enforcement officer if at the time of the assault or assault and battery (i) the individual (a) is experiencing a mental health emergency or (b) meets the criteria for issuance of an emergency custody order and (ii) the law-enforcement officer subject to the assault or assault and battery was responding to a call for service requesting assistance for such individual. The bill provides that no law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution.

*Patron - Bourne*

**[F] HB619 Possession of controlled substances; residue.** Provides that for the purposes of the crime of possession of controlled substances, "controlled substance" does not include mere residue of any substance that is not a usable quantity or a countable dosage unit.

*Patron - Hudson*

**[F] HB661 Capital murder; death penalty for the willful, deliberate, and premeditated killing of a law-enforcement officer.** Authorizes punishment by death for the willful, deliberate, and premeditated killing of a law-enforcement officer.

*Patron - Wampler*

**[F] HB672 Sexual abuse of animals; penalty.** Provides that any person who knowingly (i) engages in sexual contact with an animal; (ii) causes another person by force, threat, or intimidation to engage in sexual contact with an animal; (iii) advertises, solicits, offers, sells, purchases, or possesses an animal with the intent that the animal be subject to sexual contact; (iv) permits sexual contact with an animal to be conducted on any premises under his ownership or control; (v) produces, distributes, publishes, sells, transmits, finances, possesses with the intent to distribute, publish, sell, or transmit, or makes any attempt to produce, distribute, publish, sell, transmit, or finance an obscene item depicting a person engaged in sexual contact with an animal is guilty of a Class 6 felony. The bill also provides that any person convicted of sexual abuse of an animal may be prohibited from possessing, owning, or exercising control over any animal for a period of up to five years and may be ordered to attend an appropriate treatment program or obtain psychiatric or psychological counseling.

*Patron - Hope*

**[F] HB686 Death of the parent or guardian of a child resulting from driving under the influence; child support.** Provides that in any case where a person was convicted of involuntary manslaughter as a result of driving a motor vehicle or operating a watercraft under the influence where the victim was the parent or legal guardian of a child, the person who has

custody of such child may petition the sentencing court to order that the defendant pay child support.

*Patron - Kory*

**[F] HB744 Killing the fetus of another; manslaughter; penalties.** Provides that any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter, which is punishable as a Class 5 felony. The bill also provides that any person who kills the fetus of another accidentally, contrary to the intention of the parties and while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life, is guilty of involuntary manslaughter, which is also punishable as a Class 5 felony.

*Patron - Bell*

**[F] HB776 Abortion; born alive human infant; treatment and care; penalty.** Requires every physician licensed by the Board of Medicine who attempts to terminate a pregnancy to (i) exercise the same degree of professional skill, care, and diligence to preserve the life and health of a human infant who has been born alive following such attempt as a reasonably diligent and conscientious health care practitioner would render to any other child born alive at the same gestational age and (ii) take all reasonable steps to ensure the immediate transfer of the human infant who has been born alive to a hospital for further medical care. A physician who fails to comply with the requirements of this act is guilty of a Class 4 felony and may be subject to disciplinary action by the Board of Medicine. The bill also requires every hospital licensed by the Department of Health to establish a protocol for the treatment and care of a human infant who has been born alive following performance of an abortion and for the immediate reporting to law enforcement of any failure to provide such required treatment and care.

*Patron - Williams*

**[F] HB924 Limitation on handgun purchases; exemptions; penalty.** Adds a federal law-enforcement officer to the list of those exempted from the prohibition on purchasing more than one handgun in a 30-day period.

*Patron - Batten*

**[F] HB929 Transfer of certain firearms; criminal history record information check; exemption.** Provides that persons who hold a federal firearms license Type 03 - Collector of Curios and Relics are exempt from the criminal history record information check requirements to purchase certain firearms.

*Patron - Batten*

**[F] HB940 Illegal gambling; definition.** Eliminates certain provisions from the definition of illegal gambling regarding the making, placing, or receipt of any bet or wager of money or other consideration or thing of value to include the purchase of a product, Internet access, or other thing made in exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device. The bill also eliminates certain provisions from the definition of gambling device.

*Patron - Edmunds*

**[F] HB983 Provision of abortion; abortion on the basis of genetic disorder, sex, or ethnicity prohibited; penalty.** Removes from the list of persons who can perform first trimester abortions any person jointly licensed by the Board of Medicine and Nursing as a nurse practitioner acting within such person's scope of practice. The bill adds procedures and processes, including the performance of an ultrasound, required to effect a pregnant person's informed written consent

to the performance of an abortion. The bill adds language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals. The bill also provides that a person who performs an abortion with knowledge that the abortion is sought solely and exclusively on account of a genetic disorder, the sex, or the ethnicity of the unborn child is guilty of a Class 4 felony.

*Patron - Scott, P.A.*

**[F] HB1014 Charitable gaming; exemptions from certain requirements for specified organizations.** Exempts qualified organizations that reasonably expect, on the basis of prior charitable gaming annual results or any other quantifiable method, to realize gross receipts of \$15,000 or less from all charitable gaming other than raffles, conducted on a total of no more than seven days per calendar year, from the requirements to (i) notify the Department of Agriculture and Consumer Services (the Department) of their intention to conduct such charitable gaming or (ii) comply with the regulations of the Charitable Gaming Board. Under current law, only qualified organizations that reasonably expect to realize gross receipts of \$40,000 or less from raffles in any 12-month period are exempt from these requirements. The bill provides that any qualified organization may sell instant bingo, pull tabs, or seal cards that are dispensed by mechanical equipment only, provided that the sale is limited to two events of no more than 14 days each per calendar year. Under current law, only athletic associations or booster clubs or band booster clubs may sell instant bingo, pull tabs, or seal cards at a single event in a calendar year. Finally, the bill prohibits the Department from requiring a qualified organization that realizes annual gross receipts of \$15,000 or less to file a report of its receipts and disbursements.

*Patron - Runion*

**[F] HB1048 Death of the parent or guardian of a child resulting from driving under the influence; child support.** Provides that in any case where a person was convicted of involuntary manslaughter as a result of driving a motor vehicle or operating a watercraft under the influence where the victim was the parent or legal guardian of a child, the person who has custody of such child may petition the sentencing court to order that the defendant pay child support.

*Patron - Scott, P.A.*

**[F] HB1051 Protective orders; possession of firearms.** Allows a person subject to a protective order to continue to possess any firearm while in his place of residence that was possessed by such person at the time of service, provided that he is not otherwise prohibited by law from possessing a firearm. The bill removes the requirement that any person subject to a protective order must surrender his firearms within 24 hours of being served with a protective order.

*Patron - Scott, P.A.*

**[F] HB1096 Law-enforcement officers; retired law-enforcement officers; carrying a firearm or explosive material within Capitol Square and the surrounding area.** Exempts any law-enforcement officer from the prohibition on carrying a firearm or explosive material within the Capitol of Virginia and Capitol Square and the surrounding area. The bill further allows any law-enforcement officer or qualified retired law-enforcement officer to carry a firearm or explosive material within any building owned or leased by the Commonwealth or any agency thereof, or any office where employees of the Commonwealth or agency thereof are regularly present to perform their official duties. Under current law, a law-enforcement officer is exempted only while acting in the conduct of his official duties, and a retired law-enforcement officer is limited to carrying a firearm while visiting a gun range

owned or leased by the Commonwealth. The bill also clarifies that "Capitol Square and the surrounding area" as defined in current law does not include any public road or highway.

*Patron - Ballard*

**[F] HB1123 Illegal gambling and unlawful gaming; Illegal Gambling and Unlawful Gaming Investigation Unit; penalties.** Increases criminal penalties for various violations of illegal gambling and unlawful gaming. The bill also establishes the Illegal Gambling and Unlawful Gaming Investigation Unit (the Unit) within the Department of State Police. The bill establishes the Illegal Gambling and Unlawful Gaming Fund for the purpose of funding the activities of the Unit.

*Patron - Campbell, J.L.*

**[F] HB1150 Commercial sex trafficking, prostitution, etc.; mistake of age defense.** Provides that a defendant's ignorance of the victim's age, the victim's misrepresentation of his age, or the defendant's belief that the victim was an adult shall not be raised as a defense in a prosecution for certain crimes related to commercial sex trafficking and prostitution involving a minor victim.

*Patron - Mundon King*

**[F] HB1166 Carrying a firearm or explosive material within Capitol Square and the surrounding area, into building owned or leased by the Commonwealth, etc.; penalty.** Repeals the prohibition on carrying a 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 any agency thereof are regularly present for the purpose of performing their official duties. Current law makes it a Class 1 misdemeanor for any person to carry a firearm or explosive material within these areas, subject to certain exceptions, including 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.

*Patron - Fariss*

**[F] HB1182 Fraud-related crimes; penalties.** Creates felony offenses for crimes related to wire fraud, mail fraud, bank fraud, and health care fraud, each described in the bill, punishable by a term of imprisonment of not less than one nor more than 20 years.

*Patron - Mullin*

**[F] HB1213 Minor victims of sex trafficking; arrest and prosecution; services.** Provides that no minor shall be subject to arrest, delinquency charges, or prosecution for (i) a status offense, (ii) an act that would be a misdemeanor if committed by an adult, or (iii) an act that would be a felony if committed by an adult other than a violent juvenile felony if the minor (a) is a victim of sex trafficking or severe forms of trafficking and (b) committed such offense as a direct result of being solicited, invited, recruited, encouraged, forced, intimidated, or deceived by another to engage in acts of prostitution or unlawful sexual intercourse for money or its equivalent, regardless of whether any other person has been charged or convicted of an offense related to the sex trafficking of such minor. The bill also clarifies that it is not a defense to a commercial sex trafficking charge where the adult committed such violation with a person under 18 years of age that such person under 18 years of age consented to any of the prohibited acts. The bill also provides that the local department of social services shall refer any child suspected or determined to be a vic-

tim of sex trafficking to an available victim assistance organization that provides comprehensive trauma-informed services designed to alleviate the adverse effects of trafficking and victimization and to aid in the child's healing, including assistance with case management, placement, access to educational and legal services, and mental health services.

*Patron - Glass*

**[F] HB1214 Damage to motor vehicles; catalytic converter; 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, and provides that any person found in possession of a catalytic converter that has been detached from a motor vehicle shall be presumed to have committed larceny of the catalytic converter unless such person (i) is an authorized scrap seller or (ii) has in his possession documentation establishing that such person lawfully possesses the catalytic converter. 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. For the purposes of determining whether there is damage of \$1,000 or more, the bill provides that the cost of any replacement part or parts of any vehicle, aircraft, boat, or vessel and any additional cost necessary to install such replacement part or parts shall be included in the cost of the damage.

The bill also requires a scrap metal purchaser, when purchasing proprietary articles from a person who is not an authorized scrap seller, to (a) make copies of the documentation received from the seller establishing the seller lawfully possesses the proprietary articles and keep such copies with the permanent ledger maintained at the scrap metal purchaser's place of business and (b) after purchasing a proprietary article from a person, submit a report to the local sheriff's department or the chief of police describing the proprietary article and including a copy of the seller's identifying information and documentation that the seller lawfully possessed such article.

*Patron - Carr*

**[F] HB1230 Conducting charitable gaming; location requirement.** Removes the requirement, with regard to the sale of instant bingo, pull tabs, or seal cards and the conduct of bingo games, that a qualified organization conduct such forms of charitable gaming in the county, city, or town in which its principal office, as registered with the State Corporation Commission, is located or in an adjoining county, city, or town.

*Patron - Robinson*

**[F] HB1274 Pain-Capable Unborn Child Protection Act; penalty.** Creates the Pain-Capable Unborn Child Protection Act. The Act prohibits an abortion after 20 weeks gestation unless, in reasonable medical judgment, the mother has a condition that so complicates her medical condition as to necessitate the abortion to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function. When an abortion is not prohibited post-20 weeks' gestation, the physician or authorized nurse practitioner is required to terminate the pregnancy in a manner

that would provide the unborn child the best opportunity to survive. The bill punishes performance of an abortion in violation of the Act as a Class 6 felony. The bill also provides for civil remedies against a physician or authorized nurse practitioner who performs an abortion in violation of the Act.

*Patron - Freitas*

**[F] HB1331 Retrieving hunting dogs, falcons, hawks, or owls.** Prohibits a person who has been convicted of trespassing or trespassing to hunt, fish, or trap on posted lands from going on prohibited lands to retrieve a hunting dog, falcon, hawk, or owl without the written permission of the landowner or his agent. A violation of the provisions of the bill is a Class 4 misdemeanor and a person found guilty shall have the allowance to retrieve revoked for five years.

*Patron - Edmunds*

**[F] HB1335 Possession of firearm, child day center; license exempt facility.**

*Patron - Wilt*

**[F] HB1344 Right of certain hunters to go on lands of another.** Creates exceptions to the prohibition on hunters carrying firearms or bows and arrows on their persons or hunting any game while thereon if (i) their dog is in immediate danger or (ii) they obtained prior permission from the landowner or his agent. The bill also provides that, prior to going on prohibited lands to retrieve his dog during legal, daylight hunting hours, if the land is so posted, a hunter shall attempt to contact the landowner by phone, text, or email using contact information that is clearly provided on such posted signs.

*Patron - Edmunds*

**[F] HB1349 Abortion; born alive human infant; treatment and care; penalty.** Requires every physician licensed by the Board of Medicine who attempts to terminate a pregnancy to (i) exercise the same degree of professional skill, care, and diligence to preserve the life and health of a human infant who has been born alive following such attempt as a reasonably diligent and conscientious health care practitioner would render to any other child born alive at the same gestational age and (ii) take all reasonable steps to ensure the immediate transfer of the human infant who has been born alive to a hospital for further medical care. A physician who fails to comply with the requirements of this act is guilty of a Class 4 felony and may be subject to disciplinary action by the Board of Medicine. The bill also requires every hospital licensed by the Department of Health to establish a protocol for the treatment and care of a human infant who has been born alive following performance of an abortion and for the immediate reporting to law enforcement of any failure to provide such required treatment and care.

*Patron - LaRock*

**[F] HB1356 Selling, giving, or distributing fentanyl; penalties.** Provides that any person who sells, gives, or distributes a substance he knows or should know contains two milligrams or more of any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers to another person without such persons' knowledge that the substance sold, given, or distributed contains fentanyl, then he is guilty of attempted murder of the second degree. The bill also provides that if such sale, gift, or distribution results in the death of the other person from his use of the substance containing fentanyl, then the person who sold, gave, or distributed the substance is guilty of murder of the second degree. The bill also makes it a felony punishable by not less than five nor more than 40 years, three years of which are a mandatory minimum, and a fine not to exceed \$1 million for a person to transport into the Common-

wealth by any means with intent to sell or distribute 100 milligrams or more of fentanyl.

*Patron - Anderson*

**[F] SB41 Larceny of a catalytic converter; penalty.** Provides that any person who conspires, confederates, or combines with another to commit larceny or counsels, assists, aids, or abets another in the performance of a larceny of a catalytic converter from a motor vehicle where the value of such catalytic converter is less than \$1,000 is guilty of a Class 1 misdemeanor. This bill was incorporated into SB 729.

*Patron - Spruill*

**[F] SB61 Firearms; concealed carry for law-enforcement officers, attorneys for the Commonwealth, and judges; exceptions to certain prohibited activities.** Provides that any (i) active law-enforcement officer, (ii) qualified retired law-enforcement officer, (iii) attorney for the Commonwealth or assistant attorney for the Commonwealth, (iv) qualified retired attorney for the Commonwealth or retired assistant attorney for the Commonwealth, (v) judge or justice of the Commonwealth, or (vi) retired judge or retired justice of the Commonwealth may carry a concealed weapon about his person, hidden from common observation. The bill also permits such law-enforcement officers, retired law-enforcement officers, attorneys for the Commonwealth or assistant attorneys for the Commonwealth, qualified retired attorneys for the Commonwealth or retired assistant attorneys for the Commonwealth, judges or justices of the Commonwealth, and retired judges or justices of the Commonwealth to carry a firearm in many of the areas where firearms are prohibited from being carried.

*Patron - Hackworth*

**[F] SB75 Carrying a firearm or explosive material within Capitol Square and the surrounding area, into building owned or leased by the Commonwealth, etc.; penalty.** Repeals the prohibition on carrying a 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 any agency thereof are regularly present for the purpose of performing their official duties. Current law makes it a Class 1 misdemeanor for any person to carry a firearm or explosive material within these areas, subject to certain exceptions, including 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.

*Patron - Chase*

**[F] SB79 Class 1 felonies; mandatory minimum term of imprisonment for life.** Provides that any person convicted of a Class 1 felony who was 18 years of age or older at the time of the offense and is not determined to be a person with intellectual disability shall be sentenced to a mandatory minimum term of imprisonment for life.

*Patron - Stanley*

**[F] SB104 Elimination of mandatory minimum sentences; modification of sentence to mandatory minimum term of confinement for felony offenses; report.** Except for aggravated murder of a law-enforcement officer, 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 and to report its findings by November 1, 2022.

*Patron - Morrissey*

**[F] SB122 Killing the fetus of another; manslaughter; penalties.** Provides that any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter, which is punishable as a Class 5 felony. The bill also provides that any person who kills the fetus of another accidentally, contrary to the intention of the parties and while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life, is guilty of involuntary manslaughter, which is also punishable as a Class 5 felony.

*Patron - Obenshain*

**[F] SB126 Abuse and neglect; financial exploitation; incapacitated adults; penalties.** Changes the term "incapacitated adult" to "vulnerable adult" for the purposes of the crime of abuse and neglect of such adults and defines "vulnerable adult" as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, advanced age, or other causes to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or legal interests. The bill adds the definition of "advanced age" as it is used in the definition of "vulnerable adult" to mean 65 years of age or older. The bill also changes the term "person with mental incapacity" to the same meaning of "vulnerable adult" for the purposes of the crime of financial exploitation. This bill is a recommendation of the Virginia Criminal Justice Conference and is incorporated into SB 687.

*Patron - Obenshain*

**[F] SB155 Killing the fetus of another; manslaughter; penalties.** Provides that any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter, which is punishable as a Class 5 felony. The bill also provides that any person who kills the fetus of another accidentally, contrary to the intention of the parties and while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life, is guilty of involuntary manslaughter, which is also punishable as a Class 5 felony.

*Patron - Hanger*

**[F] SB175 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 30 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. Current law requires the child to be delivered within the first 14 days of the child's life at such hospital or emergency medical services agency. This bill was incorporated into SB 63.

*Patron - Peake*



**[F] SB228 Use of communications systems to facilitate certain offenses involving children; consecutive sentence; penalty.** Provides that any mandatory minimum term of imprisonment imposed for violating the electronic solicitation of a minor statute shall be served consecutively with any other sentence.

*Patron - Obenshain*

**[F] SB240 Newspersons crossing established police lines; exemption.** Clarifies that a credentialed newsperson shall be exempt from the offense of crossing or remaining within police lines or barricades unless such persons are obstructing police, firefighters, or emergency medical services personnel in the performance of their duties within such police lines or barricades.

*Patron - Hashmi*

**[F] SB252 Elimination of mandatory minimum sentences; modification of sentence to mandatory minimum term of confinement for felony offenses; report.** Except for aggravated murder of a law-enforcement officer, 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 and to report its findings by November 1, 2022.

*Patron - Edwards*

**[F] SB262 Possession of psilocybin; civil penalty.** Provides that any person 21 years of age or older who knowingly or intentionally possesses psilocybin or psilocyn shall be punished by a civil penalty of no more than \$100 and such civil penalties shall be deposited into the Drug Offender Assessment and Treatment Fund. Under current law, a person who knowingly or intentionally possesses psilocybin or psilocyn is guilty of a Class 5 felony.

*Patron - Hashmi*

**[F] SB310 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 with a major component, as defined in the bill, that when subjected to inspection by the types of detection devices, including X-ray machines, commonly used at airports for security screening does not generate an image that accurately depicts the shape of the component. The bill updates language regarding the types of detection devices that are used at airports for detecting plastic firearms. The bill also creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, making it unlawful for any person to knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver unless the party selling, offering to sell, transferring, or purchasing the unfinished frame or receiver is a federal firearms importer, manufacturer, or dealer or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by a federal firearms importer, manufacturer, or dealer.

*Patron - Ebbin*

**[F] SB323 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] SB330 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 - Reeves*

**[F] SB364 Purchase of handguns; limitation on handgun purchases.** Removes the prohibition on any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period. Current law makes it a Class 1 misdemeanor for a violation of this provision, subject to certain exemptions.

*Patron - Reeves*

**[F] SB379 Capital murder; death penalty for the willful, deliberate, and premeditated killing of a law-enforcement officer.** Authorizes punishment by death for the willful, deliberate, and premeditated killing of a law-enforcement officer.

*Patron - DeSteph*

**[F] SB411 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 for an offense 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 countable dosage unit. The bill contains technical amendments.

*Patron - Morrissey*



**[F] SB413 Persons charged with first offense drug possession; probation.** Requires a court to defer proceedings and place a defendant on probation if such defendant is charged with possession of a controlled substance and qualifies under the first offender statute. Under current law, a court has discretion to defer proceedings and place such defendant on probation.

*Patron - Morrissey*

**[F] SB453 Assault and battery; persons diagnosed with autism spectrum disorder, intellectual disability, or mental illness; penalties.** Provides that any person charged with a simple assault and battery offense who has been diagnosed by a psychiatrist or clinical psychologist with an autism spectrum disorder, an intellectual disability, or serious mental illness and the violation was caused by or had a direct and substantial relationship to the person's disorder or disability shall not be subject to mandatory minimum punishment. Under current law, certain simple assault and battery offenses carry a mandatory minimum punishment when such offenses are committed against certain groups of people.

*Patron - Boysko*

**[F] SB531 Certain crimes committed while participating in a riot; civil action for damages caused during a riot or unlawful assembly; affirmative defense; reduction in law-enforcement agency operating budget; penalty.** Creates a civil action for damages caused during a riot or unlawful assembly if a person with the lawful authority to direct a law-enforcement agency uses that authority to prohibit law-enforcement officers from taking action that would prevent or materially mitigate significant bodily injury, death, or damage or destruction of property caused by or related to a riot or unlawful assembly. The bill also creates an affirmative defense in a civil action for wrongful death or injury to a person or property that such action arose from injury or damage sustained by a participant in furtherance of a riot. If such affirmative defense is raised, the court shall, upon the defendant's motion, stay the proceedings during the pendency of the criminal proceedings.

This bill also directs that any locality that reduces the operating budget of its local law-enforcement agency shall (i) receive no appropriation in the general appropriation act for highway system maintenance and operations or for maintenance and operation of roads; (ii) receive no allocation of highway funds for roads within such locality; and (iii) receive no payments for maintenance, construction, or reconstruction of highways.

The bill also makes it a Class 1 misdemeanor to (a) electronically publish another person's personal identifying information with the intent to (1) incite violence or commit a crime against such other person or (2) threaten or harass such other person in a manner as to place the person in reasonable fear of bodily harm; (b) maliciously block access to any business; (c) maliciously obstruct a highway; and (d) injure, destroy, or tamper with a conspicuously marked law-enforcement vehicle. Additionally, this bill makes it a Class 6 felony to commit an assault and battery while participating in a riot and to interfere with a conspicuously marked law-enforcement vehicle occupied by a law-enforcement officer with the intent to prevent a law-enforcement officer from performing his official duties.

*Patron - DeSteph*

**[F] SB536 Trespass by hunters; penalty.** Increases from a Class 4 misdemeanor to a Class 1 misdemeanor the penalty for the crime of trespassing while hunting, and increases from a Class 3 misdemeanor to a Class 1 misdemeanor the pen-

alty for a first violation of the crime of trespassing while hunting with dogs.

*Patron - Marsden*

**[F] SB566 Charitable gaming; enforcement and penalties.** Strengthens the penalties that may be imposed for violations of charitable gaming law, allows for an action for pretrial levy or seizure or an attachment for a defendant who violates any provision of charitable gaming law, and requires the Department of State Police to assist the Virginia Department of Agriculture and Consumer Services in the conduct of investigations of charitable gaming violations.

*Patron - McDougale*

**[F] SB639 Arrest and prosecution when experiencing or reporting overdoses.** Clarifies that the immunity afforded to the seeking of emergency help for an overdose also applies to a show cause order.

*Patron - Morrissey*

**[F] SB642 Preliminary analysis of breath to determine alcoholic content of blood; failure to advise person of rights.** Provides that if a police officer or a member of any sheriff's department fails to adequately advise a person of his rights to refuse a preliminary breath test, any preliminary breath test sample shall not be admissible for the purpose of determining probable cause.

*Patron - Morrissey*

**[F] SB643 Removing, altering, etc., serial number on firearm; selling, giving, etc., or possessing firearm with removed, altered, etc., serial number; penalty.** Makes it a Class 1 misdemeanor for any person, firm, association, or corporation to knowingly possess any pistol, shotgun, rifle, machine gun, or any other firearm, except for an antique firearm, that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner. The bill also makes it a Class 6 felony for any person, firm, association, or corporation to knowingly sell, give, or distribute any pistol, shotgun, rifle, machine gun, or other firearm, except for an antique firearm, that has a serial number that has been removed, defaced, altered, changed, destroyed, or obliterated in any manner.

*Patron - Ebbin*

**[F] SB644 Criminal history record information check required to sell firearm; exception for concealed handgun permit.** Provides that a person may sell a firearm through a private sale to another person if the sale of a firearm is to a person who (i) has a valid Virginia resident concealed handgun permit, (ii) produces the permit to the seller at the time of sale, and (iii) is not prohibited under state or federal law from possessing a firearm.

*Patron - Hackworth*

**[F] SB645 Criminal proceedings; evidence of defendant's mental condition.** Repeals provisions permitting 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, 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 also removes provisions permitting a court to issue an emergency custody order in cases where such evidence was admitted and repeals provisions requiring the Office of the Executive Secretary of the Supreme Court to collect data regarding the cases that use such evidence.

*Patron - Cosgrove*

**[F] SB664 Minor victims of sex trafficking; services.** Provides that a minor engaged in prostitution or keeping, residing in, or frequenting a bawdy place shall not be proceeded upon as delinquent and shall be referred to the local department of social services for an assessment and services.

*Patron - Petersen*

**[F] SB665 Reckless driving; involuntary manslaughter.** Increases the punishment for every person convicted of reckless driving who, when he committed the offense, caused the death of another as the sole and proximate result of his reckless driving. The bill states that such person is guilty of involuntary manslaughter, punishable as a Class 5 felony. Under current law, the punishment is a Class 6 felony provided that such person who was driving recklessly was also driving without a valid operator's license due to a suspension or revocation for a moving violation.

*Patron - Petersen*

**[F] SB710 Pain-Capable Unborn Child Protection Act; penalty.** Creates the Pain-Capable Unborn Child Protection Act. The Act prohibits an abortion after 20 weeks gestation unless, in reasonable medical judgment, the mother has a condition that so complicates her medical condition as to necessitate the abortion to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function. When an abortion is not prohibited post-20 weeks' gestation, the physician or authorized nurse practitioner is required to terminate the pregnancy in a manner that would provide the unborn child the best opportunity to survive. The bill punishes performance of an abortion in violation of the Act as a Class 6 felony. The bill also provides for civil remedies against a physician or authorized nurse practitioner who performs an abortion in violation of the Act.

*Patron - Chase*

## Carried Over

**[C] HB713 Family abuse; coercive control; penalty.** Makes it a Class 1 misdemeanor for a person to engage in coercive control, defined in the bill, of a family or household member. The bill also includes coercive control in the definition of "family abuse" used for the basis of the issuance of family abuse protective orders.

*Patron - Keam*

**[C] HB898 Possession of certain naturally occurring hallucinogens or psychoactive substances; civil penalty.** Provides that any person 21 years of age or older who knowingly or intentionally possesses peyote, ibogaine, psilocybin, or psilocyn shall be punished by a civil penalty of no more than \$100 and such civil penalties shall be deposited into the Drug Offender Assessment and Treatment Fund. Under current law, a person who knowingly or intentionally possesses such substances is guilty of a Class 5 felony.

*Patron - Adams, D.M.*

**[C] HB993 Unlawful hazing; penalty.** Makes the crime of hazing a Class 5 felony if such hazing results in death or serious bodily injury to any person. The crime of hazing that does not result in death or serious bodily injury remains a Class 1 misdemeanor. The bill also provides an affirmative defense for hazing if a person in good faith seeks or obtains emergency medical attention for a person who has received a bodily injury by hazing or renders emergency care or assistance, including cardiopulmonary resuscitation (CPR), to a person who has

received a bodily injury by hazing while another person seeks or obtains emergency medical attention for such person.

*Patron - Murphy*

**[C] HB1078 Limitations on use or transfer of firearms.** Provides that certain provisions related to the sale or transfer of firearms do not prohibit the lawful transfer of firearms between certain family members. The bill also removes the brandishing of a firearm in such manner as to reasonably induce fear in the mind of another while assembled with one or more persons for the purpose of and with the intent to intimidate any person or group of persons from actions constituting the offense of unlawful paramilitary activity.

*Patron - Cordoza*

**[C] HB1306 Removing, altering, etc., serial number on firearm; selling, giving, etc., or possessing firearm with removed, altered, etc., serial number; penalty.** Makes it a Class 1 misdemeanor for any person, firm, association, or corporation to knowingly possess any pistol, shotgun, rifle, machine gun, or any other firearm that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner. The bill also makes it a Class 1 misdemeanor for any person, firm, association, or corporation to sell, give, or distribute any pistol, shotgun, rifle, machine gun, or other firearm that has a serial number that has been removed, defaced, altered, changed, destroyed, or obliterated in any manner. The bill contains a reenactment clause.

*Patron - Simon*

**[C] SB269 Carrying a firearm or explosive material within Capitol Square and the surrounding area; exceptions for law-enforcement officers.** Adds an exception for off-duty law-enforcement officers and retired law-enforcement officers to the prohibition of carrying a firearm within Capitol Square and the surrounding area, any building owned or leased by the Commonwealth or any agency thereof, or any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties.

*Patron - Edwards*

**[C] SB440 Unlawful hazing; penalty.** Provides immunity for arrest and prosecution for hazing and involuntary manslaughter if a person in good faith seeks or obtains emergency medical attention for a person who has received a bodily injury by hazing or renders emergency care or assistance, including cardiopulmonary resuscitation (CPR), to a person who has received a bodily injury by hazing while another person seeks or obtains emergency medical attention for such person. The bill also clarifies that a prosecution of a hazing violation shall not preclude prosecution under any other statute. The bill also provides that the attorney for the Commonwealth may file a petition for mandamus or injunction against the president or other presiding official of any school or institution of higher education receiving appropriations from the state treasury seeking to enforce the required disciplinary and notifications provisions associated with acts of hazing.

*Patron - Boysko*

**[C] SB757 Fraud-related crimes; penalties.** Creates felony offenses for crimes related to wire fraud, mail fraud, bank fraud, and health care fraud, each described in the bill, punishable by a term of imprisonment of not less than one nor more than 20 years.

*Patron - Lewis*

# Criminal Procedure

## Passed

**P HB404 Admission into evidence of certain forensic medical examination reports by sexual assault nurse examiners and sexual assault forensic examiners; testimony by two-way video conferencing.** Allows testimony offered by either party in a preliminary hearing or sentencing hearing, or offered by the accused in any hearing other than a trial, by a sexual assault nurse examiner or sexual assault forensic examiner who performed a forensic medical examination to be presented by two-way video conferencing. The bill also allows such testimony to be presented by two-way video conferencing when offered by either party in a trial or by the attorney for the Commonwealth in a hearing other than a preliminary hearing or sentencing hearing, with the consent of the court and all parties.

*Patron - Delaney*

**P HB422 Writ of actual innocence; previously unknown or unavailable nonbiological evidence; contents and form of petition.** Changes the provision requiring that a petitioner petitioning for a writ of actual innocence based on previously unknown or unavailable nonbiological evidence allege that such evidence is such as could not, by the exercise of diligence, have been discovered or obtained before the expiration of 21 days following entry of the final order of conviction or adjudication of delinquency by the circuit court to instead require that the petitioner allege such evidence could not have been discovered or obtained before the conviction or adjudication of delinquency became final in the circuit court.

*Patron - Herring*

**P HB663 Mandatory outpatient treatment.** Reorganizes and clarifies provisions governing mandatory outpatient treatment. The bill also eliminates provisions allowing for a single order for a period of involuntary inpatient treatment followed by a period of mandatory outpatient treatment and instead requires entry of separate orders for involuntary inpatient and mandatory outpatient treatment in all cases. The bill has a delayed effective date of October 1, 2022. This bill received Governor's recommendations.

*Patron - Hope*

**P HB671 Permanent protective orders; Hope Card Program created.** Requires the Office of the Executive Secretary of the Supreme Court of Virginia to develop and all district courts and circuit courts to implement the Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a permanent protective order by any district court or circuit court. The bill provides that a Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing, to the extent possible, essential information about the protective order, such as the identifying information and characteristics of the person subject to the protective order, the issuance and expiration date of the protective order, the terms of the protective order, and the names of any other persons protected by the protective order.

*Patron - Hope*

**P HB711 Writ of vacatur; victims of sex trafficking; payment of fees or costs.** Provides that a petitioner for a writ of vacatur for victims of sex trafficking shall not be required to pay any fees or costs for filing such petition if the petitioner is found to be unable to pay them.

*Patron - Keam*

**P HB719 Physical evidence recovery kits; victim's right to notification; storage.** Provides that for a physical evidence recovery kit that (i) was collected by the Office of the Chief Medical Examiner as part of a routine death investigation and the medical examiner and the law-enforcement agency agree that analysis is not warranted, (ii) was determined by the law-enforcement agency not to be connected to a criminal offense, or (iii) is connected to an offense that occurred outside of the Commonwealth or another law-enforcement agency has taken over responsibility of the investigation and such kit is not transferred to another law-enforcement agency, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The bill provides that after the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit, or in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time. The bill also provides that when a state or local law-enforcement agency located within the Commonwealth has taken over responsibility for the investigation related to the physical evidence recovery kit, unless one of the other exceptions for submitting such kit to the Department of Forensic Science applies, the physical evidence recovery kit shall be transferred to such law-enforcement agency and such law-enforcement agency shall submit the physical evidence recovery kit to the Department of Forensic Science within 60 days of receipt from the original receiving law-enforcement agency.

The bill also requires the law-enforcement agency to inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider and the personal identification number required to view the status of the physical evidence recovery kit and provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known. This bill is identical to SB 658.

*Patron - Filler-Corn*

**P HB738 Competency to stand trial; order for evaluation or treatment; copy to the Department of Behavioral Health and Developmental Services.** Provides that whenever a court orders an evaluation of a defendant's competency to stand trial, the clerk of the court shall provide a copy of the order to the Department of Behavioral Health and Developmental Services. This bill is identical to SB 691.

*Patron - Bell*

**P HB756 Bail for a person accused of a crime that is an act of violence; notice to attorney for the Commonwealth.** Requires a magistrate to transmit within 24 hours a copy of the checklist for bail determination form to the attorney for the Commonwealth when a magistrate conducts a bail hearing for a person arrested on a warrant or capias for an act of violence. The bill also provides that transmission of such copy to the attorney for the Commonwealth may be by facsimile or other electronic means. This bill is identical to SB 614.

*Patron - Adams, L.R.*

**P HB813 Acquisition of certain military property by law-enforcement agencies.** Changes the limitation on the acquisition or purchase of military property by a law-enforcement agency from firearms of .50 caliber or higher to rifles of .50 caliber or higher and from ammunition of .50 caliber or

higher to rifle ammunition of .50 caliber or higher. This bill is identical to SB 328.

*Patron - Williams*

**[P] HB1282 Sharing of forfeited assets; promoting law enforcement.** Specifies that the forfeited property and assets paid to the state treasury into a special fund of the Department of Criminal Justice Services that shall be made available to federal, state, and local agencies to promote law enforcement may include expenditures to strengthen the relationships between the community and law enforcement, encourage goodwill between the community and law enforcement, or promote cooperation with law enforcement.

*Patron - Glass*

**[P] HB1318 Probation violation guidelines; use of sentencing revocation report and discretionary sentencing guidelines in revocation proceedings.** Authorizes the Virginia Sentencing Commission to develop, maintain, and modify a system of statewide discretionary sentencing guidelines for use in hearings conducted in circuit courts in which the defendant is cited for violation of a condition or conditions of supervised probation imposed as a result of a felony conviction. The bill provides that a court would be presented with such guidelines when a defendant is cited for violating a condition or conditions of supervised probation imposed as a result of a felony conviction and such person is under the supervision of a state probation and parole officer. This bill is identical to SB 424.

*Patron - Adams, L.R.*

**[P] SB102 Criminal acts committed during a close pursuit; arrest warrant.** Provides that if a law-enforcement officer makes an arrest without a warrant when in close pursuit and such arrest is made beyond the boundary of the county or city from which the arrestee fled, then the law-enforcement officer shall procure a warrant from the magistrate serving the county or city wherein the arrest was made, charging the accused with the offense committed in the county or city from which he fled and any offense committed during the close pursuit in the county or city where such offense was committed. Under current law, such officer would not be able to obtain a warrant from the magistrate serving the county or city wherein the arrest was made for a criminal act committed during the close pursuit beyond the boundary of the county or city from which the arrestee fled.

*Patron - Hanger*

**[P] SB191 Compensation of experts in criminal cases.** Increases from \$750 to \$1,200 the maximum fee that the court may pay for professional services rendered by each psychiatrist, clinical psychologist, or other expert appointed by the court to render professional service in a criminal case other than for aggravated murder cases.

*Patron - Mason*

**[P] SB198 Disposition when defendant found incompetent; involuntary admission of the defendant.** Provides that in cases where the defendant has been charged with a misdemeanor larceny-related offense or a misdemeanor offense for trespassing, destruction of property, intoxication in public, disorderly conduct, or failure to appear and is found to be incompetent following a competency evaluation, the competency report may recommend that the court direct the community services board or behavioral health authority to (i) conduct an evaluation to determine whether the defendant meets the criteria for temporary detention and (ii) upon determining that the defendant does meet the criteria for temporary detention, file a petition for issuance of an order for temporary detention of the defendant. Similarly, the bill provides that, in cases in which a defendant has been charged with one of the listed misdemean-

ors, is found to be incompetent, and the competency report recommends that the defendant be temporarily detained, the court may dismiss the charges without prejudice and, in lieu of ordering that the defendant receive treatment to restore his competency, order the community services board or behavioral health authority to conduct an evaluation of the defendant and if the board or authority determines that the defendant meets the criteria for temporary detention, file a petition for issuance of an order for temporary detention. The bill provides that the court shall not dismiss such charges and enter such order if the attorney for the Commonwealth is involved in the prosecution of the case and does not concur in the motion. Under current law, the court is required to order that the defendant receive treatment to restore his competency. The bill also clarifies the process following the completion of the competency evaluation of a defendant. The bill has an expiration date of July 1, 2023.

*Patron - Mason*

**[P] SB227 Misdemeanor sexual offenses where the victim is a minor; statute of limitations; penalty.** Provides that the prosecution of the misdemeanor offense of causing or encouraging acts rendering children delinquent where the alleged adult offender has consensual sexual intercourse with a minor who is 15 years of age or older at the time of the offense shall be commenced no later than five years after the victim reaches majority provided that the alleged adult offender was more than three years older than the victim at the time of the offense. Under current law, the prosecution of such offense shall be commenced within one year after commission of the offense.

*Patron - Obenshain*

**[P] SB295 Responsibilities of local pretrial services officers; behavioral health dockets.** Provides that a local pretrial services officer may facilitate the referral to screening for a defendant to be placed in a behavioral health docket as a treatment service.

*Patron - Deeds*

**[P] SB297 Stay of debt collection activities by health care providers; prohibited practice under Virginia Consumer Protection Act.** Provides that any health care provider that undertakes any debt collection activities prior to either the issuance of an award or the determination that a claim is non-compensable by the Criminal Injuries Compensation Fund has committed a prohibited practice under the Virginia Consumer Protection Act. This bill was vetoed by the Governor.

*Patron - Deeds*

**[P] SB392 Copies of orders to counsel.** Provides that the clerk of the court shall provide a copy of the appointment order of a qualified expert to an indigent defendant or his attorney and to the appointed expert. The bill also provides that the chief judge of each juvenile and domestic relations district court may provide for an alternative means of copying and distributing certain juvenile investigative reports or evaluations to counsel.

*Patron - Surovell*

**[P] SB404 Search warrants; copy of search warrant and affidavit given to occupants.** Clarifies that if the owner of the place to be searched is not present, a copy of the search warrant and affidavit shall be given to at least one adult occupant of the place to be searched.

*Patron - Stuart*

**[P] SB408 Transmission of sentencing documents to the Department of Health Professions and Department of Behavioral Health and Developmental Services.** Provides

that after the pronouncement of sentence, if the court is aware that the defendant is registered, certified, or licensed by a health regulatory board or holds a multistate licensure privilege, or is licensed by the Department of Behavioral Health and Developmental Services, and the defendant has been convicted of a felony, crime involving moral turpitude, or crime that occurred during the course of practice for which such practitioner or person is licensed, the court shall order the clerk of the court to transmit certified copies of sentencing documents to the Director of the Department of Health Professions or to the Commissioner of Behavioral Health and Developmental Services.

*Patron - Dunnivant*

**[P] SB424 Probation violation guidelines; use of sentencing revocation report and discretionary sentencing guidelines in revocation proceedings.** Authorizes the Virginia Sentencing Commission to develop, maintain, and modify a system of statewide discretionary sentencing guidelines for use in hearings conducted in circuit courts in which the defendant is cited for violation of a condition or conditions of supervised probation imposed as a result of a felony conviction. The bill provides that a court would be presented with such guidelines when a defendant is cited for violating a condition or conditions of supervised probation imposed as a result of a felony conviction and such person is under the supervision of a state probation and parole officer. This bill is identical to HB 1318.

*Patron - Edwards*

**[P] SB464 Witness summons in a criminal matter; requirements.** Requires the attorney for the Commonwealth to file with the clerk of the court a copy of any witness subpoena and to provide a copy of such subpoena to any defendant or attorney for the defendant in the pending criminal matter. This bill was vetoed by the Governor.

*Patron - Surovell*

**[P] SB614 Bail for a person accused of a crime that is an act of violence; notice to attorney for the Commonwealth.** Requires a magistrate to transmit within 24 hours a copy of the checklist for bail determination form to the attorney for the Commonwealth when a magistrate conducts a bail hearing for a person arrested on a warrant or capias for an act of violence. The bill also provides that transmission of such copy to the attorney for the Commonwealth may be by facsimile or other electronic means. This bill is identical to HB 756.

*Patron - Stanley*

**[P] SB658 Physical evidence recovery kits; victim's right to notification; storage.** Provides that for a physical evidence recovery kit that (i) was collected by the Office of the Chief Medical Examiner as part of a routine death investigation and the medical examiner and the law-enforcement agency agree that analysis is not warranted, (ii) was determined by the law-enforcement agency not to be connected to a criminal offense, or (iii) is connected to an offense that occurred outside of the Commonwealth or another law-enforcement agency has taken over responsibility of the investigation and such kit is not transferred to another law-enforcement agency, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The bill provides that after the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit, or in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time. The bill also provides that when a state or local law-enforcement agency located within the Commonwealth has taken over responsibility for the investigation related to the physical evidence recovery

kit, unless one of the other exceptions for submitting such kit to the Department of Forensic Science applies, the physical evidence recovery kit shall be transferred to such law-enforcement agency and such law-enforcement agency shall submit the physical evidence recovery kit to the Department of Forensic Science within 60 days of receipt from the original receiving law-enforcement agency.

The bill also requires the law-enforcement agency to inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider and the personal identification number required to view the status of the physical evidence recovery kit and provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known. This bill is identical to HB 719.

*Patron - McClellan*

**[P] SB691 Competency to stand trial; order for evaluation or treatment; copy to the Department of Behavioral Health and Developmental Services.** Provides that whenever a court orders an evaluation of a defendant's competency to stand trial, the clerk of the court shall provide a copy of the order to the Department of Behavioral Health and Developmental Services. This bill is identical to HB 738.

*Patron - Mason*

## Failed

**[F] HB47 Violation of the terms and conditions of a suspended sentence or probation; technical violations; penalty.** Removes from the definition of technical violation, used for the purposes of limiting the amount of active incarceration a court can impose as a result of a revocation hearing for a probation violation, violations based on a probationer's failure to (i) refrain from the use, possession, or distribution of controlled substances or related paraphernalia; (ii) refrain from the use, ownership, possession, or transportation of a firearm; (iii) gain permission to change his residence or remain in the Commonwealth or other designated area without permission of the probation officer; or (iv) maintain contact with the probation officer whereby his whereabouts are no longer known to the probation officer. Accordingly, if a court finds that a violation of the terms and conditions of a suspended sentence or probation is based on such no-longer-technical violations, the court may revoke the suspension and impose or resuspend any or all of the period previously suspended.

*Patron - Anderson*

**[F] HB104 Prosecution of felony due to lapse of time; judicial emergency; administrative delays.** Provides that the speedy trial provisions shall be tolled upon a declaration of a judicial emergency. The bill also provides that the speedy trial provisions shall be tolled upon administrative delays resulting from the enactment of Chapter 43 of the Acts of Assembly of 2020, Special Session I, and creates a process by which a party may file a motion for an immediate interlocutory appeal of a trial date set outside of the speedy trial provisions if such trial could not be scheduled due to such administrative delays. The provisions of the bill related to such administrative delays sunset on December 31, 2024.

*Patron - Anderson*

**[F] HB109 Search warrants; execution.** Removes provisions requiring that search warrants for the search of any

place of abode be executed by initial entry of the abode only in the daytime hours between 8:00 a.m. and 5:00 p.m.

*Patron - McGuire*

**[F] HB181 Criminal records; sealing of records; repeal.** Repeals provisions not yet effective allowing for the automatic and petition-based sealing of police and court records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed.

*Patron - Ransone*

**[F] HB265 Multi-jurisdiction grand jury; elder abuse crimes.** Adds the following to the list of crimes that a multi-jurisdiction grand jury may investigate: (i) financial exploitation of mentally incapacitated persons and (ii) abuse and neglect of incapacitated adults.

*Patron - Campbell, R.R.*

**[F] HB279 Criminal records; sealing of records by petition; criteria.** Removes the requirement that a petitioner has not previously obtained the sealing of two other deferrals or convictions arising out of different sentencing events from the criteria that must be met for the court to enter an order requiring the sealing of the criminal history record information and court records related to certain convictions or charges that have been deferred or dismissed. The bill also adds convictions for driving on a suspended license and driving without a valid license to the list of convictions eligible for automatic sealing. Currently, such offenses are eligible for sealing upon petition. Also, for sealing of misdemeanor offenses by petition, the bill reduces from seven years to five years the period for which the person shall not have been convicted of any offense in order to be eligible for such sealing. The bill also specifies that the sealing of records related to a conviction includes the sealing of any criminal history record information and court records related to any violation of the terms and conditions of a suspended sentence or probation for such conviction.

*Patron - Coyner*

**[F] HB280 Modification of sentence for marijuana-related offenses.** Creates a process by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2021, who remain incarcerated or on community supervision on July 1, 2022, may receive an automatic hearing to consider modification of such person's sentence. The provisions of the bill sunset on July 1, 2024.

*Patron - Coyner*

**[F] HB322 Criminal records; sealing of records.** Makes changes to the sealing provisions as they shall become effective pursuant to Chapters 524 and 542 of the 2021 Acts of Assembly, Special Session I, related to the types of offenses eligible to be sealed by petition. The bill limits such offenses eligible for sealing by petition to convictions for a Class 2, 3, or 4 misdemeanor and deferral and dismissals of misdemeanor offenses, Class 5 or 6 felonies, or felony larceny-related offenses. Under the related provisions as they shall become effective pursuant to Chapters 524 and 542, a person convicted of or who has had a charge deferred and dismissed for a misdemeanor offense, Class 5 or 6 felony, or felony larceny-related offense is eligible to petition to have such conviction or charge sealed. The bill also changes the provisions related to criminal penalties for disclosure of sealed records to require proof that such disclosure was done maliciously and intentionally and reduces the penalty for such violation to a Class 1 misdemeanor. Under the related provisions as they shall become effective pursuant to Chapters 524 and 542, disclosure of such

records done willfully is a Class 1 misdemeanor and disclosure done maliciously and intentionally is a Class 6 felony.

*Patron - Campbell, J.L.*

**[F] HB343 Barrier crimes; removing offenses involving possession, use, manufacturing, etc., of controlled substances.** Removes nonviolent offenses involving the possession, use, manufacturing, distributing, selling, etc., of controlled substances from the list of crimes that constitute a barrier to employment.

*Patron - Subramanyam*

**[F] HB369 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, 2022, 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, 2023.

*Patron - Williams Graves*

**[F] HB375 Fines and costs; period of limitations on collection.** Changes the period of limitations for the collection of court fines and costs from within 60 years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court or within 30 years if imposed by a general district court to within three years from the date of the judgment whether imposed by a circuit court or general district court. The bill also states that upon the expiration of the period of limitations, the fines imposed and costs taxed are extinguished and there shall be no right to collect the debt and that the period of limitations shall not be extended or revived on account of a partial payment; a written or verbal affirmation of any fines, monetary penalties, or costs; or a change in collection methods.

*Patron - Williams Graves*

**[F] HB415 Criminal cases; sentencing by jury.** Provides that if a jury finds a person guilty of a criminal offense, such jury shall ascertain the punishment of the offense. Under current law, unless the accused has requested that the jury ascertain punishment, the court shall fix punishment after the accused has been found guilty by a jury.

*Patron - Ballard*

**[F] HB423 Writ of actual innocence; previously unknown or unavailable nonbiological evidence; contents and form of petition.** Changes the requirement that a petitioner allege in a writ of actual innocence based on nonbiological evidence previously unknown or unavailable that such previously unknown or unavailable evidence is such as could not, by the exercise of diligence, have been discovered or obtained before the expiration of 21 days following entry of the final order of conviction or adjudication of delinquency by the circuit court to instead require that the petitioner allege such evidence was not discovered or obtained prior to such expiration of 21 days.

*Patron - Herring*

**[F] HB475 Protective orders; petition; human trafficking and sex trafficking; penalty.** Adds to the definitions of "family abuse" and "act of violence, force, or threat" used in the protective order provisions that acts of violence, force, or threat include acts in furtherance of human trafficking or commercial sex trafficking. The bill also allows a minor to petition

for a protective order on his own behalf without the consent of a parent or guardian and without doing so by next friend.

*Patron - Murphy*

**[F] HB499 Regular grand jury; provisions for court reporter; use and disposition of notes, tapes, and transcriptions.** Provides that a court reporter shall be provided for a regular grand jury to record, manually or electronically, and transcribe all oral testimony taken before a regular grand jury, but such reporter shall not be present during any stage of its deliberations. The bill provides that the foreman shall cause the notes, tapes, and transcriptions of the court reporter to be sealed, the container dated and delivered to the court, and that the court shall cause the sealed container to be kept safely. The bill provides for certain circumstances in which the court may authorize disclosure of such sealed notes, tapes, and transcriptions.

*Patron - Mullin*

**[F] HB501 Discovery in criminal cases; copies of discovery for the accused.** Provides that for any discovery materials or evidence that the accused is permitted to inspect and review, the accused may request the Commonwealth to copy or photograph such discovery materials or evidence, and the Commonwealth shall provide such copies or photographs to the accused or his counsel.

*Patron - Mullin*

**[F] HB503 Bail in subsequent proceeding arising out of initial arrest.** Provides that any person who was previously admitted to bail shall be granted bail and have the terms of bond or recognizance fixed in the amount or manner consistent with the prior admission to bail, but if the court having jurisdiction of the subsequent proceeding believes bail is inappropriate, or the amount of bond or security inadequate or excessive, it may deny bail, or change the amount of such bond or security, require new and additional sureties, or set other terms of bail as are appropriate to the case. Under current law, any person who was previously admitted to bail is not required to be admitted to bail in any subsequent proceeding arising out of the initial arrest unless the court having jurisdiction of such subsequent proceeding deems the initial amount of bond or security taken inadequate. This bill is a recommendation of the Virginia Criminal Justice Conference.

*Patron - Mullin*

**[F] HB504 Expunged criminal records; use in civil action.** Allows any party to a civil action filed arising out of or relating to a criminal charge wherein criminal records have been expunged or a petition to expunge such records is pending to file a motion for the release of such records for use in such civil action.

*Patron - Mullin*

**[F] HB509 Firearms; removal from persons posing substantial risk; penalties.** Repeals the procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. The bill also removes the substantial risk order registry for the entry of orders issued.

*Patron - March*

**[F] HB576 Stay of debt collection activities by health care providers; prohibited practice under Virginia Consumer Protection Act.** Provides that any health care provider that undertakes any debt collection activities prior to either the

issuance of an award from or the determination that a claim is noncompensable by the Criminal Injuries Compensation Fund has committed a prohibited practice under the Virginia Consumer Protection Act.

*Patron - Hudson*

**[F] HB579 Victims of human trafficking; affirmative defense; writ of vacatur.** Expands the definition of qualifying offense for the purposes of the issuance of a writ of vacatur for victims of commercial sex trafficking and the affirmative defense available to victims of sex trafficking to include a number of additional offenses enumerated in the bill. Current law only allows the issuance of such writ of vacatur or the use of such affirmative defense for convictions and adjudications of delinquency or charges for prostitution and keeping, residing in, or frequenting a bawdy place. The bill also changes the term "victim of sex trafficking" to "victim of human trafficking" as used in reference to such writ of vacatur and affirmative defense and adds to the definition of "victim of human trafficking" any person subjected to human trafficking, as defined in the bill, and any person who committed such offense while younger than 18 years of age. For the purposes of the issuance of the writ of vacatur, the bill also provides that there shall be a rebuttable presumption that a petitioner is a victim of human trafficking if the petitioner provides official government documentation of the petitioner's status as a victim of human trafficking at the time of the qualifying offense. The bill also states that a petitioner for a writ of vacatur shall not be required to pay any fees or costs for filing such petition if the petitioner is found to be unable to pay fees or costs.

*Patron - Conviars-Fowler*

**[F] HB594 Magistrates; appointment and supervision.** Gives supervisory control over the magistrate system to the chief circuit court judge and the Committee on District Courts and abolishes magisterial regions. Under current law, the Executive Secretary of the Virginia Supreme Court exercises such authority with a provision for consultation with the chief judges of the circuit courts in the region where the appointment is made.

*Patron - Scott, D.L.*

**[F] HB620 Interest on fines and costs in criminal cases and traffic infractions.** Eliminates the accrual of interest on any fine or costs imposed in a criminal case or in a case involving a traffic infraction. The bill provides that any such fine or costs that have accrued interest prior to July 1, 2022, shall cease to accrue interest on July 1, 2022, and any unpaid interest that has accrued on such fine or costs shall be automatically waived.

*Patron - Hudson*

**[F] HB660 Search warrants; execution.** Removes provisions requiring that search warrants for the search of any place of abode be executed by initial entry of the abode only in the daytime hours between 8:00 a.m. and 5:00 p.m.

*Patron - Wampler*

**[F] HB662 Multi-jurisdiction grand jury; elder abuse crimes.** Adds the following to the list of crimes that a multi-jurisdiction grand jury may investigate: (i) financial exploitation of mentally incapacitated persons and (ii) abuse and neglect of incapacitated adults.

*Patron - Wampler*

**[F] HB758 Probation, revocation, and suspension of sentence; penalty.** Makes changes to the definition of a technical violation as it pertains to the revocation of suspension of sentence and probation. The bill also provides that upon a first technical violation, if the court originally suspended the im-



sition of sentence, the court shall revoke such suspension and again suspend all of this sentence and upon a second or subsequent violation, the court may pronounce whatever sentence might have been originally imposed. The bill also specifies that a violation of a term or condition included in the definition of technical violation shall not be considered a special or specific term or condition for sentencing purposes.

The bill also provides that the court may fix the period of probation and the period of suspension for up to the statutory maximum period for which the defendant might originally have been sentenced to be imposed for any felony offense and up to two years for an offense punishable as a Class 1 or Class 2 misdemeanor. Currently, the limitation on periods of probation and periods of suspension is up to the statutory maximum period of imprisonment for any offense.

The bill also adds the offense of crimes against nature committed on or after July 1, 2022, to the list of offenses for which if some period of the sentence for such offense is suspended, the judge is required to order that period of suspension be for the length of time equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned.

*Patron - Adams, L.R.*

**[F] HB760 Limitation on sentence upon revocation of suspension of sentence; technical violations; penalty.** Specifies that a violation of the terms and conditions of a suspended sentence or probation based on a defendant's failure to refrain from the use, possession, or distribution of a Schedule I or II controlled substance shall not be considered a technical violation. Accordingly, a court is not subject to the limitations on the amount of active incarceration it can impose as a result of a revocation hearing based on such violation and may revoke the suspension and impose or resuspend any or all of the period previously suspended. Currently, a defendant's failure to refrain from the use, possession, or distribution of any controlled substance or paraphernalia is a technical violation.

*Patron - Adams, L.R.*

**[F] HB794 Criminal proceedings; evidence of defendant's mental condition.** Repeals provisions permitting 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, 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 also removes provisions permitting a court to issue an emergency custody order in cases where such evidence was admitted and repeals provisions requiring the Office of the Executive Secretary of the Supreme Court to collect data regarding the cases that use such evidence.

*Patron - Ballard*

**[F] HB797 Community service work in lieu of payment of fines and costs; underpaid work.** Provides that in the program established by a court to provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work, underpaid work, as such term is defined in the bill, is added as an option for earning such credits before, during, or after such person is incarcerated in a state or local correctional facility, provided that such underpaid work is authorized by the court. The bill makes offering such option for community service work or underpaid work mandatory. The bill provides that a person who is performing underpaid work shall be credited at the same rate as the community service work rate less any wages received for the underpaid work. Under current law, a court is required to

establish a program for providing an option for community service work in lieu of payment of fines and costs but offering such option was not mandatory.

*Patron - Price*

**[F] HB799 Fines, costs, forfeitures, penalties, and restitution; collection fees; assessment against incarcerated individuals.** Provides that notwithstanding any other provision of law, no collection fees, including the fees of any private attorneys or collection agencies, administrative fees, or any other fees related to collection activities, shall be assessed for the collection of any fines, costs, forfeitures, penalties, or restitution imposed in a criminal case or in a case involving a traffic infraction (i) for any period during which the defendant is incarcerated and (ii) for a period of 90 days following the date of the defendant's release from incarceration if the sentence includes an active term of incarceration.

*Patron - Price*

**[F] HB805 Barrier crimes.** Eliminates certain crimes from the definition of "barrier crime" and requires the State Board of Behavioral Health and Developmental Services, the Board of Education, the State Board of Health, and the State Board of Social Services to each adopt regulations that develop and implement a waiver process for individuals who have been convicted of a barrier crime and who serve in a position or seek to serve in a position with any qualified entity subject to the regulations of the board. The bill eliminates current exceptions and time limit mandates, as such information is required to be set out in each agency's waiver process. The bill sets out information to be included in the regulations of the individual boards. The bill also directs the Departments of Behavioral Health and Developmental Services, Education, Health, and Social Services to each publish information about the agency's waiver process in an easily accessible format on a website maintained by the department. The bill includes additional requirements for each waiver process, such as if an individual's application for a waiver is denied, the department must state the basis for denial in writing and provide such explanation to the individual. The bill provides that although a waiver granted to an individual by one department shall not be transferrable to a position under another department, proof of receipt of a waiver from one department shall be considered positively by another department when reviewing an application for a waiver. Additionally, each department is required to notify the Department of State Police when a waiver has been granted within 10 days of issuing the decision in writing to the person who was subject to the waiver.

In cases where a waiver has been granted, the bill also prohibits any business screening service from disseminating information regarding the barrier crime conviction that was the subject of such waiver unless it is clearly indicated that the waiver was granted, and the bill sets out a penalty for any business screening service that violates that prohibition. The bill prohibits any qualified entity from discharging or otherwise discriminating against a person for any reason concerning solely the barrier crime conviction that was the subject of a waiver that has been granted. The bill also exempts all documents relating to a waiver application from the Virginia Freedom of Information Act except for an application cover sheet and whether the waiver has been granted or denied or if the application is pending.

Additionally, the bill eliminates the state-level barrier crimes requirements for foster and adoptive parents and provides that a child-placing agency shall not approve a foster or adoptive home if any individual has been convicted of crimes prohibited under federal law or is the subject of a founded complaint of abuse or neglect as maintained in registries pursuant to state

and federal law. The bill has a delayed effective date of the earlier of (i) the first day of the fourth month following notification of the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by the Superintendent of State Police that the Department of State Police has implemented the necessary system upgrades as required by this act or (ii) July 1, 2025; however, the provisions related to foster and adoptive parents become effective on July 1, 2022. The bill requires the Boards of Behavioral Health and Developmental Services, Education, Health, and Social Services to promulgate regulations by December 1, 2024, to implement the provision of the bill. The bill also requires the Secretaries of Education, Health and Human Resources, and Labor to provide recommendations on the development of a navigation system no later than July 1, 2024, for assisting applicants in navigating the waiver processes across each department. Individuals with barrier crime convictions serving in a position pursuant to a currently existing exception, waiver, or screening process that the bill eliminates shall continue to be subject to such exception, waiver, or screening process and shall not be terminated upon enactment of the bill or required to apply for a barrier crime conviction waiver so long as he continues to be employed by the same employer. The bill also permits the boards to have a phased implementation of the regulations not to exceed two years after the bill's enactment in order to prevent overwhelming department resources for receiving applications and to ensure that applications are answered in a timely manner. The bill also directs the Department of State Police to implement any necessary enhancements to the Criminal History and Rap Back Information System by the effective date of the first enactment of this act.

*Patron - Price*

**[F] HB811 Admission to bail; rebuttable presumptions against bail.** Creates a rebuttable presumption against bail for certain criminal offenses enumerated in the bill and for persons identified as being illegally present in the United States by U.S. Immigration and Customs Enforcement who are charged with certain offenses. The bill also provides that a magistrate, clerk, or deputy clerk of a district court or circuit court shall not admit to bail, that is not set by a judge, any person who is charged with an offense giving rise to a rebuttable presumption against bail without the concurrence of an attorney for the Commonwealth. The bill also requires the court to consider specified factors when determining whether the presumption against bail has been rebutted and whether there are appropriate conditions of release.

*Patron - Williams*

**[F] HB812 Admission to bail; rebuttable presumptions against bail.** Creates a rebuttable presumption against bail for certain criminal offenses enumerated in the bill and for persons identified as being illegally present in the United States by U.S. Immigration and Customs Enforcement who are charged with certain offenses. The bill also requires the court to consider specified factors when determining whether the presumption against bail has been rebutted and whether there are appropriate conditions of release.

*Patron - Williams*

**[F] HB862 Supplementing compensation of public defender.** Requires the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of his deputies or employees, above the salary of any such attorney for the Commonwealth, deputy, or employee, to proportionally supplement the compensation of the public defender, or any of his deputies or employees, commensurate with the compensation of the attor-

ney for the Commonwealth, or any of his deputies or employees.

*Patron - Lopez*

**[F] HB866 Misdemeanor; maximum term of confinement.** Reduces the maximum term of confinement in jail for a Class 1 misdemeanor from 12 months to 364 days. The bill contains technical amendments.

*Patron - Lopez*

**[F] HB871 Discovery in criminal cases; copies of discovery for the accused.** Provides that for any discovery materials or evidence that the accused is permitted to inspect and review, the accused may request the Commonwealth to copy or photograph such discovery materials or evidence, and the Commonwealth shall provide such copies or photographs to the accused or his counsel.

*Patron - Lopez*

**[F] HB906 Petition for modification of sentence; eligibility; procedures.** Provides a petition process for a person serving a sentence for any conviction or a combination of any convictions who remains incarcerated in a state or local correctional facility and meets certain criteria to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed.

*Patron - Coyner*

**[F] HB1073 Probation, revocation, and suspension of sentence; penalty.** Repeals the limitations on the amount of active incarceration a court can impose as a result of a revocation hearing for a probation violation or violation of the terms and conditions of a suspended sentence. Under current law, there are limitations on the amount of active incarceration a court can impose for defined technical violations. The bill also removes limitations on the lengths of a period of probation and period of suspension of a sentence that may be fixed by the court. Under current law, 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, with some exceptions. The bill also makes changes to the time periods within which a court must issue process to notify the accused of a revocation hearing.

*Patron - Leftwich*

**[F] HB1165 Nolle prosequi or dismissal without prejudice prior to preliminary hearing; subsequent indictment; depositions.** Provides that if the district court enters a nolle prosequi or grants a dismissal without prejudice upon motion of the attorney for the Commonwealth on a misdemeanor or felony warrant prior to conducting a preliminary hearing and the defendant is subsequently indicted by a grand jury for the same offense, then (i) on the defendant's motion, the case shall be remanded to the district court for a preliminary hearing or (ii) the court may, with the consent of the defendant, direct that the depositions of any witnesses whose testimony would have been relevant in determining probable cause be taken. The bill provides that such depositions shall be taken before a judge of the circuit court in which such indictments were returned, and the judge shall rule upon all questions of evidence and otherwise control the taking of the same as though it were taken in open court.

*Patron - Clark*

**[F] HB1181 Right to counsel; target of investigation.**

Provides that whenever a person is informed in writing by the attorney for the Commonwealth, the Attorney General, or counsel or special counsel for a multi-jurisdiction grand jury or special grand jury that he is the target of a criminal investigation for a criminal offense, the penalty for which may be confinement in the state correctional facility or jail, including charges for revocation of suspension of imposition or execution of sentence or probation, that target may present the written target letter to the clerk of the circuit court to set a hearing for the circuit court to inform him of his right to counsel and provide the target a reasonably opportunity to employ counsel, or if appropriate, execute a statement of indigence. The bill provides that the target letter, statement of indigence, other documents, and proceedings shall be sealed until such time as the target is charged with a criminal offense related to the target letter or until good cause is shown that they be unsealed.

*Patron - Mullin*

**[F] HB1209 Prohibition on use of show-up identification by law-enforcement officers.**

Prohibits the use of a show-up identification by any law-enforcement officer. The bill defines a "show-up identification" as an identification procedure in which an eyewitness is presented with a single suspect or single photograph of a suspect for the purpose of determining whether the eyewitness identifies such suspect as the perpetrator. The bill provides that no evidence discovered or obtained as the result of a show-up identification shall be admissible in any trial, hearing, or other proceeding. The bill also requires the written policy and procedures for conducting in-person and photographic lineups established by Department of State Police and each local police department and sheriff's office to include a prohibition on the use of a show-up identification.

*Patron - Hayes*

**[F] HB1241 Pretrial Intervention and Diversion Program.**

Authorizes the attorney for the Commonwealth for each judicial circuit of the Commonwealth to create and administer a Pretrial Intervention and Diversion Program for the purpose of providing an alternative to prosecuting offenders in the criminal justice system. The bill provides that entry into such program shall be at the discretion of the attorney for the Commonwealth based upon written guidelines and that no attorney for the Commonwealth shall accept any offender into such program for an offense for which punishment includes a mandatory minimum sentence of imprisonment.

*Patron - Avoli*

**[F] HB1242 Probation violations; periods of probation and suspension; technical violations.**

Provides that the court may fix the period of probation and the period of suspension for up to the statutory maximum period for which the defendant might originally have been sentenced to be imposed for any offense; however, the court may fix the period of probation or suspension for up to two years for an offense punishable as a Class 1 or Class 2 misdemeanor if the sentence does not include any active period of incarceration. Currently, the limitation on periods of probation and periods of suspension is up to the statutory maximum period of imprisonment for any offense. The bill also specifies that a probationer's failure to maintain contact with the probation officer without reasonable excuse or justification whereby his whereabouts are no longer known to the probation officer shall not be treated as a technical violation; accordingly, if the court finds the basis of a violation is a probationer's failure to maintain such contact without reasonable excuse or justification, then the court is not subject to the limitations on sentencing and may revoke the suspension

and impose or resuspend any or all of the period previously suspended.

*Patron - Scott, D.L.*

**[F] HB1279 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 or 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 - Anderson*

**[F] HB1281 Custodial interrogations; inauthentic replica documents prohibited.** Prohibits law-enforcement officers from using inauthentic replica documents during a custodial interrogation to secure a person's cooperation or confession or to secure a conviction. "Inauthentic replica document" is defined by the bill as any document generated by law-enforcement officers or their agents that (i) contains a false statement, signature, seal, letterhead, or contact information or (ii) materially misrepresents any fact.

*Patron - Glass*

**[F] HB1292 Right to counsel; target of investigation.**

Provides that whenever a person is informed in writing by the attorney for the Commonwealth, the Attorney General, or counsel or special counsel for a multi-jurisdiction grand jury or special grand jury that he is the target of a criminal investigation for a criminal offense, the penalty for which may be confinement in the state correctional facility or jail, including charges for revocation of suspension of imposition or execution of sentence or probation, that target may present the written target letter to the clerk of the circuit court to set a hearing for the circuit court to inform him of his right to counsel and provide the target a reasonably opportunity to employ counsel, or if appropriate, execute a statement of indigence. The bill provides that the target letter, statement of indigence, other documents, and proceedings shall be sealed until such time as the target is charged with a criminal offense related to the target letter or until good cause is shown that they be unsealed.

*Patron - Williams Graves*

**[F] HB1321 Admission to bail; rebuttable presumptions.** Creates a rebuttable presumption against releasing a person on his own recognizance or an unsecured bond in certain circumstances detailed in the bill. The bill provides that such presumption may be rebutted if the judicial officer finds, by clear and convincing evidence, that such person is not a flight risk and his liberty will not constitute an unreasonable danger to himself, family or household members, or the public. The bill also provides for an appeal, upon notice by the Commonwealth, of a district court's decision to release a person on his own recognizance or an unsecured bond over the presumption.

*Patron - Adams, L.R.*

**[F] SB98 Promise 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 - Hanger*

**[F] SB105 Chapters 45 and 51 of the Acts of Assembly of 2020, Special Session I; retroactive and prospective**

**effect.** Provides that the provisions of Chapters 45 and 51 of the Acts of Assembly of 2020, Special Session I, shall be given retroactive and prospective effect. The bill also provides that its provisions shall not create any cause of action for damages against the Commonwealth or any of its political subdivisions, nor shall it form the basis for relief in any habeas corpus proceeding or appellate proceeding.

*Patron - Morrissey*

**[F] SB123 Criminal cases; sentencing by jury.** Provides that if a jury finds a person guilty of a criminal offense, such jury shall ascertain the punishment of the offense. Under current law, unless the accused has requested that the jury ascertain punishment, the court shall fix punishment after the accused has been found guilty by a jury.

*Patron - Obenshain*

**[F] SB136 Compensation of court-appointed counsel.** Increases the statutory caps for fees paid to court-appointed counsel in indigent cases.

*Patron - Edwards*

**[F] SB137 Sentencing guidelines; written explanation; appeal.** Requires that the written explanation the court files with the record of a case when departing from the sentencing guidelines adequately explains the sentence imposed to promote fair sentencing. The bill also provides that the failure to follow any of the required sentencing provisions, including the failure to provide a written explanation that adequately explains the sentence imposed, shall be reviewable on appeal or may be the basis of any other post-conviction relief. The bill also provides that the failure to provide a written explanation that adequately explains the sentence imposed is error that may constitute a basis for resentencing by the trial judge. Under current law, the failure to follow any or all of the provisions of the sentencing guidelines or the failure to follow any or all of such provisions in the prescribed manner is not reviewable on appeal and cannot be the basis of any other post-conviction relief. The provisions of the bill apply only to those sentencing hearings conducted and such sentences imposed on or after July 1, 2022.

*Patron - Edwards*

**[F] SB138 Discovery in criminal cases; copies of discovery for the accused.** Provides that for any discovery materials or evidence that the accused is permitted to inspect and review, the accused may request the Commonwealth to copy or photograph such discovery materials or evidence, and the Commonwealth shall provide such copies or photographs, electronically or otherwise, to the accused or his counsel.

*Patron - Edwards*

**[F] SB174 Permanent protective orders; contact between petitioner and respondent.** Provides that when issuing a permanent protective order a court may impose certain conditions on the petitioner, including (i) prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) prohibiting such contacts by the petitioner with the respondent or family or household members of the respondent as the court deems necessary for the health or safety of such persons; and (iii) any other relief necessary to prevent (a) acts of violence, force, or threat, (b) criminal offenses that may result in injury to person or property, or (c) communication or other contact of any kind by the petitioner.

*Patron - Peake*

**[F] SB229 Deferred disposition; persons with autism or intellectual disabilities; offenses against minors.** Provides that certain felony offenses, including child pornography,

obscenity, electronic solicitation of a minor, indecent liberties with children, and displaying child pornography or grooming materials to a child, are ineligible for deferred and dismissed disposition where the defendant has been diagnosed with autism or an intellectual disability.

*Patron - Obenshain*

**[F] SB296 Sentencing proceeding by jury after conviction; relevant mitigating evidence.** Provides that relevant evidence that may be admissible by the defendant during the sentencing phase by a jury may include the circumstances surrounding the offense, the history and background of the defendant, and any other facts in mitigation of the offense. The bill also provides various examples of facts in mitigation of the offense. The bill also provides that any relevant evidence and facts in mitigation that may be considered by a jury when ascertainment of punishment by jury has been requested by the accused also may be considered by the court when the court fixes punishment.

*Patron - Deeds*

**[F] SB378 Petition for modification of sentence; eligibility; procedures.** Provides a petition process for a person serving a sentence for any conviction or a combination of any convictions who remains incarcerated in a state or local correctional facility and meets certain criteria to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed.

*Patron - Petersen*

**[F] SB425 Barrier crimes.** Eliminates certain crimes from the definition of "barrier crime" and requires the State Board of Behavioral Health and Developmental Services, the Board of Education, the State Board of Health, and the State Board of Social Services to each adopt regulations that develop and implement a waiver process for individuals who have been convicted of a barrier crime and who serve in a position or seek to serve in a position with any qualified entity subject to the regulations of the board. The bill eliminates current exceptions and time limit mandates, as such information is required to be set out in each agency's waiver process. The bill sets out information to be included in the regulations of the individual boards. The bill also directs the Departments of Behavioral Health and Developmental Services, Education, Health, and Social Services to each publish information about the agency's waiver process in an easily accessible format on a website maintained by the department. The bill includes additional requirements for each waiver process, such as if an individual's application for a waiver is denied, the department must state the basis for denial in writing and provide such explanation to the individual. The bill provides that although a waiver granted to an individual by one department shall not be transferrable to a position under another department, proof of receipt of a waiver from one department shall be considered positively by another department when reviewing an application for a waiver. Additionally, each department is required to notify the Department of State Police when a waiver has been granted within 10 days of issuing the decision in writing to the person who was subject to the waiver.

In cases where a waiver has been granted, the bill also prohibits any business screening service from disseminating information regarding the barrier crime conviction that was the subject of such waiver unless it is clearly indicated that the waiver was granted, and the bill sets out a penalty for any business screening service that violates that prohibition. The bill prohibits any qualified entity from discharging or otherwise discriminating against a person for any reason concerning solely the barrier

crime conviction that was the subject of a waiver that has been granted. The bill also exempts all documents relating to a waiver application from the Virginia Freedom of Information Act except for an application cover sheet and whether the waiver has been granted or denied or if the application is pending.

Additionally, the bill eliminates the state-level barrier crimes requirements for foster and adoptive parents and provides that a child-placing agency shall not approve a foster or adoptive home if any individual has been convicted of crimes prohibited under federal law or is the subject of a founded complaint of abuse or neglect as maintained in registries pursuant to state and federal law. The bill has a delayed effective date of the earlier of (i) the first day of the fourth month following notification of the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by the Superintendent of State Police that the Department of State Police has implemented the necessary system upgrades as required by this act or (ii) July 1, 2025; however, the provisions related to foster and adoptive parents become effective on July 1, 2022. The bill requires the Boards of Behavioral Health and Developmental Services, Education, Health, and Social Services to promulgate regulations by December 1, 2024, to implement the provision of the bill. The bill also requires the Secretaries of Education, Health and Human Resources, and Labor to provide recommendations on the development of a navigation system no later than July 1, 2024, for assisting applicants in navigating the waiver processes across each department. Individuals with barrier crime convictions serving in a position pursuant to a currently existing exception, waiver, or screening process that the bill eliminates shall continue to be subject to such exception, waiver, or screening process and shall not be terminated upon enactment of the bill or required to apply for a barrier crime conviction waiver so long as he continues to be employed by the same employer. The bill also permits the boards to have a phased implementation of the regulations not to exceed two years after the bill's enactment in order to prevent overwhelming department resources for receiving applications and to ensure that applications are answered in a timely manner. The bill also directs the Department of State Police to implement any necessary enhancements to the Criminal History and Rap Back Information System by the effective date of the first enactment of this act.

*Patron - Edwards*

**[F] SB443 Sealing of offenses resulting in a deferred and dismissed disposition or conviction by petition; defendant with a disorder or disability.** Provides that a defendant with a disorder or disability, as defined in the bill, may file a petition that requests the sealing of the criminal history record information and court records of a Class 4 felony conviction or deferred and dismissed disposition. Under current law, Class 4 felony convictions or deferred and dismissed dispositions are ineligible to be sealed.

*Patron - Boysko*

**[F] SB518 Modification of sentence for marijuana related offenses.** Creates a process by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2021, who remain incarcerated or on community supervision on July 1, 2022, may receive an automatic hearing to consider modification of such person's sentence. The bill also allows persons convicted of any felony offense committed prior to July 1, 2021, who remain incarcerated or on community supervision on July 1, 2022, and whose sentence may have been enhanced because of a previous felony marijuana offense or without the involvement of marijuana such felony offense conviction or felony sentence enhancement would not have been possible, as the involvement of marijuana was necessary to satisfy the elements of the charged offense or

the sentence enhancement, to petition the circuit court for modification of such person's sentence. The bill requires such petition to be filed by July 1, 2024. The provisions of this bill sunset on July 1, 2025.

*Patron - Lucas*

**[F] SB543 Criminal records; sealing of records; repeal.** Repeals provisions not yet effective allowing for the automatic and petition-based sealing of police and court records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed.

*Patron - DeSteph*

**[F] SB564 Sealing of offenses resulting in a deferred and dismissed disposition or conviction.** Eliminates the lifetime cap on the number of sealing petitions that may be filed. The bill reduces from seven years to three years for a misdemeanor offense and from 10 years to seven years for a felony offense the minimum period of time between the offense to be sealed and the filing of the sealing petition during which the petitioner must not have been convicted of violating any law of the Commonwealth. The bill also reduces from seven years to three years the minimum period of time between the offense to be sealed and the automatic sealing of a misdemeanor offense. The bill also clarifies that a sealing petition may seal records related to any violation of the terms and conditions of a suspended sentence or probation for such conviction that were specifically set forth in the petition to be sealed.

*Patron - Lucas*

**[F] SB573 Evidence of defendant's mental condition; specific intent crimes.** Clarifies that a defendant may offer evidence concerning the defendant's mental condition at the time of the alleged offense in certain circumstances for specific intent offenses only.

*Patron - McDougle*

**[F] SB623 Authority of Governor to grant relief from fines and penalties.** Eliminates provisions of the Code requiring a person seeking the Governor's relief from fines and penalties to first file a petition with the circuit court for such relief.

*Patron - Lucas*

**[F] SB640 Public defender offices; County of Henrico.** Establishes a public defender office for the County of Henrico.

*Patron - Morrissey*

**[F] SB674 Pretrial Intervention and Diversion Program.** Authorizes the attorney for the Commonwealth for each judicial circuit of the Commonwealth to create and administer a Pretrial Intervention and Diversion Program for the purpose of providing an alternative to prosecuting offenders in the criminal justice system. The bill provides that entry into such program shall be at the discretion of the attorney for the Commonwealth based upon written guidelines and that no attorney for the Commonwealth shall accept any offender into such program for an offense for which punishment includes a mandatory minimum sentence of imprisonment. The bill also provides that the attorney for the Commonwealth is authorized to assess and collect a fee from each offender who enters the Program which shall be waived upon affirmation under oath of indigency by the offender.

*Patron - Hanger*

**[F] SB688 Determination of competency; report to Commissioner of Behavioral Health and Developmental Services.** Provides that a copy of the competency report shall be sent to the Commissioner of Behavioral Health and Devel-

opmental Services for the purpose of (i) conducting peer review and (ii) monitoring use of forensic assessments by the courts and their impact on the defendants and the public. Under current law, copies of such reports are sent to the Commissioner of Behavioral Health and Developmental Services for the purposes of establishing and maintaining the list of approved evaluators.

*Patron - Mason*

**[F] SB742 Expungement of offenses civil penalty.** Provides for the automatic sealing of misdemeanor marijuana offenses and the petition-based sealing for certain felony marijuana offenses. The bill requires a business screening service, defined in the bill, to destroy all expunged records, as defined in the bill, and to follow reasonable procedures to ensure that it does not maintain or sell expunged records. The bill also provides that any petition for expungement shall be kept under seal and that an indigent person may file a petition for expungement without the payment of fees and costs and can request court-appointed counsel, who shall be paid from the Sealing Fee Fund. The bill has staggered delayed effective dates in order to develop systems for implementing the sealing provisions of the bill.

*Patron - Surovell*

**[F] SB746 Prohibition of deceptive tactics during the custodial interrogation of a minor.** Provides that any communication made by a minor as a result of a custodial interrogation on or after July 1, 2022, shall be presumed to be inadmissible as evidence against such minor making such communication in any adjudication of delinquency or criminal proceeding for an act that if committed by an adult would be a criminal offense if, during the custodial interrogation, a law-enforcement officer knowingly engages in deception, as defined in the bill. The bill provides that the presumption of inadmissibility for such communication may be overcome if the communication was voluntarily given.

*Patron - Surovell*

**[F] SB763 Control of firearms by localities; concealed handgun permit exception.** Provides that any local ordinance that prohibits the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk, or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit shall not apply to any person who holds a valid Virginia permit to carry a concealed handgun.

*Patron - Obenshain*

## Carried Over

**[C] HB736 Search warrants; execution.** Changes the hours of execution of a search warrant for the search of any place of abode from the daytime hours between 8:00 a.m. and 5:00 p.m. to between 6:00 a.m. and 10:00 p.m.

*Patron - Bell*

**[C] HB1015 Workplace violence protective orders.** Provides that an employer may petition the court for a preliminary protective order or a protective order to protect the health and safety of its employees. The bill provides that the venue for a workplace violence protective order is the jurisdiction

where the workplace is located from which the petitioner seeks to have the respondent prohibited.

*Patron - Durant*

**[C] HB1340 Department of Criminal Justice Services; Commonwealth's Attorneys' Services Council; court-appointed counsel; training standards for interacting with victims of criminal sexual assault.** Directs the Department of Criminal Justice Services, in conjunction with the Commonwealth's Attorneys' Services Council, to establish compulsory training standards for law-enforcement officers, attorneys for the Commonwealth, and assistant attorneys for the Commonwealth for sensitivity to and awareness of cultural diversity when interviewing, questioning, or examining in any court proceeding a victim of a criminal sexual offense. The bill also provides that to initially qualify to serve as appointed counsel for an indigent defendant in a general district court, circuit court, or juvenile and domestic relations district court, such attorney shall have completed at least eight hours of MCLE-approved continuing legal education developed by the Virginia Indigent Defense Commission on the topic of diversity, racial bias, or cultural sensitivity when interviewing, cross-examining, or representing the victim of a criminal sexual offense.

*Patron - Delaney*

**[C] SB475 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, 2022, 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, 2023.

*Patron - McClellan*

**[C] SB486 Workplace violence protective orders.** Provides that an employer may petition the court for a preliminary protective order or a protective order to protect the health and safety of its employees. The bill provides that the venue for a workplace violence protective order is the jurisdiction where the workplace is located from which the petitioner seeks to have the respondent prohibited.

*Patron - McClellan*

**[C] SB702 Marijuana criminal history information; disclosure to state and local governments by job applicants.** Allows the Commonwealth or a locality to require a job applicant or other applicant who is seeking a license, permit, registration, or other government service to disclose his prior criminal history for marijuana offenses. Under current law, the Commonwealth and its localities are prohibited from requiring the disclosure of such information for such purposes.

*Patron - Kiggans*

## Domestic Relations

### Passed

**[P] HB808 Support orders; income withholding order; employer fees.** Clarifies that a fee of up to a maximum of \$5 for each reply or remittance on account of a support obligor may be charged by an employer and withheld from the

obligor's income in addition to the support amount to be withheld pursuant to an income withholding order. Currently, such amount is described only as a \$5 fee.

*Patron - Price*

**[P] SB163 Surrogacy contracts; provisions requiring or prohibiting abortions or selective reductions unenforceable.** Provides that any provision of a surrogacy contract requiring or prohibiting an abortion or selective reduction is against the public policy of the Commonwealth and is void and unenforceable. This bill received Governor's recommendations.

*Patron - Peake*

**[P] SB348 Support orders; retroactivity; arrearages; party's incarceration.** Makes various changes to provisions of law related to child and spousal support orders, including (i) providing that in cases in which jurisdiction over child support or spousal support has been divested from the juvenile and domestic relations district court and no final support order has been entered, any award for child support or spousal support in the circuit court shall be retroactive to the date on which the proceeding was commenced by the filing of the action in the juvenile and domestic relations district court and (ii) specifying that prejudgment interest on child support should be retroactive to the date of filing.

The bill provides that a party's incarceration for 180 or more consecutive days shall not 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. The provisions of the bill related to imputation of income apply only to petitions for child support and petitions for a modification of a child support order commenced on or after July 1, 2022, and do not create a material change in circumstances for the purposes of modifying a child support order if a parent was incarcerated prior to July 1, 2022, and the incarcerated party cannot establish a material change in circumstances other than incarceration.

*Patron - Surovell*

**[P] SB349 Division of marital property; Virginia Retirement System managed defined contribution plan; calculation of gains and losses.** Provides that if the court enters an order to distribute any Virginia Retirement System managed defined contribution plan, the Virginia Retirement System shall, if ordered by the court, calculate gains and losses from the valuation date through the date of distribution of the benefits.

*Patron - Surovell*

**[P] SB389 Support of parents by child; repeal.** Repeals the provision of the Code of Virginia requiring an adult child to assist in providing for the support and maintenance of his or her parent, when such parent requires assistance. Under current law, failure to comply with this provision is punishable as a misdemeanor with a fine not exceeding \$500 or imprisonment in jail for a period not exceeding 12 months or both. This bill was vetoed by the Governor.

*Patron - Ebbin*

**[P] SB455 Calculation of gross income for determination of child support; rental income.** Provides that for the calculation of gross income for the purposes of determining child support, rental income shall be subject to the deduction of reasonable expenses. The bill further provides that the party claiming any such deduction has the burden of proof to establish such expenses by a preponderance of the evidence. This

bill is in response to *Ellis v. Sutton-Ellis*, Va. App. No. 0710-20-1 (June 22, 2021).

*Patron - Boysko*

## Failed

**[F] HB69 Best interests of the child; assuring frequent and continuing contact with both parents.** Provides that, in determining the best interests of a child for purposes of custody and parenting time arrangements, upon request of either party, the court shall assure a minor child of frequent and continuing contact with both parents so as to maximize the amount of time the minor child spends with each parent.

*Patron - Davis*

**[F] HB365 Parenting Coordinator Act.** Creates the Parenting Coordinator Act, which provides a framework for the use of a parenting coordinator in actions for divorce, separate maintenance, or annulment in which custody or visitation is in issue, petitions for custody or visitation, and written agreements between parties and parenting coordinators. The Act governs the qualifications, scope of authority, appointment and removal, confidentiality, communication, records maintenance, and fees of such parenting coordinators.

*Patron - Sullivan*

**[F] HB572 Child support obligations; party's incarceration not deemed voluntary unemployment or underemployment.** Provides that a party's incarceration for 180 or more consecutive days shall not 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 consecutive days shall be a material change of circumstances upon which a modification of a child support order may be based.

*Patron - Scott, D.L.*

**[F] HB1351 Grounds for divorce; cruelty, abuse, desertion, or abandonment; waiting period.** Eliminates the one-year waiting period for being decreed a divorce on the grounds of cruelty, reasonable apprehension of bodily hurt, or willful desertion or abandonment.

*Patron - Clark*

**[F] SB113 Custody and visitation; grandparents; mediation.** Requires any case in which a grandparent petitions the court for custody or visitation of a minor grandchild to be referred by the court to mediation. The bill requires the petitioning party to pay the fee of the mediator.

*Patron - Morrissey*

**[F] SB114 Visitation; petition of grandparent.** Requires the court, in petitions for visitation filed by the grandparent of a child where either (i) the parent is the grandparent's child and is deceased, incarcerated, or incapacitated, or has had his parental rights terminated or (ii) the grandparent has an established relationship with the child and has provided a significant level of care for the child, to consider the following factors: (a) the historical relationship between the grandparent and child, (b) the motivation of the grandparent in seeking visitation, (c) the motivation of the living parent in denying visitation to the grandparent, (d) the quantity of time requested and the effect it will have on the child's daily activities, and (e) the benefits of maintaining a relationship with the extended family of the deceased parent.

*Patron - Morrissey*

**[F] SB418 Division of marital property; military retainer pay.** Provides that, for the purposes of dividing mari-



tal property, military retainer pay shall be classified as separate property.

*Patron - DeSteph*

## Carried Over

**[C] HB1077 Paternity; genetic tests to determine parentage; relief from paternity; certain actions; penalty.** Provides that any person who knowingly gives any false information or makes any false statements for the purpose of determining paternity is guilty of a Class 6 felony. The bill further requires an alleged father of a child be informed of his option to request the administering of a genetic test prior to being entered as the father on a birth certificate. The bill further states that, in addition to any other available legal relief, an individual relieved of paternity who previously paid support pursuant to a child support order entered in conjunction with the set-aside paternity determination may file an action against the other party for repayment of any such support.

*Patron - Cordoza*

## Drainage, Soil Conservation, Sanitation and Public Facilities Districts

### Passed

**[P] SB567 State Water Control Board; regulations; issuance of certain permits.** Directs the State Water Control Board to amend certain regulations to provide that Virginia Pollutant Discharge Elimination System permits may also be issued to an existing sewage treatment plant constructed and placed into service prior to January 1, 2001, that serves at least 10 houses but no more than 25 houses if such sewage treatment plant has a documented history of substantial noncompliance and cannot feasibly be connected to a publicly owned sewage treatment plant.

*Patron - Stuart*

**[P] SB618 Military honor guards and veterans service organizations; paramilitary activities; exception.** Exempts members of a lawfully recognized military color guard, honor guard, or similar organization, and members 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 training or educational exercise, funeral, or public ceremony on behalf of such military color guard, honor guard, or similar organization or veterans service organization, from the crime of unlawful paramilitary activity unless such member engages in such activity with malicious intent. This bill is identical to HB 17.

*Patron - Stuart*

## Education

### Passed

**[P] HB4 School principals; incident reports.** Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law

enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. The bill provides, as an exception to the requirement to report any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity, that a principal is not required but may report to the local law-enforcement agency any such incident committed by a student who has an individualized education plan. This bill is identical to SB 36. This bill received Governor's recommendations.

*Patron - Wyatt*

**[P] HB18 Appointed school board members; salaries.** Permits any appointed school board to pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in relevant law or as provided by charter, with certain exceptions and conditions. Current law sets a specific maximum dollar amount for the salary of members of each such appointed school board.

*Patron - Fowler*

**[P] HB127 Academic year Governor's Schools; certain practices prohibited and required.** Prohibits any academic year Governor's School or governing board member, director, administrator, or employee thereof from discriminating against any individual or group on the basis of race, sex, color, ethnicity, or national origin in the process of admitting students to such school. The bill requires each local school board that jointly manages and controls a regional academic year Governor's school to collaborate to ensure that each public middle school that is eligible to send students to attend such Governor's school offers coursework, curriculum, and instruction that is comparable in content and in rigor in order to provide each student in each such middle school with the opportunity to gain admission to and excel academically at such Governor's school.

*Patron - Davis*

**[P] HB197 Public elementary and middle schools; student growth assessments.** Requires the Board of Education, in implementing the through-year growth assessment system for the administration of reading and mathematics assessments in grades three through eight, to seek input and suggestions from each interested local school division in the Commonwealth regarding ways in which the administration of such assessments and the reporting of assessment results can be improved, and shall, to the extent possible, incorporate such input and suggestions into the through-year growth assessment system.

*Patron - Webert*

**[P] HB215 School Health Services Committee; report.** Establishes the School Health Services Committee in the legislative branch to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. The bill requires the Committee to submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year. The bill has an expiration date of July 1, 2025, and is identical to SB 62. This bill received Governor's recommendations.

*Patron - Robinson*

**[P] HB217 Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment; STEM and Computing (STEM+C); review federal occupational categories; report.** Requires the Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment (the Office) to (i) review the occupational categories in the U.S. Bureau of Labor Statis-

tics' standard occupational classification system to determine the occupational categories that are not properly captured in the Commonwealth's existing STEM+C workforce profile and the gaps in the Commonwealth's tracking of careers in these occupational categories for the purpose of furthering the Office's efforts to specifically align STEM+C workforce and education and (ii) share its findings with the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board (the Board) for the purpose of better aligning K-16 education priorities and the Board's tracking and coordination of STEM+C. The bill requires the Office, in conducting such review, to focus on occupational categories that are not currently tracked or categorized by the U.S. Bureau of Labor Statistics as STEM+C career fields and to submit its findings and any recommendations to the General Assembly no later than October 1, 2022.

*Patron - Simonds*

**P HB230 Applications for teacher licensure by reciprocity; military spouses; timeline for determination.** Requires the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Current law requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth. The bill requires such an individual to submit an official copy of the military permanent assignment orders of the individual's spouse as part of the complete application packet. The bill requires the Department to determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet. This bill is identical to SB 154.

*Patron - Coyner*

**P HB236 Board of Education; authority to temporarily extend certain teachers' licenses; emergency.** Permits the Board of Education to grant a two-year extension of the license of any individual licensed by the Board of Education pursuant to its statutory authority whose license expires on June 30, 2022, in order to provide the individual with sufficient additional time to complete the requirements for licensure or license renewal. The bill contains an emergency clause.

*Patron - Orrock*

**P HB246 School attendance; 4-H educational programs and activities.** Provides that students who miss a partial or full day of school while participating in 4-H educational programs and activities shall not be counted as absent for the purposes of calculating average daily membership and shall receive course credit in the same manner as they would for a school field trip. The bill directs each local school board to develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in 4-H educational programs and activities to not be counted absent. This bill is identical to SB 596.

*Patron - Kilgore*

**P HB319 Virginia Literacy Act; early student literacy; evidence-based literacy instruction; science-based reading research.** Makes several changes relating to early student literacy, including requiring (i) each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking

initial licensure with an endorsement in a certain area, including as a reading specialist, to demonstrate mastery of science-based reading research and evidence-based literacy instruction, as such terms are defined in the bill; (ii) the literacy assessment required of individuals seeking initial teacher licensure with endorsements in certain areas to include a rigorous test of science-based reading research and evidence-based literacy instruction; (iii) each local school board to establish a division-wide literacy plan; (iv) each local school board to employ one reading specialist for each 550 students in kindergarten through grade three; and (v) each local school board to provide a program of literacy instruction whereby, among other things, (a) the program provides reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department of Education; (b) a reading specialist, in collaboration with the teacher of any student who receives such reading intervention services, develops, oversees implementation of, and monitors student progress on a student reading plan; and (c) each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year. The provisions of the bill become effective beginning with the 2024–2025 school year. This bill is identical to SB 616.

*Patron - Coyner*

**P HB389 Early childhood care and education; regional entities; Child Care Subsidy Program Overpayment Fund established.** Requires the Board of Education to establish a system of regional entities that will be responsible for coordinating early childhood care and education services, guiding quality improvement of such services and coordinated access to such services for families, and implementing the uniform measurement and improvement system. The bill establishes the Child Care Subsidy Program Overpayment Fund, consisting of all overpayment moneys collected or recovered by the Department of Education or any state or local agency contracted to administer the Child Care Subsidy Program, net of any refunds due to the federal government, to be used solely for the purpose of covering the cost of providing training and supports to early childhood care and education entities.

*Patron - Bulova*

**P HB418 Public elementary and secondary education; at-risk add-on funds; Reading Recovery.** Removes Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.

*Patron - Delaney*

**P HB507 Intercollegiate athletics; student-athletes; compensation and representation for name, image, or likeness.** Establishes several parameters for the compensation and representation of a student-athlete related to the use of such student's name, image, or likeness. The bill prohibits any private institution of higher education, associate-degree-granting public institution of higher education, or baccalaureate public institution of higher education or any agent thereof; athletic association; athletic conference; or other organization with authority over intercollegiate athletics from (i) prohibiting or preventing a student-athlete from earning compensation for the use of his name, image, or likeness, except in certain circumstances enumerated in the bill; (ii) prohibiting or preventing a student-athlete from obtaining professional representation by a licensed athlete agent or legal representation by a licensed attorney in connection with issues related to name, image, or likeness; (iii) declaring a student-athlete ineligible for intercollegiate athletic competition because he earns such compensa-

tion or obtains such representation; or (iv) reducing, canceling, revoking, or not renewing an athletic scholarship because a student-athlete earns such compensation or obtains such representation. The bill establishes several other conditions and limitations relating to pre-agreement disclosures, the use of the institution's property, and the effect on employment status in connection with a student-athlete's use of his name, image, or likeness. The bill also amends the definition of "athlete agent" in relevant law to permit such agents to represent a student-athlete in connection with issues related to name, image, or likeness, including negotiating, securing, obtaining, arranging, and managing name, image, or likeness opportunities. This bill is identical to SB 223.

*Patron - Austin*

**P HB583 Public elementary and secondary school students; ability to pay for meals and school meal debt; extracurricular school activities.** Requires each school board to adopt policies that prohibit the school board or any school board employee from denying a student the opportunity to participate in any extracurricular school activity because the student cannot pay for a meal at school or owes a school meal debt.

*Patron - Roem*

**P HB585 Middle and high school end-of-course assessments; number and type.** Requires, except for those middle and high school students with significant cognitive disabilities who participate in an alternate assessment, each student in middle and high school to take only those end-of-course Standards of Learning assessments necessary to meet federal accountability requirements and Virginia high school graduation requirements. The bill requires, with such funds as may be appropriated for such purpose, and except in the case of students who participate in an alternate assessment, the Standards of Learning assessments for Virginia Studies, Civics and Economics, Virginia and U.S. history, and biology to include items that require the student to apply knowledge and skills in preparing a response. Such items shall include open-ended questions, long-form writing, and other tasks, with student responses scored by the Department of Education according to statewide scoring rubrics. The bill requires student performance on the Virginia and U.S. history and biology end-of-course assessments to account for 10 percent of the student's final grade in each such course. The bill also requires the Department of Education to convene and consult a work group to develop a plan for the implementation of such assessment items no later than the beginning of the 2027–2028 school year. This bill received Governor's recommendations.

*Patron - VanValkenburg*

**P HB587 School Breakfast Program and National School Lunch Program; processing of applications.** Requires each public elementary or secondary school to process each web-based or paper-based application for student participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture within six working days after the date of receipt of the completed application. The foregoing provision of the bill has a delayed effective date of August 1, 2023. The bill requires school divisions that cannot currently comply with such requirement to develop a plan for ensuring compliance by August 1, 2023.

*Patron - Roem*

**P HB649 Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.** Requires the Department of Education, in coordination with the Department for the Deaf and Hard-of-Hearing and Department of

Behavioral Health and Developmental Services, to (i) select, with input from an advisory committee that the bill establishes, language developmental milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website. The bill states that the advisory committee function shall terminate effective June 30, 2023. This bill is identical to SB 265.

*Patron - Carr*

**P HB741 Annual public elementary and secondary school safety audits; creation or review of school building floor plans required.** Requires each local school board, as part of each annual school safety audit, to create a detailed and accurate floor plan for each public school building in the local school division or certify that the existing floor plan for each such school is sufficiently detailed and accurate but provides that such floor plan may be withheld from public disclosure.

*Patron - Bell*

**P HB829 School counselors; staffing ratios; flexibility.** Permits school boards to fulfill the staffing ratio requirements for school counselors by (i) employing, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training to fill a school counselor vacancy in the school division, entering into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training.

*Patron - Wilt*

**P HB850 Lyme disease; signage; instructional resources and materials.** Requires the Department of Conservation and Recreation to develop and post in each state park and interstate park signage addressing the appropriate steps a visitor can take to prevent tick bites, how to identify Lyme disease, and where to seek treatment. The bill requires the Department to install such signage first in those areas in the Commonwealth that have been identified as most susceptible to Lyme disease and to complete the installation of such signage in all state parks and interstate parks by January 1, 2028. The bill also requires the Secretary of Education, in collaboration with the Secretary of Health and Human Resources and the Secretary of Natural Resources, to develop instructional

resources and materials to assist school boards and local and regional public libraries in establishing an education and awareness program to protect children from Lyme disease and other tick-borne infections. The bill provides that such instructional resources and materials (i) shall be appropriate for individuals of school age; (ii) shall provide information on the identification of ticks, recommended procedures for safe tick removal, and best practices to provide protection from ticks; (iii) may include video productions, pamphlets, and demonstration programs to illustrate the sizes of various ticks, including sizes before and after each variety has become engorged, to assist with the identification of a tick and the reaction on the skin that may result from a tick bite; and (iv) shall be made available to school boards and local and regional public libraries upon request at no charge.

*Patron - Reid*

**P HB873 Public elementary and secondary schools; threat assessment team membership; law-enforcement liaison for certain school administrators.** Requires, in the case of any public elementary or secondary school in which a school resource officer is employed, the threat assessment team for such school to include at least one such school resource officer. The bill requires the chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a school resource officer to designate a law-enforcement officer to receive, either in-person or online, the school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with relevant law and requires such officer to serve as the law-enforcement liaison for the school administrator in such a school who has also received such training as prescribed by relevant law. This bill received Governor's recommendations.

*Patron - Greenhalgh*

**P HB879 Board of Education; membership; qualifications.** Requires the nine-member Board of Education, all of whom are appointed by the Governor, 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. This bill received Governor's recommendations.

*Patron - Rasoul*

**P HB938 Board of Education; stakeholder group; evaluation of and recommendations for certain current and proposed policies and performance standards for public elementary and secondary schools.** Requires the Board of Education to collaborate with the Superintendent of Public Instruction and the Secretary of Education to convene a group of stakeholders to include parents, public school principals, public school superintendents, public school board members, public school teachers, institutions of higher education, the State Council of Higher Education for Virginia, industry partners and employers, and other concerned stakeholders to evaluate, to implement where possible, and to otherwise make recommendations to the General Assembly regarding the following goals: (i) promoting excellence in instruction and student achievement in mathematics; (ii) expanding the Advanced Studies Diploma as an option for students in public high schools in the Commonwealth; (iii) increasing the transparency and honesty of performance measures for public elementary and secondary schools in the Commonwealth; (iv) ensuring that performance measures for public elementary and secondary schools prioritize the attainment of grade-level proficiency and growth during the course of a school year and from school year to school year in reading and mathematics for all students, especially in grades kindergarten through five; (v) ensuring

that the Commonwealth's proficiency standards on Standards of Learning assessments in reading and mathematics are maintained; and (vi) ensuring a strong accreditation system that promotes meaningful accountability year-over-year. The bill requires the Secretary of Education and the Superintendent of Public Instruction, no later than November 30, 2022, to report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such evaluation and recommendations to achieve such goals.

*Patron - Robinson*

**P HB979 Board of Education; provisional teacher licensure; teachers licensed or certified outside of the United States.** Permits the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who has held within the last five years a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license if the individual's license or certification to teach has been evaluated and verified by an entity approved by the Department of Education. This bill is identical to SB 68.

*Patron - Tran*

**P HB994 Board of Education; Child Care Subsidy Program; Armed Forces; examination and report.** Directs the Board of Education to determine the feasibility of amending its regulations to permit all active duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program and submit its findings to the House Committee on Education and the Senate Committee on Education and Health. This bill is identical to SB 529.

*Patron - Brewer*

**P HB1022 Certain public elementary and secondary school students; excused absences; attendance at pow wow.** Provides that, subject to guidelines established by the Department of Education, any student who is a member of a state-recognized or federally recognized tribal nation that is headquartered in the Commonwealth and who is absent from school to attend such tribal nation's pow wow gathering shall be granted one excused absence per academic year, provided that the parent of such student provides to the student's school advance notice of such absence in the manner required by the school.

*Patron - Guzman*

**P HB1023 High school family life education curricula; optional instruction on human trafficking.** Permits any family life education curriculum offered by a local school division in high school to incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of human trafficking of children.

*Patron - Guzman*

**P HB1026 Superintendent of Public Instruction; establishment of the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council.** Requires the Superintendent of Public Instruction to establish and appoint no more than 12 members to the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council (the Council), including at least one of each of the following: teacher, librarian, representative of a parent-teacher organization who is the parent of a school-age child, school administrator, student, and individual with expertise in digital citizenship, Internet safety, and media literacy. The bill requires the Council to (i) develop and recommend to the Board of Education for adoption a model policy for local school boards that would enable such school boards to better support the digital citizenship, Internet safety, and media

literacy of all students and teachers in the local school division; (ii) develop and recommend to the Board for adoption model instructional practices for the safe, ethical, and responsible use of media and technology by students and teachers in public elementary and secondary schools; (iii) design and post on the Department of Education's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the safe, ethical, and responsible use of media and technology by students and teachers; and (iv) submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than October 31, 2023. The bill has an expiration date of July 1, 2024. This bill received Governor's recommendations.

*Patron - Guzman*

**[P] HB1108 Public schools; instruction concerning gambling.** Requires instruction concerning gambling and the addictive potential thereof to be provided by the public schools as prescribed by the Board of Education. The bill requires the Board of Education to report to the Chairmen of House Committee on Education and the Senate Committee on Education and Health a description of such instruction.

*Patron - Rasoul*

**[P] HB1129 School safety audits; law-enforcement officers.** Requires each local school board to require its schools to collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. Under current law, the division superintendent is required to make the results of such audits available to the chief law-enforcement officer upon request. The bill also requires that the completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee. Current law requires that the completed walk-through checklist be made available to the chief law-enforcement officer or his designee upon request. This bill is identical to SB 600.

*Patron - Taylor*

**[P] HB1138 Loudoun County School Board; staggering of member terms; lot drawing; timeframe.** Requires the lot drawing required to be conducted by the Loudoun County Electoral Board to determine the members of four of nine districts who will be elected to the Loudoun County School Board for four-year terms and the members of the remaining five districts who will be elected to the Loudoun County School Board for two-year terms to ensure the staggering of member terms for such school board to be conducted at the electoral board's first meeting of 2023 but no later than January 31, 2023. This bill received Governor's recommendations.

*Patron - Reid*

**[P] HB1188 Board of Education; Student Advisory Board established.** Establishes the Student Advisory Board for the purpose of providing student perspectives on matters before the Board of Education. This bill received Governor's recommendations.

*Patron - Davis*

**[P] HB1215 Physical education; personal safety training.** Requires any physical education class offered to students in grades seven and eight to include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the

local law-enforcement agency and consists of situational safety awareness training and social media education.

*Patron - Ransone*

**[P] HB1272 Public elementary and secondary schools and public school-based early childhood care and education programs; student instruction; masks.** Requires, except in the case of the 10 unscheduled remote learning days otherwise permitted by law or in certain cases of student discipline, each school board to offer in-person instruction, as defined in the bill, to each student enrolled in the local school division in a public elementary or secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill permits, notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, to elect for such child to not wear a mask while on school property. The bill provides that no parent making such an election shall be required to provide a reason or any certification of the child's health or education status and no student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. This bill received Governor's recommendations.

*Patron - Batten*

**[P] HB1298 High school student-athletes; compensation for name, image, or likeness.** Prohibits any high school student-athlete who participates in an athletic competition from entering into any contract to receive compensation in relation to such student's athletic participation in exchange for the use of such student's name, image, or likeness. This bill was vetoed by the Governor.

*Patron - Price*

**[P] HB1328 Early childhood care and education entities; administration of epinephrine.** Requires the Board of Education to amend its regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine in every such entity to be administered by any nurse at the entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any child believed to be having an anaphylactic reaction. The bill mandates that such policies shall require that at least one school nurse, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular facility hours any such appropriate weight-based dosage of epinephrine that is stored in a locked or otherwise generally inaccessible container or area. This bill shall be known as Elijah's Law. This bill is identical to SB 737.

*Patron - Delaney*

**[P] SB36 School principals; incident reports.** Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. The bill provides, as an exception to the requirement to report any written threats against school personnel while on a school bus, on school property, or at a school-spon-

sored activity, that a principal is not required but may report to the local law-enforcement agency any such incident committed by a student who has an individualized education plan. This bill incorporates SB 2, SB 287, and SB 613 and is identical to HB 4. This bill received Governor's recommendations.

*Patron - Norment*

**[P] SB68 Board of Education; provisional teacher licensure; teachers licensed or certified outside of the United States.** Permits the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who has held within the last five years a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license if the individual's license or certification to teach has been evaluated and verified by an entity approved by the Department of Education. This bill is identical to HB 979.

*Patron - Favola*

**[P] SB78 Board of Education; driver education programs; parent/student driver education.** Requires the Board of Education to include an additional minimum 90-minute parent/student driver education component as part of the classroom portion of its driver education program for all public school divisions and provides that participation in such component shall be encouraged but shall not be required. Under current law, participation in such parent/student driver education component is required in Planning District 8 (Northern Virginia) and optional in all other school divisions. The bill also requires such parent/student driver education component to emphasize the dangers of distracted driving. This bill received Governor's recommendations.

*Patron - Norment*

**[P] SB154 Applications for teacher licensure by reciprocity; military spouses; timeline for determination.** Requires the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Current law requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth. The bill requires such an individual to submit an official copy of the military permanent assignment orders of the individual's spouse as part of the complete application packet. The bill requires the Department to determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet. This bill is identical to HB 230.

*Patron - Locke*

**[P] SB161 Department of Education; heat-related illness; guidelines.** Directs the Department of Education, in conjunction with stakeholders, to develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk of heat-related illness, how to recognize the signs of heat-related illness, and how to prevent heat-related illness to be distributed to local school divisions by August 1, 2022.

*Patron - Hashmi*

**[P] SB193 Child day programs; licensure; accredited private schools.** Adds to the list of child day programs not required to be licensed by the Superintendent of Public Instruction to operate in the Commonwealth programs offered by

accredited private schools that are in good standing with the Virginia Council for Private Education and operate for no more than four hours per day. The bill provides that, to be exempt from licensure, such accredited private school programs must be staffed by the accredited private school's employees and attended by children who are at least five years of age and are enrolled in the school. The bill requires such programs to be subject to safety and supervisory standards established by the Virginia Council for Private Education.

*Patron - Mason*

**[P] SB238 Department of Education; school division maintenance reserve tool.** Requires the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs. The bill requires the Department of Education to consider converting or using as a template the Department of General Services' Real Estate and Assets Management system for tracking buildings and infrastructure maintenance status to meet the above requirement to maintain such a tool. This bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - McPike*

**[P] SB265 Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.** Requires the Department of Education, in coordination with the Department for the Deaf and Hard-of-Hearing and Department of Behavioral Health and Developmental Services, to (i) select, with input from an advisory committee that the bill establishes, language developmental milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website. The bill states that the advisory committee function shall terminate effective June 30, 2023. This bill is identical to HB 649.

*Patron - Hashmi*

**[P] SB421 Libraries and education services; obsolete provisions.** Revises and repeals obsolete provisions in Title 22.1 (Education) related to early childhood education and elementary and secondary education and Title 42.1 (Libraries) related to libraries and the Virginia Public Records Act. The bill also makes technical amendments. This bill is a recommendation of the Virginia Code Commission.

*Patron - Edwards*

**[P] SB431 Department of Education; COVID-19; guidelines; alternative to quarantine.** Requires the Department of Education, in collaboration with the Department of

Health, to (i) recommend options for isolation and quarantine for students and employees at public schools who contract or are exposed to COVID-19 and (ii) develop guidelines for such schools and recommend such guidelines for use as an alternative to quarantine. The bill requires such guidelines to be immediately distributed to local school boards and reflect the most updated recommendations to limit the amount of time out of the classroom, including options for no quarantine, as recommended for asymptomatic individuals.

*Patron - Dunnivant*

**P SB529 Board of Education; Child Care Subsidy Program; Armed Forces; examination and report.** Directs the Board of Education to determine the feasibility of amending its regulations to permit all active duty members of the Armed Forces of the United States who serve as caregivers to dependents to apply for the Child Care Subsidy Program and submit its findings to the House Committee on Education and the Senate Committee on Education and Health. This bill is identical to HB 994.

*Patron - Reeves*

**P SB596 School attendance; 4-H educational programs and activities.** Provides that students who miss a partial or full day of school while participating in 4-H educational programs and activities shall not be counted as absent for the purposes of calculating average daily membership and shall receive course credit in the same manner as they would for a school field trip. The bill directs each local school board to develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in 4-H educational programs and activities to not be counted absent. This bill is identical to HB 246.

*Patron - Pillion*

**P SB600 School safety audits; law-enforcement officers.** Requires each local school board to require its schools to collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. Under current law, the division superintendent is required to make the results of such audits available to the chief law-enforcement officer upon request. The bill also requires that the completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee. Current law requires that the completed walk-through checklist be made available to the chief law-enforcement officer or his designee upon request. This bill is identical to HB 1129.

*Patron - Pillion*

**P SB616 Virginia Literacy Act; early student literacy; evidence-based literacy instruction; science-based reading research.** Makes several changes relating to early student literacy, including requiring (i) each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking initial licensure with an endorsement in a certain area, including as a reading specialist, to demonstrate mastery of science-based reading research and evidence-based literacy instruction, as such terms are defined in the bill; (ii) the literacy assessment required of individuals seeking initial teacher licensure with endorsements in certain areas to include a rigorous test of science-based reading research and evidence-based literacy instruction; (iii) each local school board to establish a division-wide literacy plan; (iv) each local school board to employ one reading specialist for each 550 students in kindergarten through grade three; and (v) each local school board to provide

a program of literacy instruction whereby, among other things, (a) the program provides reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department of Education; (b) a reading specialist, in collaboration with the teacher of any student who receives such reading intervention services, develops, oversees implementation of, and monitors student progress on a student reading plan; and (c) each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year. The provisions of the bill become effective beginning with the 2024–2025 school year. This bill is identical to HB 319.

*Patron - Lucas*

**P SB656 Department of Education; local school boards; policies on sexually explicit content in instructional material.** Requires the Department of Education to develop no later than July 31, 2022, model policies and each local school board to adopt no later than January 1, 2023, policies for ensuring parental notification of any instructional material that includes sexually explicit content and include information, guidance, procedures, and standards relating to (i) ensuring parental notification; (ii) directly identifying the specific instructional material and sexually explicit subjects; and (iii) permitting the parent of any student to review instructional material that includes sexually explicit content and provide, as an alternative, nonexplicit instructional material and related academic activities to any student whose parent so requests. The bill provides that the local school board policies shall be consistent with but may be more comprehensive than the model policies developed by the Department. The bill states that the provisions of the bill shall not be construed as requiring or providing for the censoring of books in public elementary and secondary schools.

*Patron - Dunnivant*

**P SB724 School boards; student home broadband access; annual report.** Requires, beginning in the 2022 school year and in each school year thereafter through the 2025 school year, each school board to submit an annual report to the Virginia Department of Education and the Virginia Department of Housing and Community Development listing each student's 9-1-1 address that does not have broadband access, as defined by the broadband guidelines set out by the Virginia Department of Housing and Community Development for its Virginia Telecommunication Initiative.

*Patron - Pillion*

**P SB737 Early childhood care and education entities; administration of epinephrine.** Requires the Board of Education to amend its regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine in every such entity to be administered by any nurse at the entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any child believed to be having an anaphylactic reaction. The bill mandates that such policies shall require that at least one school nurse, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular facility hours any such appropriate weight-based dosage of epinephrine that is stored in a locked or otherwise generally inaccessible container or



area. This bill shall be known as Elijah's Law. This bill is identical to HB 1328.

*Patron - Boysko*

**[P] SB739 Public elementary and secondary schools and public school-based early childhood care and education programs; student instruction; masks; emergency.** Requires, except in the case of the 10 unscheduled remote learning days otherwise permitted by law or in certain cases of student discipline, each school board to offer in-person instruction, as defined in the bill, to each student enrolled in the local school division in a public elementary or secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill permits, notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, to elect for such child to not wear a mask while on school property. The bill provides that no parent making such an election shall be required to provide a reason or any certification of the child's health or education status and no student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. The bill requires each local school division to comply with the foregoing provisions relating to masks no later than March 1, 2022. The bill clarifies that none of the foregoing provisions shall be construed to affect the authority granted to the Governor to achieve the purposes of relevant emergency services and disaster law with regard to a communicable disease of public health threat. The bill contains an emergency clause. This bill received Governor's recommendations.

*Patron - Dunnivant*

**[P] SB774 School buses; commercial use.** Permits the school board of any school division to enter into agreements with any third-party logistics company to allow for the use of the school buses of such school division by such third-party logistics company but provides that such third-party logistics company shall not use the school buses to provide transportation of passengers for compensation or for residential delivery of products for compensation.

*Patron - Dunnivant*

## Failed

**[F] HB8 School security officers; scope of employment; carrying firearm in performance of duties.** Provides that each school security officer, in addition to performing each enumerated duty, is responsible for carrying out any other duty assigned to him by the local school board, excluding enforcement of discipline reserved solely and exclusively to school administrators. The bill permits a school security officer to carry a firearm in the performance of his duties if (i) within 10 years immediately prior to being hired by the local school board or private or religious school, he was an active duty member in the Armed Forces of the United States who served on active duty for at least 10 years and received an honorable discharge from such service and (ii) he has provided proof of completion of the required training course.

*Patron - Anderson*

**[F] HB9 Public school teachers; probationary term of service, grounds for dismissal, and dismissal hearings.** Permits each school board to extend for up to two additional years

the three-year probationary term of service that is required for each teacher in the school division before the issuance of a continuing contract and prohibits each school board from reemploying a teacher whose performance evaluation during such probationary period is not satisfactory. The bill provides that, for the purpose of the dismissal of a teacher for cause, the term "incompetency" may be construed to include consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations. The bill also eliminates the option for a school board to conduct a teacher dismissal hearing before a three-member fact-finding panel, requires each such hearing to be set no later than 15 days after the request for the hearing, and reduces from 10 days to five days the minimum period of advance written notice to the teacher of the time and place of such hearing.

*Patron - Ware*

**[F] HB12 Public school buildings; entry points; limits; screening.** Requires each local school board to (i) limit to the lowest feasible number the entry points in each public school building in the local school division, (ii) ensure that each individual who seeks to enter any school building in the local school division is screened with a handheld metal detector wand by a school security officer or another appropriate school board employee who is appropriately trained in such method of screening, (iii) require each such school security officer or other appropriate school board employee to implement further screening according to a protocol that it deems appropriate in any case in which the school board employee who conducts the initial screening has reason to believe that the individual who seeks to enter the school building is in possession of a weapon, and (iv) prohibit any individual from entering any school building in the local school division if the individual fails or refuses to submit to the screening required in clauses (ii) and (iii).

*Patron - Anderson*

**[F] HB37 School boards; school resource officers; employment; threat assessment.** Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public middle and high school in the local school division and at least one school resource officer per five public elementary schools in the local school division, who is required to serve in each such elementary school on a rotating basis. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the local school division at least one school resource officer employed in the school.

*Patron - Anderson*

**[F] HB41 Early childhood care and education; publicly funded providers; assessment of children.** Provides that, except as otherwise required by federal law, no child who is enrolled at a publicly funded provider shall be required to participate in the Virginia Kindergarten Readiness Program or any other program for the assessment of the child's cognitive ability, development, learning, or readiness for kindergarten.

*Patron - Scott, P.A.*

**[F] HB59 School principals; incident reports.** Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.

*Patron - McGuire*

**F HB113 Public school buses; decals; "In God We Trust" and "One Nation Under God."** Permits local school boards, notwithstanding any regulation to the contrary, to display on the sides and rear of public school buses decals containing the motto "In God We Trust" or the phrase "One Nation Under God", provided that no such decal obstructs the name of the school division or the number of the school bus.

*Patron - March*

**F HB201 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 HB251 School boards and local governing bodies; unexpended local funds; school maintenance, renovation, and construction.** Encourages each school board to enter into a collaborative agreement with the local governing body to set aside in a separate fund any sums appropriated to the school board by the local governing body that are unexpended by the school board in any year in order to use such sums to finance school maintenance, renovation, or construction in the local school division. The bill declares any school board that fails to enter into such a collaborative agreement ineligible to participate in any state grant, loan, or bond program that supports school maintenance, renovation, or construction. This bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - Simonds*

**F HB252 Department of Education; school division maintenance reserve tool.** Requires the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs. The bill requires the Department of Education to consider converting or using as a template the Department of General Services' M-R FIX tool to meet the above requirement to maintain such a tool. This bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - Simonds*

**F HB253 Literary Fund; loans; application process; maximum loan amounts; rates of interest; closing costs; waiting lists.** Makes several changes to the provisions relating to loans from the Literary Fund to finance the construction and renovation of public elementary and secondary school buildings in the Commonwealth. The bill requires the Board of Education (the Board) to establish an annual open application process for Literary Fund loans to occur during the period that

the Board deems most suitable. The bill increases from \$7.5 million to \$25 million the maximum Literary Fund loan amount and permits the Board to increase such maximum to up to \$35 million for loans for any school construction or renovation project that facilitates the consolidation of schools. The bill requires the Board to fix the interest rate on all loans made from the Literary Fund at not less than one percent per year, not more than three percent per year, and at increments of one half of one percent per year between such minimum and maximum rates, payable annually, and to utilize a sliding scale based on the local school division's composite index of local ability to pay to determine the interest rate on each such loan. Under current law, such rates are required to be set between two and six percent per year. The bill requires the Board to establish a competitive program for the award of up to \$25,000 to a school division that receives a Literary Fund loan for the purpose of subsidizing all or a portion of the closing costs for such loan. The bill also permits the Board to remove any project that has been inactive for at least five years from any Literary Fund loan project waiting list that it maintains. This bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - Simonds*

**F HB254 Department of Education; School Construction Fund and Program; Gaming Proceeds Fund revenues.** 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. The bill provides that three percent of any fiscal year's budget surplus shall be appropriated to the School Construction Fund and Program. The bill also provides that any remaining revenues not appropriated by the Gaming Proceeds Fund shall be appropriated to the School Construction Fund and Program. Under current law, any remaining revenues in the Gaming Proceeds Fund not appropriated remain in the Fund until appropriated by the General Assembly for programs established to address public school construction, renovations, or upgrades.

*Patron - Simonds*

**F HB293 Education Savings Account Program; establishment.** Establishes the Education Savings Account Program (the Program), to be administered by the Department of Education (the Department) with assistance from each local school board, whereby the parent of any elementary or secondary school student who (i) is a member of a household whose annual income does not exceed two times the annual household income that would qualify the student for free or reduced-price lunch and (ii) was eligible to attend a public school in the Commonwealth in the preceding semester or is starting elementary or secondary school in the Commonwealth for the first time is eligible to receive an education savings account, for as long as the student is of school age and the amount of which is determined pursuant to a calculation set forth in the bill, to cover certain enumerated educational expenses for his child. The bill requires the Department to establish rules and regulations for the Program and contains conditions, limitations, and other requirements for the Program, including provisions relating to the accountability and educational autonomy of individuals and entities receiving account funds to cover qualified expenses.

*Patron - Freitas*

**[F] HB308 School principals; incident reports.** Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense.

*Patron - Ransone*

**[F] HB313 Public school buses; seat belts.** Requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2040, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.

*Patron - Krizek*

**[F] HB333 Public education; student education accounts.** Permits any school board 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] HB340 Board of Education; high school graduation; alternative pathways to the advanced studies diploma.** Directs the Board of Education to establish two pathways to the advanced studies high school diploma, and associated diploma seals for students who successfully follow and demonstrate excellence on such pathways: one pathway that requires advanced coursework in a career and technical education field but does not require coursework in world language and another pathway that requires advanced coursework in world language but does not require coursework in a career and technical education field.

*Patron - Davis*

**[F] HB344 Public charter schools; applications; review and approval.** Permits the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the establishment of a public charter school rests solely with local school boards. The bill also provides that the decision of the Board or a local school board to grant or deny a public charter school application or to revoke or fail to renew a public charter school agreement is final and is not subject to appeal. Current law contains an appeal process for such decisions.

*Patron - Davis*

**[F] HB356 Public schools; regional charter school divisions.** Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in any case in which (i) each such local school division is in close proximity and has an enrollment of more than 3,000 students and (ii) at least two such local school divisions have grades three through eight math and English reading Standards of Learning assessment performance in the bottom quartile of the Commonwealth. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member

appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school.

*Patron - Tata*

**[F] HB362 Department of Education; local school boards; instruction on climate change.** Requires the Department of Education, in collaboration with environmental groups and other relevant state agencies such as the Department of Environmental Quality and the Department of Health and to assist local school boards in the implementation of programs of instruction that comply with the requirements relating to the Standards of Learning, specifically relating to citizenship and environmental issues and geography necessary for responsible participation in American society and the international community, to develop, no later than July 1, 2023, an interdisciplinary program of instruction on the causes of and potential solutions for climate change. The bill requires each local school board to incorporate, during the 2024–2025 school year, such program of instruction into curricula and instruction in the local school division in each core academic subject area at the grade levels that it deems most appropriate. The bill requires the Department of Education to implement and oversee a one-year pilot program to provide training and technical assistance to a diverse cross section of local school boards to implement such program of instruction in the local school division during the intervening 2023–2024 school year between the development and full local implementation of such program of instruction.

*Patron - Subramanyam*

**[F] HB371 Licensed school board employees; cultural competency training; bullying of Asian American and Pacific Islander students.** Requires the Board of Education's guidance on cultural competency training for licensed school board employees to include a model curriculum for cultural competency training relating to the bullying of Asian American and Pacific Islander students and requires such model curriculum to be incorporated into the biennial cultural competency training required for licensed school board employees.

*Patron - Convirs-Fowler*

**[F] HB391 Certain school board property; establishment of gun-free zone permitted.** Removes the authority of 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. Under current law, any school board may prohibit any individual, subject to exceptions, from knowingly possessing, purchasing, transferring, carrying, storing, or transporting firearms, ammunition, or components or combination thereof while such individual is upon such property.

*Patron - Freitas*

**[F] HB433 Certain Standards of Learning assessments; method of administration.** Requires (i) the reading and mathematics Standards of Learning assessments in grades three through eight and the science assessments administered to students in grade five and after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight to be traditional achievement tests and (ii) the Virginia Studies and Civics and Economics assessments to be performance based and to measure the test taker's ability to apply the

skills and knowledge learned in the class. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also requires the Department of Education, with such funds as may be appropriated for such purpose pursuant to the general appropriation act, to develop a task bank for performance-based assessments that is built using vetted tasks that have been developed by practitioners and align with the Department's Virginia Quality Criteria Review Tool for Performance Assessments.

*Patron - Bulova*

**[F] HB440 School boards; teachers; planning time and planning periods.** Requires each local school board to ensure that each elementary school teacher is provided an average of one 45-minute period per school day of planning time and that each middle and high school teacher is provided an average of one planning period per school day, which shall be at least 45 minutes or one class period, whichever is longer. The bill permits local school boards and teachers to enter into an appropriate contractual arrangement providing for compensation in lieu of such planning time or period. Under current law, public elementary school teachers are guaranteed at least an average of 30 minutes of planning time per school day during a school week.

*Patron - VanValkenburg*

**[F] HB452 Public school buses; display of advertising; hiring of school bus drivers in the local school division.** Permits any local school board, notwithstanding any regulation to the contrary, to display decals, posters, and stickers on the sides and rear of school buses advertising the hiring of school bus drivers in the local school division, provided that the local school board is responsible for the cost of such decals, posters, and stickers and that no such decal, poster, or sticker obstructs the name of the school division or the number of the school bus.

*Patron - Bennett-Parker*

**[F] HB486 Thomas Jefferson High School for Science and Technology; stakeholder working group; student seat allocation.** Requires the Fairfax County School Board to establish a working group that consists of representatives of the school boards governing the local school divisions that send students to attend Thomas Jefferson High School for Science and Technology to discuss the allocation of student seats in such school amongst such local school divisions. The bill requires the working group to seek input from relevant stakeholders including students, parents, teachers, and school administrators and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2022, a summary report of its deliberations and findings and recommendations, if any.

*Patron - Subramanyam*

**[F] HB511 Students who receive home instruction; participation in interscholastic programs.** Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is a person of school age for whom public school is free; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physi-

cal examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including fees to cover the costs of additional insurance, uniforms, and equipment and fees for facility upkeep and facility maintenance. The bill has an expiration date of July 1, 2027.

*Patron - March*

**[F] HB522 Students who receive home instruction; participation in interscholastic programs.** Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is a person of school age for whom public school is free; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2027.

*Patron - March*

**[F] HB533 Public elementary and secondary schools; agreements to establish opportunity classrooms.** Requires each school board to enter into an agreement, upon request, with a public elementary or secondary school teacher or a group of such teachers in a local school division who represents more than 20 students to establish an opportunity classroom, which the bill defines as a classroom in which a curriculum in English, mathematics, science, history and social science, and any other subject area, as set forth in such agreement, is offered that is different than any curriculum that is otherwise offered in such subject areas in the local school division. The bill permits each school board to enter into such agreement for an opportunity classroom if the requesting teacher or group of teachers represents fewer than 20 students. The bill contains requirements for such agreements to establish opportunity classrooms and provisions relating to funding for opportunity classrooms and for services, transportation, and assessments for students who are enrolled in an opportunity classroom.

*Patron - Batten*

**[F] HB535 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 2023-24 school year through the 2027-28 school year. The bill has a delayed effective date of July 1, 2023.

*Patron - Clark*

**[F] HB547 Department of Education; statewide strategic plan; speech-language pathologists.** Requires the Department to develop and maintain a statewide strategic plan for recruiting and retaining speech-language pathologists that, at a minimum, (i) analyze data to determine the specific staffing needs of local school divisions on an ongoing basis; (ii) evaluates the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for speech-language pathologists, and the expansion of speech-language pathologist mentorships; and (iii) estimates the costs of implementing each such strategy, including the extent to which federal funds could be used to support implementation. The bill requires the Department, no later than November 1 of each year, to update the Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan. The foregoing provisions of the bill have a delayed effective date of July 1, 2023. The bill also directs the Department of Education and the Board of Education, in consultation with each local school board, to (a) examine the caseloads and compensation of speech-language pathologists in each local school division, (b) compare such caseloads and compensation to those of speech-language pathologists in contiguous states, and (c) make recommendations to the Governor and the General Assembly no later than November 1, 2022, for such amendments to relevant law and the general appropriations act as may be necessary to effectuate a reduction in caseloads and increase in compensation that would facilitate stronger recruitment and retention of speech-language pathologists in public elementary and secondary schools in the Commonwealth.

*Patron - Hudson*

**[F] HB559 Local school boards; composite index of local ability-to-pay; required local effort; adjustment in certain circumstances.** Provides that in any case in which a local school board enters into a comprehensive agreement with a private entity pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 whereby the private entity finances the construction of a new public school building in the local school division through the issuance of bonds; leases the building to the local school board in an arrangement such as a certificate of participation, a double net lease, or a triple net lease; and expects the local school board to make lease payments in an annual amount that approximates or is equal to the annual debt service on such bonds, the Department of Education shall not consider 50 percent of such lease payments as capital outlay and debt service and therefore shall not subtract such payments in the biennial calculation of net local expenditures for operations or required local effort for the purpose of determining such local school division's composite index of local ability-to-pay, if so requested by the local school board.

*Patron - O'Quinn*

**[F] HB581 Local school boards; teacher career ladder compensation programs.** Requires each local school board to establish a teacher career ladder compensation program (program) whereby each rung on the ladder corresponds to a specific teacher career and compensation level as determined by the local school board. The bill requires each local school board to design and implement its own program, provided, however, that each program shall include the following principles and components: (i) each teacher shall provide increasing levels of student academic progress as measured by objective criteria before the teacher progresses to the next rung of the ladder; (ii) each teacher shall demonstrate improvement in teaching skills before the teacher progresses to the next rung of the ladder; (iii) each teacher shall assume additional teaching and other responsibilities such as curriculum development,

team teaching, mentoring, and professional development activities before the teacher progresses to the next rung of the ladder; (iv) the local school board is responsible for providing teachers in the program with appropriate professional growth and development opportunities; and (v) the local school board shall ensure that equal pay is provided to teachers in the program who are performing at the same level. The bill provides that teacher participation in a teacher career ladder compensation program is optional and any teacher may opt to be compensated pursuant to the local school board's standard salary scale.

*Patron - VanValkenburg*

**[F] HB608 School boards; unexpended local funds; capital projects.** Permits any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year. The bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - Bourne*

**[F] HB636 Virginia student environmental literacy; plan; grant fund and program.** Requires the Board of Education, in consultation with the Department of Environmental Quality, the Department of Health, any other stakeholder that it deems appropriate, and the public, and in order to assist each local school board in developing and implementing a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning and emphasizes environmental literacy as an essential skill and concept of citizenship that is necessary for responsible participation in American society and in the international community, to establish and update at least once every five years a Virginia student environmental literacy plan (the plan) that (i) prepares students to understand, analyze, and address the major environmental challenges facing the Commonwealth and the United States; (ii) provides field experiences as part of regular school curricula and creates programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition; and (iii) creates opportunities for the enhanced and ongoing professional development of teachers that improves teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom. The bill requires the plan to include a description of (a) how the Board will measure the environmental literacy of students, including relevant Standards of Learning and related curricula and courses or subjects where environmental education instruction will be integrated throughout grades kindergarten through 12 curricula, and the relationship of the plan to the high school graduation requirements established by the Board; (b) programs for the professional development of teachers to improve teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom; and (c) how the Board will implement the plan, including securing funding and other necessary support. The bill establishes the Virginia Student Environmental Literacy Plan Grant Fund and Program, to be administered by the Department of Education, for the purpose of awarding grants on a competitive basis to any local school board that seeks assistance to initiate, expand, or improve teacher professional development opportunities or student environmental education programs that align with the content and objectives of the plan.

*Patron - Carr*

**[F] HB650 School boards; school consolidation and redistricting and pupil assignment; access to advanced academic programs.** Requires a school board to demonstrate in

advance that the consolidation of schools, redistricting of school boundaries, or adoption of a pupil assignment plan will maintain or increase equitable student access to advanced academic programs.

*Patron - Kory*

**[F] HB688 School boards; production of public records; fee schedules.** Requires each school board to develop and post or otherwise make publicly available a fee schedule governing charges for the release of public records to be used by each school within its school division when responding to requests for public records pursuant to the Virginia Freedom of Information Act. The bill requires such fee schedule to be based on the most recent estimate of the aggregate costs incurred by each school within a school board's division in accessing, duplicating, supplying, or searching for requested public records. Finally, the bill provides that a school board shall review and update the fee schedule at least annually.

*Patron - Kory*

**[F] HB781 Public elementary and secondary schools; student citizenship skills; certain instructional policies prohibited; parental rights; disclosures; penalties; other remedies.** Requires the Board of Education to incorporate into each relevant Standard of Learning and associated curriculum framework a requirement that each student demonstrate the understanding of, among other concepts, the fundamental moral, political, and intellectual foundations of the American experiment in self-government, as well as the history, qualities, traditions, and features of civic engagement in the United States. The bill prohibits any public school teacher or other instructional staff member from being required to discuss any current event or widely debated and currently controversial issue of public policy or social affairs and provides that any such employee who chooses to discuss any such event or issue in the scope of his instructional duties shall, to the best of his ability, strive to explore such issues from diverse and contending perspectives, without giving deference to any one perspective. The bill prohibits the Board and Department of Education and each local school board from teaching, instructing, or training certain individuals and groups, including teachers and students, to support, believe, endorse, embrace, confess, act upon, or otherwise assent to a divisive concept, as defined in the bill, or penalizing or discriminating against any such individual or group for refusing to do so. The bill also prohibits any school board or employee thereof from teaching or incorporating into any course or class any such divisive concept or creating a position or hiring a consultant with the job title of equity director or diversity director or a substantially similar title and with a job description that includes any activity that would result in a violation of a provision of the bill. The bill further declares that the parent of each student enrolled in a public elementary or secondary school has the right to be aware of all curricula, instructional materials, lessons, and other forms of instruction provided to his child and may request that the student's teacher provide any such item for review. Finally, the bill provides that in the event that a local school board finds that a school board employee has persistently, knowingly, and intentionally violated any of the bill's provisions, the parent of any student affected by such violations may request and the local school board shall provide a voucher in an amount equal to all sums from any source that the local school board received for the education of such student and the parent shall use such voucher to provide for the education of his child in any setting set forth in relevant law.

*Patron - Williams*

**[F] HB785 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] HB786 Board of Education; policy on certain instructional material and related academic activities; annual parental notification; replacement or alternative material and activities; local compliance.** Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) annually notify the parent of any student enrolled in a class or course in which the instructional material or related academic activities includes or may include sexually explicit content, as defined in the bill, or content that depicts sexual misconduct, as defined in the bill; (ii) permit the parent of any student to review instructional material that includes sexually explicit content or content that depicts sexual misconduct, upon request; and (iii) provide, as a replacement or an alternative to instructional material and related academic activities that include sexually explicit content or content that depicts sexual misconduct, instructional material and related academic activities that do not include sexually explicit content or content that depicts sexual misconduct to any student whose parent so requests.

*Patron - LaRock*

**[F] HB787 Teaching or promotion of certain concepts in public elementary and secondary education; declaration in unlawful and discriminatory practice.** Declares it an unlawful and discriminatory practice for any local school board or employee or contractor thereof to teach any public elementary or secondary school student to believe or promote to any such student as valid the belief that (i) one race or sex is inherently superior to another race or sex; (ii) an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (iii) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex; (iv) an individual's moral character is necessarily determined by the individual's race or sex; or (v) an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex, but permits any local school board or employee or contractor thereof to teach to any public elementary or secondary school student content that includes the past or present belief, by any individual or group, in any such concept.

*Patron - LaRock*

**[F] HB789 Family life education programs; student participation; summaries.** Prohibits any public elementary or secondary school student from participating in any family life education program without the prior written consent of his parent. The bill requires the summary that is required to be posted and distributed to parents for each such program to include contact information for the individual or office responsible for maintaining printed and audio-visual program materials.

*Patron - LaRock*

**[F] HB844 High school interscholastic athletic competition; prevention of hate speech and ethnically or racially insensitive expressions.** Requires the organization governing high school athletics and academic activities for public and approved nonboarding nonpublic high schools (the organization), with such funds as may be appropriated by the General Assembly for such purpose pursuant to the general appropriation act, to develop (i) rules and standards for the prevention of inequities involving the use of hate speech or ethnically or racially insensitive expressions during athletic and academic competitions sponsored by the organization's member schools,

(ii) procedures for the enforcement of and penalties for the violation of such rules and standards, and (iii) training materials on such rules and standards. The bill requires each member school of the organization to abide by and implement such rules, standards, procedures, and penalties and ensure that each student who will participate in high school interscholastic athletic or academic competition, the parent of each such student, and each individual, whether paid or unpaid, who coaches a team that will participate in high school interscholastic athletic or academic competition receives and reviews such training materials. The bill requires the organization to make part of the process to become a registered official in good standing for any association offering services to the organization an education and training requirement that is consistent with the training materials developed by the organization. The bill has a delayed effective date of January 1, 2023.

*Patron - Lopez*

**[F] HB863 Local law enforcement; certain reports to school principals and division superintendents; form and scope.** Requires local law-enforcement authorities to report in writing, and the principal or his designee and the division superintendent to receive each such report, on (i) any suspected offense, offense for which any charge has been filed, or offense that is subject to investigation, that was committed by a student enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving certain enumerated incidents, and (ii) whether the student is released to the custody of his parent or, if 18 years of age or older, is released on bond. Current law does not require such reports to be in writing and only applies to student offenses but does not specify whether such reports are required to be made for student offenses that are suspected, charged, or subject to investigation.

*Patron - Reid*

**[F] HB946 Board of Education; local school boards; public notice and comment regarding certain materials.** Requires the Board of Education (the Board), in order to provide appropriate opportunity for input from the general public, parents, teachers, and local school boards, to solicit public comment prior to revising, adopting, or approving any Standards of Learning resource guide or curriculum framework, list of recommended textbooks in any Standards of Learning academic subject, textbook, instructional aid or material, or required or recommended reading list. The bill requires the Board to publish notice of its intended action at least 30 days prior to soliciting public comment, provide interested parties reasonable opportunity to be heard and present information prior to final action of the Board, and make such materials available for public inspection at least 30 days prior to final revision, adoption, or approval, as the case may be. Under current law, such requirements for public input apply only to the adoption or revision of Standards of Learning resource guides and lists of recommended textbooks in any Standards of Learning academic subject. The bill also requires the Board to establish minimum standards for local school boards to provide appropriate opportunity for input from the general public, parents, and teachers by soliciting public comment prior to revising, adopting, or approving any curriculum, textbook, instructional aid or material, or required or recommended reading list. The bill requires each local school board to comply with such minimum standards, which are required to include opportunities for public input that are substantially similar to those that are required to be provided by the Board.

*Patron - Wampler*

**[F] HB977 Public elementary and secondary education; school boards and employees; promotion of diversity and respect.** Requires each local school board and employee thereof to promote (i) diversity and respect, with the understanding that all individuals are created equal and diversity is a strength of the United States, and (ii) the concept that all cultures have contributed greatly to the rich history of the United States and the way of life that Americans enjoy today. The bill prohibits any local school board or employee thereof from training, teaching, or promoting to enrolled students or school board employees the concept that (a) any race is inherently superior or inferior to any other race; (b) any individual, by virtue of his race or skin color, is inherently racist, privileged, or oppressive, whether consciously or unconsciously; (c) any individual, by virtue of his race or religion, bears responsibility for the actions committed by other members of his race or religion; (d) any individual's moral character is determined by his race; (e) the United States is a fundamentally or systemically racist country; or (f) capitalism is an inherently racist economic system.

*Patron - McGuire*

**[F] HB982 Education Savings Account Program established; Education Improvement Scholarships Tax Credits.** Establishes the Education Savings Account Program, to be administered by the Department of Education, whereby the parent of any individual who is a resident of the Commonwealth and who is eligible to enroll in a public elementary or secondary school may apply for an Education Savings Account for his child into which the Department of Education deposits certain state and local funds and from which the parent makes certain enumerated qualifying expenses to educate his child in a setting and a manner other than full-time education in a public school. The bill requires the Program to be fully implemented prior to the beginning of the 2022–2023 school year.

The bill also increases the value of the Education Improvement Scholarships income tax credit for a donation to a scholarship foundation from 65 percent to 100 percent of the donation. The bill removes the aggregate limit on tax credits per year, which under current law is \$25 million, and removes individual minimum and maximum required donation amounts.

The bill raises the threshold for students to qualify for scholarships to 1,000 percent of free or reduced-price lunch standards or, for eligible students with a disability, 1,200 percent of such standards. The bill grants scholarship foundations the discretion to determine what expenses may be funded by tax-credit-subsidized scholarships. Under current law, such expenses are limited by statute. The bill expands eligibility for scholarships to any student who is a Virginia resident and eligible to enroll in a Virginia primary or secondary school. Current law restricts eligibility to certain categories of students.

The bill removes the requirement that scholarship-funded schools report test results of scholarship-funded students. The provisions of the bill pertaining to the Education Improvement Scholarships income tax credits apply starting with taxable year 2022.

*Patron - Scott, P.A.*

**[F] HB985 School principals; incident reports; violent offenses.** Requires that school principals report to law enforcement any felony offenses and violent offenses enumerated in the bill that may constitute a criminal offense. Under the bill, principals have discretion to report certain non-violent crimes to law enforcement. Under current law, principals are required to make such reports to law enforcement only for such acts that may constitute a felony offense.

*Patron - Anderson*



**F HB988 Treatment of transgender students; model policies.** Eliminates the requirement that each school board adopt policies that are consistent with the model policies developed by the Department of Education concerning the treatment of transgender students in public elementary and secondary schools. The bill also removes the requirement for such model policies to include information, guidance, procedures, and standards relating to the use of school facilities, requires the Department to amend its model policies to remove any such information, guidance, procedures, or standards, and requires the Department to make such amended model policies available to each school board no later than the beginning of the 2022 - 2023 school year.

*Patron - Wyatt*

**F HB1005 Public school teachers; continuing contract; resignation.** Declares a public school teacher employed after completing the probationary period to be entitled to a continuing contract whereby the contract continues in effect for the ensuing year in conformity with local salary stipulations, including increments, provided, however, that such teacher may be dismissed for any cause set forth in relevant law and in accordance with the procedures set forth in relevant law. Current law declares any such teacher to be entitled to such a continuing contract during good behavior and competent service. The bill requires a public school teacher who seeks to resign from a continuing contract (i) for the ensuing school year to give written notice of such resignation on or before June 15 of the current school year or (ii) in effect for the current school year or for the ensuing school year after June 15 of the current school year to request release from the contract at least two weeks in advance of intended date of resignation and requires such request to be in writing and to set forth the cause of resignation. Current law requires written notice of noncontinuation of a continuing contract by either party to be given by June 15 of each year and permits a teacher to resign after June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent if the teacher requests release from the contract in writing at least two weeks in advance of the intended date of resignation and sets forth the cause of resignation. The bill also provides that if the school board has not authorized the division superintendent to approve resignations of teachers with continuing contracts, the school board shall decide whether to accept or reject the resignation of such a teacher.

*Patron - Guzman*

**F HB1007 Board of Education; policy on sexually explicit instructional material.** Requires the Board of Education to establish, and each local school board to comply with, a policy to require each public elementary or secondary school to (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request, and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests.

*Patron - Scott, P.A.*

**F HB1009 Department of Education; policy on sexually explicit content in instructional material.** Requires the Department of Education to develop and each local school board to adopt model policies for ensuring parental notification of any instructional material that includes sexually explicit content and include information, guidance, procedures, and

standards relating to (i) ensuring parental notification; (ii) directly identifying the specific instructional material and sexually explicit subjects; and (iii) permitting the parent of any student to review instructional material that includes sexually explicit content and provide, as an alternative, nonexplicit instructional material and related academic activities to any student whose parent so requests. The bill provides that the local school board model policies may be more comprehensive than the model policies developed by the Department. The bill requires the Department to develop such model policies no later than July 31, 2022, and requires each local school board to adopt policies consistent with this act no later than January 1, 2023. The bill states that the provisions of the bill shall not be construed as requiring or providing for the censoring of books in public elementary and secondary schools.

*Patron - Durant*

**F HB1024 Parental Choice Education Savings Accounts established.** Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings 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 qualified 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 qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks 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 - LaRock*

**F HB1025 Parental Choice Education Savings Accounts established.** Permits the parents of qualified students, defined in the bill, to apply to the school division in which the qualified student resides for a one-year, renewable Parental Choice Education Savings 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 qualified 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 qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain education-related expenses of the qualified student, including tuition, deposits, fees, and required textbooks 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 - LaRock*

**F HB1032 Superintendent of Public Instruction and local school boards; standards for certain public school library materials; parental review of library and other educational materials.** Requires the Superintendent of Public Instruction to develop and distribute to each local school board and each such school board to enforce throughout the local school division mandatory statewide standards for evaluating, classifying, and removing from any public elementary or secondary school library any explicit material. The bill also permits the Office of the Attorney General to enforce compliance with such standards in any local school division. The bill also

establishes means and processes for the review of education materials and the review and approval of library materials by parents, including requiring the parents of all students who attend a public elementary or secondary school to comprise the Parental Review and Approval Committee for such school and requiring such Committee to review and vote to approve or disapprove of each item on a list of proposed library materials distributed to it by the school.

*Patron - LaRock*

**[F] HB1034 Department of Education; school boards; guidelines for the provision of counseling services in public schools.** Requires the Department of Education to develop and each local school board to adhere to guidelines for the provision of counseling services in public schools, which shall include (i) provisions for parental consent; written parental notification; parental involvement, as appropriate; and confidentiality; (ii) procedures by which a parent may limit or prohibit his child's participation; (iii) appropriate exceptions to the procedures by which a parent may limit or prohibit his child's participation such as imminent need, health, or safety or maintaining order in the school; and (iv) any other provision deemed necessary by the Department.

*Patron - Ransone*

**[F] HB1036 Local school boards; requirement for students to wear masks or other face coverings; evidentiary substantiation.** Prohibits any local school board from requiring any student enrolled at a public elementary or secondary school in the local school division to wear a mask, face covering, or other covering of the student's nose and mouth at school, on a school bus, or at a school-sponsored activity unless the local school board substantiates such requirement with evidence that (i) such requirement 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 reasonable alternatives to such requirement exist in light of the impact on quality of life and economic well-being; and (iii) such requirement is narrowly tailored to address the nuisance dangerous to the public health or the communicable, contagious, or infectious disease or other danger to the public life and health.

*Patron - LaRock*

**[F] HB1043 Department of Education; recommendations on background check and training requirements for youth sports coaches and staff.** Directs the Department of Education to make recommendations regarding appropriate background check and training requirements for coaches, staff members, and other volunteers of competitive sports leagues in which persons under the age of 18 participate. The bill requires the Department of Education to consult with child sexual assault victims advocates and youth competitive sports leagues in making its recommendations and to submit to the Governor and General Assembly a report of its recommendations by November 1, 2022.

*Patron - Tran*

**[F] HB1047 Students who need or use augmentative and alternative communication; instruction; eligibility; staff training.** Provides that no student who needs or uses augmentative and alternative communication (AAC), which the bill defines as any device, tool, support, or service, or any combination thereof, that facilitates any form of communication, other than oral speech, that can be used to express thoughts, needs, wants, and ideas, shall be denied the opportunity for inclusion in regular classrooms or the provision of age-appropriate instruction on the basis that such student may require support with AAC. The bill prohibits any individualized education program team, member of such team, or school division

employee from utilizing the results of any intelligence quotient test or any other test to measure intelligence or cognitive ability to determine a student with a disability's eligibility to be provided with and use AAC at school. The bill requires each school division to document on the individualized education program of a student with a disability who needs or uses AAC, beginning prior to the provision of instruction or support to the student, including any extended school year period, the student's AAC and communication access and support needs, including, as appropriate, individualized training as an assistive technology service for each school division employee or contractor who provides instruction or direct support to such student, to support the student's use of AAC and to ensure that curricula and instruction are designed or adapted as necessary to accommodate the student's unique communication access needs.

*Patron - Tran*

**[F] HB1068 Public elementary and secondary schools; curricula and instruction including inherently divisive concepts prohibited.** Requires each public elementary or secondary school principal to ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, as that term is defined in the bill, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity.

*Patron - Cordoza*

**[F] HB1093 Public elementary and secondary education; school boards and employees; cultural competency training; evaluations.** Requires the evaluation of each public school teacher and principal and division superintendent to include an evaluation of cultural competency if the relevant local school board has adopted and implemented policies to require cultural competency training. Under current law, such an evaluation of cultural competency is required and not conditioned upon any such action of the local school board. The bill permits any school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board of Education to complete cultural competency training, in accordance with guidance issued by the Board of Education, at least every two years, but only after providing 30 days' advanced written notice of and holding a public hearing regarding the adoption and implementation of such policies. Current law requires such cultural competency training and makes no provision for such notice and public hearing.

*Patron - Batten*

**[F] HB1099 Additional local sales and use tax; use of revenues for construction or renovation of schools.** Allows any county or city to levy a local general retail sales tax and a local use tax at a rate not to exceed one percent as determined by its governing body to provide revenues solely for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, the power to levy such local sales and use taxes for the construction or renovation of schools is limited to the qualifying localities of Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville.

*Patron - LaRock*

**[F] HB1100 Board of Education; standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings.** Requires the Board of Education (the Board) to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings.

nance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2022. This bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - LaRock*

**[F] HB1110 Local school boards; grievance procedure for certain employees; timing of resolution of certain disputes.** Requires each local school board's grievance procedure for school board employees, except the division superintendent, principals, assistant principals, teachers, supervisors, and other employees required to be licensed by the Board of Education, to afford a timely and fair method of the resolution of disputes arising between the school board and such employees before dismissal or other disciplinary actions, excluding suspensions. Current law requires such grievance procedures to afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding, but not before, dismissal or other disciplinary actions, excluding suspensions.

*Patron - Maldonado*

**[F] HB1126 Public education; parental rights; access to certain facilities and accommodations; instructional content; bullying.** Declares that the parent of any student enrolled in a public elementary or secondary school in the Commonwealth has the right to (i) obtain and review any educational material and curriculum utilized in any class or course in which the student is enrolled; (ii) opt his child out of any class or course activity, lesson, or reading assignment or the use of any audiovisual material or library book to which the parent objects; (iii) easily access a list of the title and author of each book in each classroom and each library in the school in which the student is enrolled; (iv) receive notice of and attend any public meeting of the school board governing the local school division in which the student is enrolled; (v) review the annual school division budget and expenditures; (vi) send his child to attend school in a safe environment; and (vii) be updated by the school principal on any violent activity in the school in which the student is enrolled. The bill requires each school board to adopt policies to require each student and school board employee to have access to restrooms, locker rooms, and other changing facilities in public school buildings that are shared only by members of the same biological sex; lodging accommodations during school-sponsored trips that are shared only by members of the same biological sex; and a single-user restroom, locker room, or other changing facility in a public school building, upon request, if the school can reasonably accommodate such a request. The bill also prohibits any school board employee or individual who provides any school-sponsored program from teaching or promoting to any student or school board employee the concept that (a) any race is inherently superior or inferior; (b) any individual is racist, privileged, oppressive, biased, or responsible for actions committed by others of the same race or skin color by virtue of the individual's race or skin color; (c) the United States is fundamentally racist; or (d) market-based economics is inherently racist. The bill finally requires each school board to implement policies and procedures to educate school board employees about bullying and the need to create a school environment in which

all individuals are treated with dignity and respect and any incident of bullying is taken seriously and handled in a robust manner.

*Patron - Avoli*

**[F] HB1135 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 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) increasing from at least three to at least four the required number of 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 - Bourne*

**[F] HB1164 Composite index of local ability-to-pay; use value of real estate in certain localities.** Requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation.

*Patron - Runion*

**[F] HB1179 Virginia Asian American, Pacific Islander, Latino, and Indigenous Education Advisory Board; establishment.** Establishes the 29-member Virginia Asian American, Pacific Islander, Latino, and Indigenous Education Advisory Board as an advisory board in the executive branch of state government for the purpose of advising the Governor, his Cabinet members, and the General Assembly on the current ways that Asian American, Pacific Islander, Latino, and Indigenous history is described in the relevant Standards of Learning and associated curriculum frameworks; how that content is taught in classrooms; and strategies to develop Asian American and Pacific Islander history and social studies elec-

tive courses, Latino history and social studies elective courses, and Indigenous history and social studies elective courses.

*Patron - Clark*

**[F] HB1184 Public schools; English language learners.** Requires state funding to be provided to support new divisionwide ratios of English learner students in average daily membership to full-time equivalent teaching positions, as follows: (i) for each English language learner identified as proficiency level one, one position per 25 students; (ii) for each English language learner identified as proficiency level two, one position per 30 students; (iii) for each English language learner identified as proficiency level three, one position per 40 students; and (iv) for all other English language learners, one position per 50 students.

*Patron - Guzman*

**[F] HB1284 School boards; method of selection; election required.** Requires election as the method of selecting the members of each school board in the Commonwealth. Current law requires such members to be appointed but permits their election under certain circumstances.

*Patron - Taylor*

**[F] HB1347 Family life education instruction; school year time limit.** Requires each school board that offers a family life education curriculum to limit instruction delivered to students pursuant to such curriculum to one hour per school year in each grade level.

*Patron - LaRock*

**[F] HB1352 Private elementary and secondary schools; retaliation for good faith reports of child abuse or neglect prohibited.** Prohibits any private elementary or secondary school from retaliating in any manner against any individual who in good faith reports child abuse or neglect as mandated by relevant law.

*Patron - Bell*

**[F] HJ84 Study; Department of Education; root causes of public school bus driver shortages and working conditions of public school bus drivers in the Commonwealth; report.** Requests that the Department of Education, with the assistance of each local school board, to study the root causes of public school bus driver shortages and the working conditions of public school bus drivers in the Commonwealth by (i) administering to each public school bus driver in each local school division in the Commonwealth and as many former public school bus drivers as is feasible a survey to determine the level of satisfaction with and the need for improvement to the working conditions of public school bus drivers in the Commonwealth, (ii) analyzing such survey data and such other information and data as it deems necessary and advisable, including information from other states and school districts contained therein that have had success in addressing public school bus driver shortages by addressing working conditions, and (iii) making recommendations for statutory, regulatory, or budgetary changes that may contribute to the improvement of the working conditions of public school bus drivers.

*Patron - Guzman*

**[F] SB2 School principals; incident reports.** Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. This bill was incorporated into SB 36.

*Patron - Cosgrove*

**[F] SB20 Treatment of transgender students; model policies.** Eliminates the requirement that each school board adopt policies that are consistent with the model policies developed by the Department of Education concerning the treatment of transgender students in public elementary and secondary schools.

*Patron - Hackworth*

**[F] SB125 Public schools; regional charter school divisions.** Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school.

*Patron - Obenshain*

**[F] SB178 Public school teachers; probationary term of service, grounds for dismissal, and dismissal hearings.** Permits each school board to extend for up to two additional years the three-year probationary term of service that is required for each teacher in the school division before the issuance of a continuing contract and prohibits each school board from reemploying a teacher whose performance evaluation during such probationary period is not satisfactory. The bill provides that, for the purpose of the dismissal of a teacher for cause, the term "incompetency" may be construed to include consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations. The bill also eliminates the option for a school board to conduct a teacher dismissal hearing before a three-member fact-finding panel, requires each such hearing to be set no later than 15 days after the request for the hearing, and reduces from 10 days to five days the minimum period of advance written notice to the teacher of the time and place of such hearing.

*Patron - Peake*

**[F] SB275 Public school libraries; printed and audiovisual materials; selection, evaluation, checkout, and removal procedures.** Requires each local school board to adopt policies that address the selection and evaluation of all printed and audiovisual materials purchased by, donated to, or otherwise made available to the school division that will be available to students in school libraries and requires such policies to contain clear procedures for (i) parental involvement in and a reasonable opportunity for public comment before the selection and evaluation of printed and audiovisual materials that will be available to students in school libraries; (ii) mandatory prior written parental consent before a student is permitted to check out from the school library any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law; and (iii) the removal from the school library of any such printed or audiovisual materials that could be considered grooming video or materials, as that term is defined in relevant law.

*Patron - DeSteph*

**[F] SB276 School boards; unexpended local funds; capital projects.** Permits any school board to finance capital

projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year. The bill is a recommendation of the Commission on School Construction and Modernization. This bill was incorporated into SB 481.

*Patron - Stanley*

**[F] SB285 High school interscholastic athletic competition; prevention of hate speech and ethnically or racially insensitive expressions.** Requires the organization governing high school athletics and academic activities for public and approved nonboarding nonpublic high schools (the organization), with such funds as may be appropriated by the General Assembly for such purpose pursuant to the general appropriation act, to develop (i) rules and standards for the prevention of inequities involving the use of hate speech or ethnically or racially insensitive expressions during athletic and academic competitions sponsored by the organization's member schools, (ii) procedures for the enforcement of and penalties for the violation of such rules and standards, and (iii) training materials on such rules and standards. The bill requires each member school of the organization to abide by and implement such rules, standards, procedures, and penalties and ensure that each student who will participate in high school interscholastic athletic or academic competition, the parent of each such student, and each individual, whether paid or unpaid, who coaches a team that will participate in high school interscholastic athletic or academic competition receives and reviews such training materials. The bill requires the organization to make part of the process to become a registered official in good standing for any association offering services to the organization an education and training requirement that is consistent with the training materials developed by the organization. The bill has a delayed effective date of January 1, 2023.

*Patron - Ebbin*

**[F] SB287 School principals; incident reports.** Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. This bill was incorporated into SB 36.

*Patron - DeSteph*

**[F] SB384 Department of Education; Statewide Learning Management System established.** Directs the Department of Education to establish the Statewide Learning Management System (VaLMS). The VaLMS shall be available to each public school in the Commonwealth. The bill allows school boards to utilize the full capacity of the VaLMS as an alternative to a locally funded learning management system.

*Patron - Dunnivant*

**[F] SB415 School boards; school resource officers; employment; threat assessment.** Requires each school board to enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer in each public elementary and secondary school in the local school division. The bill provides that no school board shall be granted any full or partial waiver from such staffing requirements and that no school board that fails to fully comply with such staffing requirements is eligible for any grant or waiver from the Commonwealth, Board of Education, or Department of Education. The bill also requires each division superintendent to include on the threat assessment team established for each public elementary and secondary school in the

local school division at least one school resource officer employed in the school.

*Patron - DeSteph*

**[F] SB481 School boards and local governing bodies; unexpended local funds; school maintenance, renovation, and construction.** Encourages each local governing body and local school board to enter into a collaborative agreement to set aside in a separate fund any sums, exclusive of the required local effort and required local match as stated in the general appropriation act, appropriated to the school board by the local governing body that are unexpended by the school board in any year in order to use such sums to finance school maintenance, renovation, or construction in the local school division. The bill provides that any such agreement may permit the local school board to retain and make authorized expenditures from such separate fund. As introduced, this bill is a recommendation of the Commission on School Construction and Modernization and incorporates SB 276.

*Patron - McClellan*

**[F] SB558 Board of Education; evaluation of and recommendations for certain current and proposed policies and performance standards for public elementary and secondary schools.** Requires the Board of Education to collaborate with the Superintendent of Public Instruction and the Secretary of Education to evaluate, to implement where possible, and to otherwise make recommendations to the General Assembly regarding the following goals: (i) promoting excellence in instruction and student achievement in mathematics, including elimination of the Virginia Mathematics Pathways Initiative and an evaluation of any other proposed changes to the Mathematics Standards of Learning, in advance of the next revision of such standards by the Board, to maintain and increase the rigor of mathematics instruction in public elementary and secondary schools and permit students demonstrating aptitude and high achievement in mathematics to accelerate their progress through core mathematics classes and concepts and take advanced mathematics courses before the eleventh grade; (ii) increasing the number of academic year Governor's Schools in the Commonwealth and maintaining standards of excellence for students in all such schools; (iii) preserving the Advanced Studies Diploma as an option for students in public high schools in the Commonwealth while maintaining or increasing course and credit requirements for such diploma; (iv) increasing the transparency and honesty of performance measures for public elementary and secondary schools in the Commonwealth and ensuring that such measures do not obscure or conceal disparities in performance among student groups; (v) ensuring that performance measures for public elementary and secondary schools prioritize the attainment of grade-level proficiency in reading and mathematics for all students, especially in grades kindergarten through five; (vi) ensuring that the Commonwealth's proficiency standards on Standards of Learning assessments in reading and mathematics are rigorous in comparison with assessments administered by other states and national assessments in reading and mathematics; and (vii) restoring a strong accreditation system that promotes meaningful accountability year-over-year. The bill requires the Secretary of Education and the Superintendent of Public Instruction, no later than November 30, 2022, to report to the chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such evaluation and recommendations to achieve such goals.

*Patron - Suetterlein*

**[F] SB570 Public elementary and secondary schools; curricula and instruction including inherently divisive concepts prohibited.** Requires each public elementary or secondary school principal to ensure that no curriculum utilized or

instruction delivered in the school includes inherently divisive concepts, as that term is defined in the bill, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity.

*Patron - Kiggans*

**[F] SB574 Child care; background checks.** Allows applicants for employment and applicants to serve as volunteers to work in certain child day centers, family day homes, and family day systems pending the results of a full background check, provided that (i) the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation and (ii) the applicant is supervised at all times by a person who received a qualifying result on a full background check within the past five years.

*Patron - Mason*

**[F] SB608 Public charter schools; applications; review and approval.** Permits the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the establishment of a public charter school rests solely with local school boards. The bill also provides that the decision of the Board or a local school board to grant or deny a public charter school application or to revoke or fail to renew a public charter school agreement is final and is not subject to appeal. Current law contains an appeal process for such decisions.

*Patron - Suetterlein*

**[F] SB613 School principals; incident reports.** Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. This bill was incorporated into SB 36.

*Patron - Stanley*

**[F] SB635 Public charter schools; applications; review and approval.** Permits the Board of Education (the Board) to receive, review, and rule upon applications for public charter schools and enter into agreements for the establishment of public charter schools. Under current law, the power to grant or deny a public charter school application and enter into an agreement for the establishment of a public charter school rests solely with local school boards. The bill also provides that the decision of the Board or a local school board to grant or deny a public charter school application or to revoke or fail to renew a public charter school agreement is final and is not subject to appeal. Current law contains an appeal process for such decisions.

*Patron - Chase*

**[F] SB760 Department of Education; task bank for performance-based assessments.** Requires the Department of Education to develop a task bank for performance-based assessments that is built using vetted tasks that have been developed by practitioners and aligns with (i) the Department's Virginia Quality Criteria Review Tool for Performance Assessments, (ii) the content in the standards of quality, and (iii) the skills in the Profile of a Graduate. The bill provides that school divisions may select tasks from the task bank.

*Patron - Suetterlein*

**[F] SB766 Schools; athletics; participation in female sports; civil cause of action.** Requires each elementary or secondary school or a private school that competes in sponsored athletic events against such public schools to designate athletic teams, whether a school athletic team or an intramural team sponsored by such school, based on biological sex as follows: (i) "males," "men," or "boys"; (ii) "females," "women," or "girls"; or (iii) "coed" or "mixed." Under the bill, male students are not permitted to participate on any school athletic team or squad designated for "females," "women," or "girls"; however, this provision does not apply to physical education classes at schools. The bill provides civil penalties for students and schools that suffer harm as a result of a violation of the bill. Such civil actions are required to be initiated within two years after the harm occurred.

*Patron - Kiggans*

## Carried Over

**[C] HB221 STEM+C; Virginia STEM Education Advisory Board.** Adds science, technology, engineering, mathematics and computing (STEM+C), which includes real-world, interdisciplinary, and computational instruction and preparation of students in STEM+C, to the list of topics that shall be included in the Standards of Learning for the Commonwealth. The bill also directs the Virginia STEM Education Advisory Board to develop and submit to the Board of Education (i) a rubric that shall be used by the Board of Education in setting out what factors permit a school to be defined as a STEM school and (ii) recommendations for the Board to create a measurement for quality of STEM programming in general education instruction. The bill also directs the Virginia STEM Education Advisory Board to draft and report to the Department of Education proposed common language and terminology that better defines the basic literacies employed in STEM+C as methodological approaches to solving universal human challenges and, as essential, generalizable and transferable literacy toward the application of skills and content needed to solve those challenges. The bill also directs the Department of Education, based on such proposed language and terminology and no later than December 1, 2022, to recommend finalized language and terminology to the Board of Education. The bill clarifies that nothing in the foregoing provisions of the bill shall be construed to establish any new course or credit requirements for students.

*Patron - Davis*

**[C] HB271 Local school boards and comprehensive community colleges; compensation structure for adjunct instructors; credit-bearing and noncredit workforce credentials.** Encourages local school boards and comprehensive communities colleges to enter into local or regional agreements for the establishment and implementation of a competitive compensation structure to recruit and retain adjunct instructors to be jointly compensated by the relevant school boards and colleges to prepare both high school students and college students to earn credit-bearing workforce credentials and non-credit workforce credentials, as that term is defined in relevant law.

*Patron - Byron*

**[C] HB346 College partnership laboratory schools; application and establishment.** Permits any public institution of higher education or private institution of higher education to apply to the Board of Education (the Board) to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school. Under current law, only public and private institutions of higher education that operate approved teacher education programs are

permitted to apply to the Board to establish such a school and no explicit provision is made for the conversion of an existing school. The bill permits college partnership laboratory schools to enter into a memorandum of understanding with any individual or entity to provide apprenticeships, career training, and curriculum support to carry out the provisions of law relating to such schools. The bill requires the Board, in reviewing such applications, to give substantial preference to any application from a historically black college or university and any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board.

*Patron - Davis*

**HB363** **Certain school board employees; dismissal; grounds; continuing contract study; report.** Prohibits school board employees who are not required to hold a valid license issued by the Board of Education and public school teachers from being dismissed based on a last-hired, first-fired dismissal policy or any other similar policy that mandates that, when considering more than one such employee for dismissal, the seniority of each such employee shall be the sole determinative factor in the dismissal decision. The bill also requires the Board of Education, the House Committee on Education, and the Senate Committee on Education and Health, in consultation with local school boards, to study and make recommendations to the General Assembly no later than November 1, 2022, regarding effective, alternative ways in which the performance of teachers may be evaluated for the purpose of awarding or rescinding continuing contract status.

*Patron - Freitas*

**HB563** **School division maintenance reserve tool; School Construction Fund and Program established.** Requires the Department of Education, in consultation with the Department of General Services, to develop or adopt and maintain a data collection tool to assist each school board to determine the relative age of each public school building in the local school division and the amount of maintenance reserve funds that are necessary to restore each such building. The bill requires each school board to provide to the Department of Education in a timely fashion the local data that is necessary to ensure that such tool remains relevant and useful for the determination of maintenance reserve needs. The bill requires the Department of Education to consider converting or using as a template the Department of General Services' Real Estate and Assets Management system for tracking buildings and infrastructure maintenance status to meet the above requirement to maintain such a tool. The bill also establishes the School Construction Fund and Program for the purpose of awarding grants to local school boards to fund the construction of new public school buildings or the renovation or expansion of existing public school buildings in the local school division. The bill requires any revenues remaining in the Gaming Proceeds Fund after certain enumerated appropriations are made to be appropriated to the School Construction Fund.

*Patron - O'Quinn*

**HB1064** **Public School Trades Incentive Fund and Program; established.** Establishes the Public School Trades Incentive Fund and Program, to be administered by the Department of Education, for the purpose of providing grants on a competitive basis to any school board that seeks to (i) establish, expand, or restore high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials or (ii) establish, expand, or restore middle school programs that encourage and recruit students to participate in high school programs that teach students skilled

trades that lead to earning industry-recognized certifications or credentials.

*Patron - Brewer*

**HB1124** **Board of Education; school boards; codes of student conduct; contents.** Requires the Board of Education's guidelines and model policies for codes of student conduct to include a requirement that any code of student conduct is enforced and any student behavioral intervention or disciplinary method or measure is utilized in a fair, proportional, unbiased, and neutral manner, for the sole purpose of maintaining safe learning environments, and with full and sole consideration of the student's behavior and with no consideration of any individual immutable characteristic of the student such as the student's sex or race. The bill requires each school board to establish and continuously maintain a system of fair, proportional, unbiased, and neutral student behavioral intervention and discipline and prohibits any school board from establishing or maintaining any system of student behavioral intervention or discipline, including positive behavioral interventions and supports or any substantially similar disciplinary method, that targets or differentiates student behavioral interventions or disciplinary methods or measures based on any factor other than the student's behavior.

*Patron - Anderson*

**HB1125** **School boards; parental notification of certain threats, behavior, and unlawful acts; panic alarms.** Requires, within four hours of receiving notification of (i) a preliminary determination by the threat assessment team that a student poses a threat of violence or physical harm to self or others; (ii) threatening or aberrant behavior that may represent a threat to the school; or (iii) unlawful acts committed on school property, on a school bus, or at a school-sponsored activity that involve the unlawful use or possession of a weapon, homicide, criminal sexual assault, or trespassing, each division superintendent to notify the parent of each student enrolled in the relevant school of such threat, threatening or aberrant behavior, or unlawful act. The bill requires each school board to equip each public elementary and secondary school building in the local school division with at least one panic alarm that adheres to nationally recognized industry standards, including the standards of the National Fire Protection Association and Underwriters Laboratories, and is installed by a licensed and qualified professional. The bill defines "panic alarm" as a silent security system by which the user manually activates a device that sends a non-audible signal to the local law-enforcement agency that indicates a school security emergency, including a non-fire evacuation, lockdown, or active shooter situation, that requires immediate response and assistance from such agency.

*Patron - Anderson*

**HB1246** **Public elementary and secondary schools; students; digital tools; accessibility.** Requires the Department of Education to convene a work group to provide input and recommendations to the Department of Education, the Board of Education, and the General Assembly no later than November 1, 2022, regarding (i) ways in which school divisions can effectively identify and receive responsive and responsible bids from vendors to procure digital tools, including online platforms, courses, digital applications, information and communication technology services, and digital content, that comply with the federal accessibility standard and (ii) any statutory or regulatory changes that may assist school divisions to procure such digital tools that comply with such standard.

*Patron - Tran*

**HB1315** **School boards; parental notification of certain threats, behavior, and unlawful acts.** Requires,



within four hours of receiving notification of (i) a preliminary determination by the threat assessment team that a student poses a threat of violence or physical harm to self or others; (ii) threatening or aberrant behavior that may represent a threat to the school; or (iii) unlawful acts committed on school property, on a school bus, or at a school-sponsored activity that involve the unlawful use or possession of a weapon, homicide, criminal sexual assault, or trespassing, each division superintendent to notify the parent of each student enrolled in the relevant school of such threat, threatening or aberrant behavior, or unlawful act.

*Patron - Anderson*

**SB156 Public schools; English language learners.** Requires state funding to be provided to support, in the 2022-2023 school year and thereafter, a new divisionwide ratio of English learner students in average daily membership to full-time equivalent teaching positions of 22 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

*Patron - Hashmi*

**SB157 Competitive compensation for certain positions in public elementary and secondary schools.** Declares it the goal of the Commonwealth that its public school teachers and all other individuals employed in Standards of Quality-funded positions be compensated at a rate that is competitive, defined as at or above the national average salary for the position, in order to attract and keep highly qualified individuals in such positions. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a five percent annual pay increase for each such position, effective from the 2023-24 school year through the 2027-28 school year, provided that such five percent annual pay increase (i) is subject to a local matching requirement in accordance with each local school board's composite index of local ability-to-pay and (ii) shall be adjusted annually as necessary to account for rebenchmarking and to yield a rate of compensation percentage increase for all Standards of Quality-funded positions that is pegged to providing a competitive average teacher salary in the Commonwealth. The bill has a delayed effective date of July 1, 2023.

*Patron - Hashmi*

**SB239 STEM+C; Virginia STEM Education Advisory Board.** Adds science, technology, engineering, mathematics and computing (STEM+C), which includes real-world, interdisciplinary, and computational instruction and preparation of students in STEM+C, to the list of topics that shall be included in the Standards of Learning for the Commonwealth. The bill also directs the Virginia STEM Education Advisory Board to develop and submit to the Board of Education (i) a rubric that shall be used by the Board of Education in setting out what factors permit a school to be defined as a STEM school and (ii) recommendations for the Board to create a measurement for quality of STEM programming in general education instruction. The bill also directs the Virginia STEM Education Advisory Board to draft and report to the Department of Education proposed common language and terminology that better defines the basic literacies employed in STEM+C as methodological approaches to solving universal human challenges and, as essential, generalizable and transferable literacy toward the application of skills and content needed to solve those challenges. The bill also directs the Department of Education, based on such proposed language and terminology and no later than December 1, 2022, to recommend finalized language and terminology to the Board of Education.

*Patron - Hashmi*

**SB261 Virginia STEM Education Advisory Board; comprehensive review of labor statistics categories; report.** Directs the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board (the Board) to perform a comprehensive review of U.S. Bureau of Labor Statistics categories within the standard occupational classification system and assess deficit areas that do not capture Virginia's existing STEM+C (Computing) workforce profile for the purpose of better aligning K-12 and higher education priorities. The Board shall report its findings to the Virginia Economic Development Partnership Authority Office of Education and Labor Market Alignment and the Chairmen of the House Committee on Communications, Technology and Innovation and the Senate Committee on General Laws and Technology no later than October 1, 2022.

*Patron - Hashmi*

**SB430 Department of Education; assessing individual student growth.** Requires the Department of Education to create or request proposals for a system for value-added modeling to assess growth of students in public schools. The bill requires each school board in the Commonwealth to, upon the creation of such system, implement the system and make reports made by the system available to parents or guardians for their child's report and the Department.

*Patron - Dunnivant*

**SB471 Literary Fund; loans; application process; maximum loan amounts; rates of interest; closing costs; waiting lists.** Requires the Board of Education (the Board) to establish an annual open application process for Literary Fund loans to finance the construction and renovation of public elementary and secondary school buildings in the Commonwealth to occur during the period that the Board deems most suitable and requires the Board to prioritize applications on the basis of the composite index of local ability-to-pay. The bill increases from \$7.5 million to \$25 million the maximum Literary Fund loan amount and requires the Board to offer a loan add-on not to exceed \$5 million per loan for projects that result in school consolidation and the net reduction of at least one existing school. The bill further requires the Board, in consultation with the Department of Treasury, to establish loan interest rates that are benchmarked to a market index on an annual basis, not to exceed two percent per year for the localities with a school division composite index of local ability-to-pay between 0.0 and 0.299 and requires the Board to utilize a sliding scale based on the local school division's composite index of local ability-to-pay to determine the interest rate on each such loan. Under current law, such rates are required to be set between two and six percent per year. The bill requires the Board to establish a competitive program for the award of up to \$25,000 to a school division that receives a Literary Fund loan for the purpose of subsidizing all or a portion of the closing costs for such loan. In addition, the bill permits the Board to remove any project that has been inactive for at least five years from any Literary Fund loan project waiting list that it maintains. As introduced, this bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - McClellan*

**SB473 Department of Education; School Construction Fund and Program; Gaming Proceeds Fund revenues.** 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. The bill provides that three percent of any fiscal year's budget surplus shall be appropriated to the School Construction Fund and Program. The bill also provides that any remaining revenues not appropriated by the Gaming Proceeds Fund shall be appropriated to the School Construction Fund and Program. Under current law, any remaining revenues in the Gaming Proceeds Fund not appropriated remain in the Fund until appropriated by the General Assembly for programs established to address public school construction, renovations, or upgrades.

*Patron - McClellan*

**[C] SB490 Standards of Quality; specialized student support.** Requires each school board to provide at least four specialized student support positions per 1,000 students. Under current law, each school board is required to provide at least three such positions per 1,000 students.

*Patron - McClellan*

**[C] SB598 College partnership laboratory schools; application and establishment.** Permits any public institution of higher education and any nonprofit private institution of higher education that is eligible for the Tuition Assistance Grant Program to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school. Under current law, only public and private institutions of higher education that operate approved teacher education programs are permitted to apply to the Board to establish such a school, and no explicit provision is made for the conversion of an existing school. The bill requires applications for formation of a college partnership laboratory school to describe how the applicant will cooperate with local school boards, including allowing the local school board to elect to name a board member to the governing board of the college partnership laboratory school, and to include assurances that the applicant will work with the State Council of Higher Education for Virginia to develop programs that may award college credits. The bill requires the Board, among other criteria for reviewing and ruling on such applications, to give substantial preference to any application from a historically black college or university; any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board; and any joint application submitted by an institution of higher education in partnership with one or more local school boards. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Pillion*

**[C] SB603 Board of Education; standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings.** Requires the Board of Education (the Board) to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2022. This

bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - Stanley*

**[C] SB628 Public School Trades Incentive Fund and Program; established.** Establishes the Public School Trades Incentive Fund (the Fund) and the Public School Trades Incentive Program (the Program) for the purpose of providing grants on a competitive basis from the Fund to any school board that seeks to (i) restore high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials or (ii) create or restore middle school programs that encourage and recruit students to participate in high school programs that teach students skilled trades that lead to earning industry-recognized certifications or credentials. The bill requires the Department of Education to administer the Program and to establish such rules and procedures relating to applications and awards as it deems appropriate, provided that the Department considers and gives appropriate weight to certain criteria for grantees. The bill permits any grantee to use Program funds for equipment, curriculum development, or instructor training. The bill requires each grantee to longitudinally track students who complete any program for which the school board received funds in order to determine the effectiveness of the (a) new or restored middle school programs in recruiting students to participate in restored high school programs and (b) restored high school programs in matching students with high-paying jobs in the fields in which they are certified or credentialed.

*Patron - Stanley*

**[C] SB662 Department of Education; School Quality Profiles; teacher data.** Requires the Department of Education to include on each School Quality Profile data on teachers' race and proficiency in any language other than English.

*Patron - Lucas*

**[C] SB704 Superintendent of Public Instruction; school health services information; survey.** Requires the Superintendent of Public Instruction to, at least annually, survey all local school divisions and use such data to strengthen the comprehensive availability of school health services information. The bill provides that information to be collected in the survey shall include: (i) staffing levels of school health personnel, (ii) the prevalence of students with chronic health conditions, (iii) the percentage of students with health services written in their records, (iv) the number of visits to the school health office and dispositions, (v) health services provided by each school, and (vi) any other information deemed appropriate. The bill requires each local school division to complete each survey.

*Patron - Kiggins*

**[C] SB751 Standardized Health Care Academy Program; established.** Establishes the Standardized Health Care Academy Program for the purpose of providing training and opportunities to high school students in health care professional programs that are offered by associate-degree-granting public institutions of higher education. The bill directs the State Board for Community Colleges to establish the Program and work with the Department of Education in setting out parameters for the Program.

*Patron - Dunnivant*

# Elections

## Passed

**P HB55** **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. This bill is identical to SB 211.

*Patron - Greenhalgh*

**P HB125** **Elections; political campaign advertisements; illegal negative ads; civil penalties.** Provides that sponsors violating political campaign advertisement disclosure laws with advertisements or campaign telephone calls are subject to a civil penalty not to exceed \$25,000. This bill received Governor's recommendations.

*Patron - Davis*

**P HB195** **Polling places; location requirements; waiver in certain circumstances.** Provides that in the event that there is no suitable building that could be used for a polling place within a precinct or within one mile of the precinct boundary, the general registrar or the governing body of the locality may request from the Department of Elections a waiver to establish a polling place that does not meet the location requirements. The bill provides that the Department shall grant such a waiver and may impose any conditions on the waiver that it deems necessary or appropriate to ensure accessibility and security of the polling place and compliance with any other requirements of state or federal law.

*Patron - Ransone*

**P HB205** **State and local elections officials; acceptance of certain gifts and funding prohibited.** Prohibits state and local elections officials from soliciting, accepting, using, or disposing of any moneys, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The bill specifically provides that it is not a violation of this prohibition to (i) operate a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity or (ii) accept a federal government grant funded in whole or part by donations from private individuals or nongovernmental entities. This bill is identical to SB 80.

*Patron - Wachsmann*

**P HB439** **Absentee ballots; materials included; information on proposed constitutional amendments and referenda.** Provides that whenever there is a proposed constitutional amendment or statewide referendum on the ballot, the printed instructions with the absentee ballot materials are required to include the website address where the explanation for such amendment or referendum is posted on the Department of Elections' website.

*Patron - VanValkenburg*

**P HB492** **Campaign finance; record retention requirements and reviews of campaign finance disclosure reports.** Requires campaign committee treasurers to retain certain records that may be used in reviews of campaign committee accounts. The bill gives the Department of Elections the

authority and duty to conduct reviews of a percentage of campaign committees and to report the results of such reviews annually to the State Board of Elections, the Governor, and the General Assembly and make such report available on the Department's website. The bill has a delayed effective date of January 1, 2024, and provides that campaign finance reports filed prior to January 1, 2024, are not subject to the provisions of the bill.

*Patron - Bulova*

**P HB542** **Elections administration; reclassification of assistant registrars.** Reclassifies assistant registrars as deputy registrars.

*Patron - Batten*

**P HB895** **Elections; conduct of election; election results; risk-limiting audits.** Requires local electoral boards and general registrars to perform certain risk-limiting audits, defined in the bill, under the supervision of the Department of Elections and in accordance with the procedures prescribed by the State Board of Elections with a risk limit of at least 10 percent. The bill provides that localities are required to participate in such audits at least once every five years. The bill also provides that the Department shall submit a report on the results of such audits to the State Board. The provisions of the bill requiring that such audits be conducted (i) for at least one randomly selected contested race for the General Assembly in the year of a general election for members of the General Assembly and (ii) for any other contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate have a delayed effective date of July 1, 2023. The provision of the bill requiring that such audits be conducted for at least one randomly selected contested race for an office that requires certification by the State Board in the year of general election for any local office has a delayed effective date of July 1, 2024. The bill also requires the Department to convene a work group to consider and propose a process and timeline for implementing risk-limiting audits of statewide contests. This bill is identical to SB 370.

*Patron - Kilgore*

**P HB927** **Elections; voting systems; reporting absentee results by precinct.** Includes in the definition of "voting system" on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines. The bill also requires general registrars to report to the Department of Elections the number and results of absentee ballots cast by voters assigned to each precinct in the registrar's locality. The Department is directed by the bill to establish standards for ascertaining and reporting such information. This bill is identical to SB 3.

*Patron - Robinson*

**P HB1140** **Voter registration; cancellation of registration; notice requirement.** Requires general registrars to provide notice of the cancellation of a voter's registration to the voter by mail to the address listed in the voter's registration record and by email to the email address provided on the voter's registration application, if one was provided.

*Patron - Walker*

**P SB3** **Elections; voting systems; reporting absentee results by precinct.** Includes in the definition of "voting system" on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines. The bill also requires general registrars to report to the Department of Elec-

tions the number and results of absentee ballots cast by voters assigned to each precinct in the registrar's locality. The Department is directed by the bill to establish standards for ascertaining and reporting such information. This bill incorporates SB 306 and is identical to HB 927.

*Patron - Suetterlein*

**[P] SB80 State and local elections officials; acceptance of certain gifts and funding prohibited.** Prohibits state and local elections officials from soliciting, accepting, using, or disposing of any moneys, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The bill specifically provides that it is not a violation of this prohibition to (i) operate a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity or (ii) accept a federal government grant funded in whole or part by donations from private individuals or nongovernmental entities. This bill is identical to HB 205.

*Patron - Stanley*

**[P] SB211 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. This bill is identical to HB 55.

*Patron - Kiggans*

**[P] SB370 Elections; conduct of election; election results; risk-limiting audits.** Requires local electoral boards and general registrars to perform certain risk-limiting audits, defined in the bill, under the supervision of the Department of Elections and in accordance with the procedures prescribed by the State Board of Elections with a risk limit of at least 10 percent. The bill provides that localities are required to participate in such audits at least once every five years. The bill also provides that the Department shall submit a report on the results of such audits to the State Board. The provisions of the bill requiring that such audits be conducted (i) for at least one randomly selected contested race for the General Assembly in the year of a general election for members of the General Assembly and (ii) for any other contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate have a delayed effective date of July 1, 2023. The provision of the bill requiring that such audits be conducted for at least one randomly selected contested race for an office that requires certification by the State Board in the year of general election for any local office has a delayed effective date of July 1, 2024. The bill also requires the Department to convene a work group to consider and propose a process and timeline for implementing risk-limiting audits of statewide contests. This bill is identical to HB 895.

*Patron - Bell*

**[P] SB698 Elections; lists of persons voting at elections; creation of searchable public lists prohibited.** Prohibits the recipient of a list of registered voters from publishing on the Internet any of the information contained in such list as a list, database, or other similar searchable format or providing information contained in a list of registered voters to a third party for such purpose.

*Patron - Deeds*

## Failed

**[F] HB15 Elections administration; requests made pursuant to the Freedom of Information Act; deferment of response when request received during certain period of time.** Allows local electoral boards and general registrars to defer providing a response to a request received under the Freedom of Information Act on or after the first day of in-person absentee voting for any election and before the tenth day following the local electoral board's certification of such election. The bill requires that notice of the deferment be provided to the requestor.

*Patron - Ware*

**[F] HB24 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, the bill provides that such voter is entitled to cast a provisional ballot.

*Patron - Walker*

**[F] HB34 Absentee voting; return of absentee ballots; drop-off locations.** Repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots.

*Patron - Campbell, R.R.*

**[F] HB35 Absentee voting; excuse required to vote absentee by mail; excuse required to vote absentee in person prior to the second Saturday preceding an election.** Requires a registered voter to provide a reason for being absent or unable to vote at his polling place on election day in order to receive an absentee ballot to vote by mail. Registered voters offering to vote absentee in person are similarly required by the bill to provide a reason until the second Saturday immediately preceding an election, at which time an excuse is not required to vote absentee in person. The bill provides that an application for an absentee ballot is required to receive an absentee ballot by mail and to vote absentee in person before the second Saturday immediately preceding an election. The bill also repeals the permanent absentee voter list and limits the special annual application to those voters with an illness or disability.

*Patron - Campbell, R.R.*

**[F] HB36 Absentee voting; permanent absentee voter list repealed.** Repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration.

*Patron - Campbell, R.R.*

**[F] HB39 Absentee voting in person; available beginning on the fourteenth day prior to election; hours of operation.** Limits absentee voting in person to the two weeks immediately preceding an election. During these two weeks, the bill requires that absentee voting in person be available Monday through Saturday, from 7:00 a.m. to 7:00 p.m. each day.

*Patron - Scott, P.A.*

**[F] HB46 Elections; voter identification containing a photograph required; availability of absentee voting in per-**

**son; processing returned absentee ballots; permanent absentee voter list repealed.** Requires presentation of a form of identification containing a photograph in order to vote. A voter who does not show an accepted form of identification is entitled to cast a provisional ballot. The bill limits the period that absentee voting in person is available to the twenty-one days prior to an election and allows localities to offer extended hours for absentee voting in person. Additionally, the bill repeals the provision that allows an absentee ballot that is returned after the close of polls to be counted if it is postmarked by election day and arrives by the Friday after the election. The bill makes changes to the pre-processing of absentee ballots and repeals the permanent absentee voter list.

*Patron - Ware*

**[F] HB48 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 - Fariss*

**[F] HB54 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 - Greenhalgh*

**[F] HB68 Voter registration; presumption of domicile; members of a uniformed service and others.** Provides that a member of a uniformed service who is on active duty with permanent orders stationing him in the Commonwealth shall be presumed to have established domicile for purposes of satisfying the residency requirements for voter registration, if he has also established physical presence and a place of abode in the Commonwealth, unless he expressly states otherwise. The bill provides for the same presumption for his spouse and any dependent residing with him. The bill defines "uniformed service," the same way the term is defined in the Uniform Military and Overseas Voter Act, as the (i) active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States; (ii) Merchant Marine, commissioned corps of the Public Health Service, or commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or (iii) Virginia National Guard.

*Patron - Anderson*

**[F] HB71 Campaign finance; prohibited contributions to candidates; Phase I Utility and Phase II Utility.** 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 - Ware*

**[F] HB76 Absentee voting; reimbursement of costs.** Requires the General Assembly to establish in the general appropriation act a reimbursement plan to reimburse counties and cities, fully and annually, for the cost of conducting absentee voting in the locality.

*Patron - Ware*

**[F] HB85 Elections; campaign finance; contribution limits; penalty.** Imposes contribution limits on individuals

giving to campaigns, political action committees and political party committees and on campaign committees contributing to other campaign committees, political action committees, or political party committees. The bill authorizes a political party committee to keep a separate legal fund for the sole purpose of paying for legal expenses.

*Patron - Anderson*

**[F] HB121 Elections; voter identification containing photograph required; who may register up to and including the day of the election; availability of absentee voting in person; return of absentee ballots.** Requires presentation of a form of identification containing a photograph in order to vote and provides that a voter who does not have one of the required forms of identification is entitled to cast a provisional ballot. The bill repeals a provision that would permit any person who is qualified to register to vote to do so in person up to and including the day of the election and limits the persons who are entitled to register to vote after the close of registration records to members of a uniformed service of the United States on active duty, persons who are residing temporarily outside of the United States, and their spouses and dependents. The bill limits the period during which absentee voting in person is available from 45 days to the 10 days immediately preceding the date of the election, including both Saturdays. The bill requires that absentee ballots returned by mail be returned to the office of the general registrar by the close of polls on election day and be postmarked on or before the Saturday preceding the date of the election. The bill eliminates the use of drop-off locations for the return of absentee ballots. The bill requires absentee ballot applications to contain the last four digits of the applicant's social security number and provides that the failure of an absentee ballot to include a witness signature is a material omission, rendering the ballot void.

*Patron - Wyatt*

**[F] HB129 Elections; conduct of election; ranked choice voting; primaries for elected offices.** Permits parties to decide to hold a primary for any office by ranked choice voting and changes from discretionary to mandatory the provision that the State Board of Elections promulgate regulations for their proper and efficient administration.

*Patron - Davis*

**[F] HB149 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, his date of birth, the last four digits of his social security number, and his residence address.

*Patron - Runion*

**[F] HB174 Campaign finance; out-of-district contribution limits; civil penalty.** Prohibits contributions to a candidate's campaign from persons that are not residents of the Commonwealth and limits to 75 percent of total contributions to a candidate's campaign contributions from persons and committees with a candidate, treasurer, or custodian of books who are not residents of the district served by the office to which the candidate is seeking election. The bill provides that contributions made by a candidate or a candidate's family to the candidate's campaign do not count toward such contribution limits. The bill also provides that penalties for violations of such contribution limits may equal up to two times the excess contribution amounts.

*Patron - Bloxom*

**[F] HB175 Absentee voting; annual absentee voter list; absentee ballots; return of ballots.** Removes the permanent absentee voter list and provides for an annual absentee voter list by which any eligible voter who annually files an

application and is enrolled on the list receives an absentee ballot for any election in which he is eligible to vote in the ensuing calendar year. The application for the annual absentee voter list requires, at a minimum, the voter to provide his printed name, date of birth, and the last four digits of his social security number. The bill makes an absentee voter's failure to have a witness sign the absentee ballot envelope a material omission and renders his ballot void. Current law allows a late absentee ballot to be counted if it is received by the Friday after the election and postmarked on or before the day of the election; the bill modifies this provision, requiring a postmark on or before the Saturday immediately preceding the day of the election.

*Patron - Bloxom*

**[F] HB178 Absentee voting in person; available beginning on the fourteenth day prior to election; hours of operation.** Limits absentee voting in person to the two weeks immediately preceding an election. During these two weeks, the bill requires that absentee voting in person be available Monday through Saturday, from 7:00 a.m. to 7:00 p.m. each day.

*Patron - Bloxom*

**[F] HB185 Voter registration; registration permitted up to and including the day of the election.** Repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii).

*Patron - Ransone*

**[F] HB187 Voter registration; registration permitted up to and including the day of the election.** Repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii).

*Patron - McGuire*

**[F] HB196 Absentee voting; permanent absentee voter list repealed.** Repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration.

*Patron - Webert*

**[F] HB198 Absentee voting; permanent absentee voter list; annual notice required; reasons for removal.** Requires general registrars to send, by December 15 of each year, notice to each voter enrolled on the permanent absentee voter list that the voter is currently enrolled on the permanent absentee voter list and will remain enrolled on such list unless the voter requests to be removed. The notice shall include a return card, properly addressed and postage prepaid, by which the voter may request to be removed. The bill also requires the removal of a voter enrolled on the permanent absentee voter

list if such voter offers to vote absentee in person for any election.

*Patron - Webert*

**[F] HB310 Absentee voting; application requirements; absentee ballot requirements.** Requires an applicant for an absentee ballot to provide the last four digits of his social security number on the application regardless of whether he is completing the application in person and makes the failure of the absentee voter to have a witness sign his absentee ballot envelope a material omission that renders the ballot void. The bill removes the permanent absentee voter list and reinstates the special annual application for voters with a disability or illness. The bill also removes the requirement that the absentee voter return envelope be sent to absentee voters with prepaid postage.

*Patron - Ransone*

**[F] HB398 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 - Freitas*

**[F] HB441 Elections; voting systems; reporting absentee results by precinct.** Includes in the definition of "voting system" on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines. The bill also requires general registrars to report to the Department of Election the number and results of absentee ballots cast by voters assigned to each precinct in the registrar's locality. The Department will establish standards for ascertaining and reporting such information.

*Patron - Sewell*

**[F] HB489 Campaign advertisements; independent expenditures; electioneering communications; disclaimer requirements.** Broadens the scope of disclaimer requirements for campaign advertisements to include electioneering communications, as defined in the bill, and messages advocating for the passage or defeat of a referendum. The bill also requires an advertisement that is an independent expenditure or expressly advocates for the passage or defeat of a referendum, to contain a disclaimer providing the names of the sponsor's three largest contributors or individuals representing a contributor that is not an individual.

*Patron - Helmer*

**[F] HB495 Campaign finance; mandatory electronic filing for all candidates.** Requires all independent expenditure and candidate campaign finance reports to be filed electronically with the Department of Elections. Under current law, such expenditure and finance reports can be filed either electronically or in writing with State Board of Elections. The bill also shifts administrative duties given to the State Board of Elections, such as the receipt of certain filings, to the Department of Elections.

*Patron - Bulova*

**[F] HB500 Campaign finance and advertisements; independent expenditures; electioneering communications.** Broadens the scope of campaign advertisement disclosure requirements to cover electioneering communications, as defined in the bill. The bill also defines the purchase of elec-

tioning communications as a form of independent expenditure required to be reported to the Department of Elections.

*Patron - Bulova*

**[F] HB524 Campaign finance; prohibited contributions to candidates.** Prohibits any candidate from soliciting or accepting a contribution from any public service corporation or any political action committee established and administered by such a corporation.

*Patron - Convirs-Fowler*

**[F] HB528 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. The bill also provides that no absentee ballot sent to a registered voter that was not solicited or requested by the registered voter may be pre-populated with information the applicant is required to provide.

*Patron - Batten*

**[F] HB544 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 bill requires the voter registration application to permit an applicant to opt into this requirement and the Department of Elections to provide the means for currently registered voters to opt in as well.

*Patron - Batten*

**[F] HB575 Elections; campaign finance; contribution limits; civil penalty.** Establishes contribution limits from any individual to any candidate campaign committee, political action committee, and political party committee and from any political action committee or political party committee to any campaign committee. The bill provides that any candidate, candidate campaign committee, political action committee, political party committee, or contributor that knowingly violates the contributions limits established by the bill is subject to a civil penalty of up to two times the amount by which the contribution exceeds the limit. The bill prohibits any person that is not an individual from making any contribution to any candidate for elected office.

*Patron - VanValkenburg*

**[F] HB603 Elections; conduct of election; ranked choice voting; locally elected offices.** Allows elections for any local or constitutional office to be conducted by ranked choice voting. Under current law, only elections of members of a

county board of supervisors or a city council are allowed to be conducted by ranked choice voting.

*Patron - Hudson*

**[F] HB779 Elections; photo identification required; time for in-person absentee; absentee ballots not accepted after election day; repeal of permanent absentee voter list.** 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, the bill provides that such voter is entitled to cast a provisional ballot. The bill also limits absentee voting in person to the week immediately preceding an election. The bill repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. The bill also removes provisions allowing absentee ballots received after the close of polls to be counted.

*Patron - Williams*

**[F] HB780 Voter registration; registration permitted up to and including the day of the election.** Repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii).

*Patron - Williams*

**[F] HB796 Voter registration; restoration of political rights upon release from incarceration; certain adjudications.** Provides that any person who loses his political rights as a result of a felony conviction shall be invested with those rights upon his release from incarceration and shall be entitled to register to vote. The bill directs the Department of Corrections and the State Board of Local and Regional Jails to transmit to the Department of Elections certain information for incarcerated persons with a pending date of release and requires the Department of Elections to process the information and make the necessary changes to the voter registration system to permit such persons to register to vote by the date of the person's scheduled date of release. On the date of an incarcerated person's release, the appropriate authority is required by the bill to provide a voter registration application, information on returning the form by mail or completing it by electronic means, and an official release document to serve as a safety net for voter registration. The bill amends the language regarding adjudications of mental incompetency for purposes of being qualified to vote; a person adjudicated to lack the capacity to understand the act of voting shall not be entitled to vote until that capacity has been reestablished.

*Patron - Price*

**[F] HB880 Elections; electronic return of voted military-overseasballots; pilot program.** Directs the Commissioner of Elections to establish and supervise a pilot program by which an overseas voter who is a registered voter of a county or city participating in the pilot program may return his voted military-overseas ballot by electronic means. The Commissioner is required by the bill to promulgate standards and



develop procedures for the secure transmission and return, storage, and processing of voted military-overseas ballots, including security measures, methods for verifying and authenticating a voter's identity, and encryption methods for the voted ballots. Counties and cities participating in the pilot program are required under the bill to participate in a security review after each election. In each year of the pilot program, the bill requires the Commissioner to conduct a security assessment and update the security measures for the pilot program. The bill also requires that voters eligible to return their military-overseas ballots by electronic means through the pilot program be permitted to sign the statement of voter and any other documents related to absentee voting using the digital signature associated with their respective Common Access Cards issued by the U.S. Department of Defense. The bill provides that the pilot program is in effect for elections held on and after January 1, 2023. The Commissioner is required by the bill to submit a report on or before December 1, 2027, on the outcomes of the pilot program and to include a recommendation on whether to implement the electronic return of voted military-overseas ballots on a permanent, statewide basis. The bill has an expiration date of December 31, 2027.

*Patron - Lopez*

**[F] HB941 Voter registration; registration permitted up to and including the day of the election.** Repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii).

*Patron - LaRock*

**[F] HB942 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, the bill provides that such voter is entitled to cast a provisional ballot.

*Patron - LaRock*

**[F] HB945 Absentee voting in person; available beginning on the tenth day prior to election.** Limits absentee voting in person to the ten days immediately preceding an election.

*Patron - LaRock*

**[F] HB956 Absentee voting; deadline for returning absentee ballot.** Requires that an absentee ballot be received before the closing of the polls on election day in order to be counted. Currently, an absentee ballot that is received after the closing of the polls but before noon on the third day after the election is counted if it is postmarked on or before the date of the election.

*Patron - LaRock*

**[F] HB972 Elections; removal of officers; recall elections; petition.** Provides for the removal of certain elected officers and officers appointed to elected offices by recall referendum. The bill requires a petition for recall be signed by 30 percent of the total number of votes cast at the last election for the office for which a recall is sought.

*Patron - Simon*

**[F] HB973 Campaign finance; prohibited personal use of campaign funds; complaints, hearings, civil penalty, and advisory opinions.** Prohibits any person from converting contributions to a candidate or a candidate's campaign committee for their personal use. Current law only prohibits such conversion of contributions 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. Any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The bill directs the State Board of Elections to adopt emergency regulations similar to those promulgated by the Federal Election Commission 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 State Board of Elections.

*Patron - Simon*

**[F] HB974 Assistance for certain voters outside of the polling place; definition of disability.** Expands the definition of disability for purposes of providing assistance outside of a polling place to voters with disabilities to include any permanent or temporary disability. Under current law, the disability is limited to a permanent or temporary physical disability.

*Patron - Simon*

**[F] HB1031 Elections; local offices; reapportionment and redistricting; effect of certain changes.** Requires in certain localities that the passage of an ordinance providing for the election of an additional member of the governing body on an at-large basis must coincide with an equal increase in the membership of the local elected school board on an at-large basis. The bills also clarifies that local elected officials in office on the effective date of a court-ordered redistricting plan must be allowed to complete their terms of office, regardless of loss of residency in a particular district due to reapportionment or redistricting.

*Patron - Davis*

**[F] HB1090 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, the bill provides that such voter is entitled to cast a provisional ballot.

*Patron - Webert*

**[F] HB1101 State and local elections officials; acceptance of certain gifts and funding prohibited.** Prohibits state and local elections officials from soliciting, accepting, using, or disposing of any moneys, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The bill specifically provides that the operation of a polling place or voter satellite office in a facility

furnished by a private individual or nongovernmental entity is not a violation of this prohibition.

*Patron - LaRock*

**[F] HB1139 Candidates for office; candidate for multiple offices at any one election.** Removes the exception allowing a candidate for federal or statewide office to have his name printed on a ballot for two offices at an election or primary election. Under current law, candidates for federal or statewide office and candidates for an office being filled in a special election are exceptions to the prohibition on persons having their name printed on a ballot for more than one office. The bill retains the exception for candidates in a special election.

*Patron - Adams, D.M.*

**[F] HB1141 Absentee voting; return of absentee ballots; drop-off locations.** Repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots.

*Patron - Walker*

**[F] HB1233 Elections; local officers; election and terms of mayor and city council for cities and towns; minimum population.** Limits to localities with a population of at least 25,000 the application of the requirement that, in a city or town that imposes district-based or ward-based residency requirements for members of the city or town council, the member elected from each district or ward must be elected by the qualified voters of that district or ward and not by the locality at large.

*Patron - Cordoza*

**[F] HB1262 Elections; form of ballot; party identification of candidates on ballots; constitutional officers.** Extends to elections for constitutional officers the requirement that ballots identify the nominating political party for party candidates and identify independent candidates as such. Currently, this requirement applies only to federal, statewide, and General Assembly elections.

*Patron - Convors-Fowler*

**[F] HB1302 Elections; campaign finance; contributions from persons that are not individuals; source of funds reporting requirements.** Prohibits any person that is not an individual from making any contribution in excess of \$20,000 that is not a bundled contribution composed of amounts attributable to individual donors to a candidate, campaign committee, political action committee, political party committee, referendum committee, or inaugural committee. The bill also prohibits the acceptance of any such contribution. Any such committee that accepts bundled contributions is required to report the complete identifying information of all the individual contributors whose contributions compose the bundled contribution, regardless of the amount of the bundled contribution attributed to any such individual.

*Patron - Helmer*

**[F] SB39 Elections; form of ballot; party identification of candidates on ballots; constitutional officers.** Extends to elections for constitutional officers the requirement that ballots identify the nominating political party for party candidates and identify independent candidates as such. Currently, this requirement applies only to federal, statewide, and General Assembly elections.

*Patron - Spruill*

**[F] SB44 Campaign finance; 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 the candidate or the candidate's family to the candidate's campaign or by political party committees. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts.

*Patron - Petersen*

**[F] SB45 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] SB111 Campaign finance; candidate contribution limits; civil penalty.** Prohibits any single contribution, or any combination of contributions, that exceeds \$25,000 from any individual or committee to any one candidate for any election. The bill permits unlimited contributions by a candidate or a candidate's family to the candidate's campaign. The bill prohibits contributions from any person that is not an individual or a committee to any candidate. The bill imposes civil penalties for violations of the limits of up to two times the excess contribution amounts.

*Patron - Morrissey*

**[F] SB118 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, the bill provides that such voter is entitled to cast a provisional ballot. The bill requires the Department of Motor Vehicles to provide voter photo identification cards containing the voter's photograph and signature free of charge to those voters who do not have another valid form of identification.

*Patron - Chase*

**[F] SB127 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, the bill provides that such voter is entitled to cast a provisional ballot.

*Patron - Obenshain*

**[F] SB133 Elections, ballots; ballot fraud security measures.** Requires any printer or vendor supplying ballots in an election for state or federal office to be ISO 27001 certified, ISO 17025 certified, or ISO 9001:2015 certified. The bill also requires any ballot used in an election for state or federal office to include a unique bar code or quick response code that is accessible only to the voter and that tracks the voter's ballot as it is processed and to include the use of at least two other ballot fraud security measures from a list of approved measures.

*Patron - Chase*

**[F] SB162 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, 2024.

*Patron - Peake*

**[F] SB167 Voter registration; registration permitted up to and including the day of the election.** Repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii).

*Patron - Peake*

**[F] SB168 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, the bill provides that such voter is entitled to cast a provisional ballot.

*Patron - Peake*

**[F] SB190 Elections; referenda; local advisory referenda.** 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 - Peake*

**[F] SB209 Elections; lists of persons voting at elections; disclosure of individual voting history prohibited.** Prohibits certain persons in receipt of a list of persons voting at elections from disclosing the voting history of any individual on such list to a third party.

*Patron - Petersen*

**[F] SB222 Campaign finance; mandatory electronic filing for all candidates.** Requires all candidates to file their campaign finance reports electronically with the State Board of Elections.

*Patron - McPike*

**[F] SB234 Absentee voting; permanent absentee voter list repealed.** Repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration.

*Patron - Chase*

**[F] SB235 Voter registration; registration permitted up to and including the day of the election.** Repeals a provision that would permit any person who is qualified to register to vote to register to vote in person up to and including the day of the election, notwithstanding any deadline for the close of registration records. The repeal will limit the persons who are entitled to register to vote after the close of registration records to (i) any member of a uniformed service of the United States who is on active duty, (ii) any person residing temporarily outside of the United States, and (iii) the spouse or dependent residing with someone listed in (i) or (ii).

*Patron - Chase*

**[F] SB236 Absentee voting; return of absentee ballots; drop-off locations.** Repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots.

*Patron - Chase*

**[F] SB306 Elections; voting systems; reporting absentee results by precinct.** Includes in the definition of "voting system" on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines. The bill also requires general registrars to report to the Department of Elections the number and results of absentee ballots cast by voters assigned to each precinct in the registrar's locality. The Department is directed by the bill to establish standards for ascertaining and reporting such information. This bill was incorporated into SB 3.

*Patron - Deeds*

**[F] SB318 Campaign advertisements; independent expenditures; electioneering communications; disclaimer requirements.** Broadens the scope of disclaimer requirements for campaign advertisements to include electioneering communications, as defined in the bill, and messages advocating for the passage or defeat of a referendum. The bill also requires an advertisement that is an independent expenditure or expressly advocates for the passage or defeat of a referendum to contain a disclaimer providing the names of the advertisement sponsor's three largest contributors or individuals representing a contributor that is not an individual.

*Patron - Favola*

**[F] SB390 Elections; conduct of elections; annual post-election audits.** Requires that each local electoral board and general registrar conduct a post-election audit annually of at least one fifth of all ballot scanner machines in use in the locality such that all ballot scanner machines in use in the locality are audited at least once every five years. The bill requires the local electoral board and general registrar to submit a report on the results of each audit to the State Board of

Elections. The bill removes the requirement that annual audits be risk-limiting audits.

*Patron - Obenshain*

**[F] SB459 Elections; administration; registrars; certain prohibitions.** Requires the State Board of Elections to establish and the Department of Elections to conduct a program for the evaluation of the performance of general registrars. Under such evaluation program, general registrars with below satisfactory performance are subject to remedial requirements and possible removal. The bill prohibits general registrars from conducting the duties of officers of election. The bill also provides that no general registrar may have a spouse, relative, or person with whom he resides who serves as the chairman of a political party or other officer of a state, local, or district level political party committee nor a spouse, relative, or person with whom he resides who serves as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the registrar's jurisdiction. The bill also applies certain prohibitions on registrars and their spouses to all assistant registrars, some of which only apply to paid assistant registrars under current law.

*Patron - Chase*

**[F] SB460 Elections; absentee voting; ballots to be returned before close of polls.** Removes the provision of law requiring an absentee ballot that is returned to the general registrar after the closing of the polls on election day to be counted if it is received before noon on the third day after the election and is postmarked on or before the date of the election to be counted if the voter is found entitled to vote. The bill does not affect the exception for a covered voter who was not sent a ballot in a timely manner and whose voted ballot arrives after the close of polls.

*Patron - Chase*

**[F] SB463 Campaign finance; prohibited personal use of campaign funds, complaints, hearings, civil penalty.** Prohibits any person from converting contributions to a candidate or a candidate's campaign committee for his personal use. Current law only prohibits such conversion of contributions 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. Any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The bill directs the State Board of Elections to provide an updated summary of Virginia campaign finance law that reflects the Attorney General's opinion and any regulations promulgated by the State Board of Elections.

*Patron - Bell*

**[F] SB552 Absentee voting; excuse required to vote absentee by mail; signature match.** Requires a registered voter to provide a reason for being absent or unable to vote at his polling place on election day in order to receive an absentee ballot to vote by mail. The bill requires a voter voting absentee by mail to open his ballot in the presence of a notary who must sign the ballot return envelope. The bill requires that the general registrar match the signature of the voter on an absentee return envelope to a signature that the general registrar has on

file before processing the ballot. If the signature doesn't match, the absentee ballot is to be treated as a provisional vote subject to approval by the electoral board. The bill also repeals the permanent absentee voter list and limits the special annual application to those voters with an illness or disability.

*Patron - Chase*

**[F] SB556 State Board of Elections; membership.** Increases the membership of the State Board of Elections from five to six members and provides that any third party or recognized political party whose candidate received greater than 20 percent of the votes in the Commonwealth for Governor at the last preceding gubernatorial election shall have representation on the Board.

*Patron - Ruff*

**[F] SB568 Campaign finance; prohibited contributions to candidates; civil penalty.** Prohibits any public utility from making any contribution to any committee or otherwise provide any money any other thing of value, given, advanced, loaned, or in any other way provided to any person or committee for the purpose of influencing the outcome of an election. The bill creates a civil penalty for violation of the prohibition of three times the amount of the contribution or \$10,000, whichever is greater, payable to the State Treasurer for deposit to the general fund. The bill provides that any registered voter of the Commonwealth may file a petition with an appropriate circuit court for enforcement of these provisions.

*Patron - Stuart*

**[F] SB588 Elections; voter registration; lists of registered voters; provided to registered voters.** Provides that the Department of Elections must provide the lists for their districts to any registered voter of the Commonwealth for a reasonable charge not to exceed its actual cost incurred in supplying the requested records.

*Patron - Chase*

**[F] SB605 Elections; conduct of election; election results; post-election forensic audits.** Provides for the conduct of a forensic audit of an election in a county or city upon the request of certain officials or upon the petition of a group of residents of the locality in question. The purpose of an audit is to determine the accuracy and legality of the election in question. The bill provides that an audit includes a review of all materials, equipment, and procedures used during any part of the election, including ballots, pollbooks, voting machines, and routers. The bill requires that the audit be open to the public and states that the auditing process may include participation by residents. The results of the audit are to be presented to a jury of local residents who have to power to declare the election valid or invalid. The bill also gives the State Inspector General the power and duty to conduct an audit of the 2020 general election and requires him to produce a report of his finding.

*Patron - Chase*

**[F] SB610 Elections.** Applies the provisions of the Virginia Personnel Act to the chief deputy and confidential assistant for policy or administration for the Department of Elections. The bill also (i) expands the membership of the State Board of Elections from five members to six members with equal representation given to both parties; (ii) gives the State Board of Elections the authority and duty to appoint the Commissioner of Elections of the Department of Elections by a supermajority vote; (iii) requires the Department of Elections to conduct periodic assessments to ensure that voters are assigned to the correct state legislative and congressional districts based on their residential addresses; (iv) requires the State Registrar of Vital Records to transmit lists of deceased

persons weekly instead of the current monthly requirement; (v) requires the general registrars to use information in the lists of deceased persons to promptly remove deceased persons from the voter registration system; (vi) requires voters to present a valid form of photo identification when they vote; (vii) provides that audits of ballot scanner machines must take place prior to the certification of election results; (viii) provides that absentee ballots must be collected daily from absentee ballot drop-off locations by certain people and according to procedures for securing such ballots; (ix) provides that a postmark on an absentee ballot must be legible and no longer includes other official indicia of confirmation of mailing by a postal or delivery service; and (x) creates work groups to evaluate the performance of the Virginia voter registration system and to develop and implement a plan to provide oversight to local election administration to assess risks to Virginia's administration of elections. Portions of the bill affecting the composition of the State Board of Elections and the appointment of the Commissioner of Elections have a delayed effective date of January 1, 2023.

*Patron - Vogel*

**[F] SB697 Elections; same-day registration; in-person absentee and election day voting.**

*Patron - Vogel*

**[F] SB767 Voter registration; restoration of political rights upon release from incarceration; certain adjudications.** Provides that any person who is convicted of a felony and sentenced to a period of incarceration for such felony conviction is not entitled to register to vote or to vote for the duration of the period of incarceration, but that he is to be invested with all political rights lost as a result of the felony conviction upon release from incarceration and is thereafter entitled to register to vote. The bill requires the Department of Corrections and the State Board of Local and Regional Jails to transmit to the Department of Elections certain information related to an incarcerated person with a scheduled date of release. The bill also requires the Director of the Department of Corrections to provide to any person being released from incarceration, on the date of his release, (i) an application to register to vote with instructions for returning the application by mail; (ii) information regarding how to register to vote by electronic means or in person, in the form prescribed by the State Board of Elections for this purpose; and (iii) an official release document for voter registration purposes. Enactment of the provisions of this bill are contingent upon the passage of an amendment to the Constitution of Virginia on the Tuesday after the first Monday in November 2022 providing for the qualifications of voters and the right to vote by amending Article II, Section 1 of the Constitution of Virginia related to persons convicted of a felony and persons adjudicated as lacking the capacity to understand the act of voting.

*Patron - Locke*

## Carried Over

**[C] HB86 Elections; campaign finance; disclosure reports; searchable electronic database.** Requires the Department of Elections to provide an interface to the campaign finance database maintained by the Department that allows users to easily search for and sort information by individual candidates and types of elections, offices, committees, and donors; donations, expenditures, loans, and other categories of information included in campaign finance reports; and late filings, incomplete filings, and other violations. The interface shall also provide users tools for manipulating and exporting data. The bill has a delayed effective date of July 1, 2023.

*Patron - Anderson*

**[C] HB177 Elections; absentee voting; witness signature requirement; additional information.** Makes an absentee voter's failure to have a witness sign the absentee ballot envelope a material omission that renders the ballot void. Additionally, the bill requires an absentee voter to include the last four number of his social security number and his date of birth with the voter affirmation statement on such ballot envelope.

*Patron - Bloxom*

**[C] HB305 Elections; State Board of Elections; membership; appointment of Commissioner of Elections.** Makes the State Board of Elections responsible for appointing the Commissioner of Elections and removes the Governor's ability to appoint to the Department of Elections a deputy commissioner or a confidential policy advisor. The bill also increases the State Board of Elections from five members to seven and staggers those initial terms so that three members are appointed in 2023 and every four years thereafter, two members are appointed in 2024 and every four years thereafter, and two members are appointed in 2025 and every four years thereafter.

*Patron - Ransone*

**[C] SB66 Elections; filling vacancies in the General Assembly; certain vacancies to be filled within 30 days.** Requires the writ of election to fill a vacancy in the membership of the General Assembly that occurs between December 10 and March 1 to order that the special election take place no more than 30 days from the date of such vacancy.

*Patron - Suetterlein*

**[C] SB67 Campaign finance; political action committees; certain large pre-election expenditures.** Requires in-state political action committees to file a report for any single expenditure of \$1,000 or more made between October 1 and the date of the November election. Such reports are to be made electronically and must be received by the State Board by 11:59 p.m. on the following day or, for an expenditure made on a Saturday, by 11:59 p.m. on the following Monday. However, the bill requires that any such expenditure made within the 24 hours prior to the election day be reported and a report thereof received on the day prior to the election.

*Patron - Suetterlein*

**[C] SB233 Campaign finance; fundraising during special sessions prohibited.** Prohibits campaign fundraising on and after the first day of a special session of the General Assembly through adjournment sine die of that session. Currently, campaign fundraising is prohibited only during regular sessions of the General Assembly.

*Patron - Suetterlein*

**[C] SB273 Elections; absentee voting; verification by social security number or unique identifier in lieu of witness signature.** Requires the State Board of Elections to promulgate regulations for providing a unique identifier to any qualified voter who lacks a social security number and provides that such unique identifier can be accepted in place of a social security number for the purposes of voting absentee. The bill makes optional the current absentee ballot witness signature requirement by giving the voter the option to provide the last four digits of the voter's social security number and the voter's date of birth in lieu of a witness signature. The bill clarifies that verification of the required voter affirmation on absentee ballots by the general registrar includes matching any date of birth and last four digits of the social security number or assigned unique identifier provided as part of the voter affirmation against the information in the voter's registration record.

*Patron - Ebbin*

**[C] SB371 State Board of Elections; membership; appointment of Commissioner of Elections.** Exempts the Department of Elections from provisions allowing the Governor to appoint a chief deputy and a confidential assistant for policy or administration. The bill expands the membership of the State Board of Elections (the State Board) from five members to eight members with equal representation given to both parties. The bill requires the Chief Justice of the Supreme Court of Virginia to designate a retired circuit court judge to serve as the tie breaker for the State Board. The bill also gives the State Board the authority and duty to appoint the Commissioner of Elections of the Department of Elections and requires an affirmative vote of five of the State Board's eight members for the appointment and removal of the Commissioner of Elections. In the event that a vacancy occurs in the office of the Commissioner of Elections, the bill provides that the Director of Operations of the Department of Elections will serve as the head of the agency until such vacancy is filled by the State Board. The bill has a delayed effective date of January 1, 2023.

*Patron - Vogel*

**[C] SB495 Elections; removal of officers; recall elections; petition.** Provides for the removal of certain elected officers and officers appointed to elected offices by recall referendum. The bill requires a petition for recall be signed by 30 percent of the total number of votes cast at the last election for the office for which a recall is sought.

*Patron - McClellan*

**[C] SB652 Absentee voting; application requirements; last four digits of social security number.** Requires an applicant for an absentee ballot to provide on the application the last four digits of his social security number, except when completing the application in person, and further provides that the failure to include such information shall be a material omission, grounds for rejection of the application.

*Patron - Vogel*

## Eminent Domain

### Passed

**[P] SB9 Eminent domain; payment of judgment; attorney fees.** Provides for attorney fees to be awarded in eminent domain cases in which there is a judgment for a property owner if such judgment is not paid within the time required by law. This bill received Governor's recommendations.

*Patron - Petersen*

**[P] SB666 Eminent domain; lost profits.** Redefines "lost profits" for the purposes of determining just compensation in eminent domain cases. This bill received Governor's recommendations.

*Patron - Petersen*

**[P] SB694 Eminent domain.** Makes various changes to the laws pertaining to condemnation procedures, including (i) providing that localities shall not condition or delay the timely advancement or approval of any application for or grant of any permit or other approval for real property for the purpose of allowing the condemnation or acquisition of the property; (ii) redefining "lost access" for the purposes of determining just compensation (iii) requiring a condemnor to provide the property owner with a copy of its title report and all recorded instruments found in the title examination; (iv) requiring the clerk of the court, when funds are paid into the court during a condem-

nation proceeding, to deposit such funds into an interest-bearing account; (v) requiring the court to order the condemnor to reimburse the property owner for the reasonable costs and fees, not to exceed \$7,500, for a survey (under current law, this amount is capped at \$1,000); (vi) requiring temporary construction easements to have an expiration date included in the recorded certificate and requiring condemnors to record a certificate of completion within 90 days upon completion of construction of any public use project for which a portion of private property was taken; (vii) requiring that a condemnor that has been sued for just compensation pursuant to a "quick-take" condemnation procedure to reimburse the property owner for his fees and costs incurred in filing the petition; and (viii) permitting the owner of property that the Commissioner of Highways has taken to petition the circuit court for the appointment of commissioners or the empanelment of a jury to determine just compensation under certain circumstances and requiring the Commissioner of Highways to reimburse the owner for his fees and costs incurred in filing the petition. This bill received Governor's recommendations.

*Patron - Obenshain*

## General Provisions

### Passed

**[P] HB383 Claims; Joseph Carter; compensation for wrongful incarceration.** Provides relief in the amount of \$1,483,342 to Joseph Carter, who was wrongly convicted of first degree murder, attempted robbery, robbery, and statutory burglary.

*Patron - Sullivan*

**[P] HB394 Claims; Emerson Eugene Stevens; compensation for wrongful incarceration.** Provides relief in the amount of \$1,699,274 to Emerson Eugene Stevens, who was wrongly convicted of abduction with intent to defile and murder.

*Patron - Sullivan*

**[P] HB677 Posting of notices; electronic posting.** Requires any notice, summons, order, or other official document of any type that is required to be posted on or at the front door of a courthouse or on a public bulletin board at the courthouse to also be posted on the public government website of the locality served by the court or on the website of the circuit court clerk. Under current law, the website posting is sufficient when such official document is required to be posted at the courthouse. As introduced, this bill was a recommendation of the Boyd-Graves Conference. The bill has a delayed effective date of July 1, 2024.

*Patron - Hope*

**[P] HB1254 Claims; Eric Weakley; compensation for wrongful incarceration.** Provides relief in the amount of \$343,232 to Eric Weakley, who was wrongly convicted of murder.

*Patron - Sullivan*

**[P] HB1358 Claims; Jervon Michael Tillman; compensation for wrongful incarceration.** Provides relief in the amount of \$408,205 to Jervon Michael Tillman, who was wrongly convicted of robbery, wearing a mask, and use of a firearm in the commission of a felony.

*Patron - Sullivan*

## Failed

**[F] HB303 Elimination of daylight saving time in Virginia.** Exempts Virginia from observing daylight saving time, thereby making Eastern Standard Time the standard time in Virginia year-round.

*Patron - Freitas*

## Carried Over

**[C] SB579 Income tax refunds for individuals or married persons filing a joint return.** Provides an income tax refund for individuals and for married persons filing a joint return for taxable year 2021 in an amount specifically set forth in the general appropriation act passed during the 2022 Session of the General Assembly. The bill provides that the refund shall not exceed the taxpayer's tax liability.

*Patron - Hanger*

## Financial Institutions and Services

## Passed

**[P] HB95 Adult protective services investigations; financial institutions; furnishing of records and information.** Requires financial institutions to cooperate in any investigation of alleged adult abuse, neglect, or exploitation conducted by a local department of social services and to make any financial records or information relevant to such investigation available to the local department of social services upon request. Financial institutions may also voluntarily report information relevant to an adult protective services investigation to the local department of social services or to a court-appointed guardian ad litem for the adult under investigation. The bill provides that, absent gross negligence or willful misconduct, a financial institution is immune from civil or criminal liability for providing such information to a local department of social services or a court-appointed guardian ad litem. This bill received Governor's recommendations.

*Patron - Head*

**[P] HB203 Financial institutions; qualified education loan servicers; definition.** Provides that "qualified education loan servicer" means any person that meets all of the following criteria: (i) receives any scheduled periodic payments from a qualified education loan borrower or notification of such payments or applies payments to the qualified education loan borrower's account pursuant to the terms of the qualified education loan or the contract governing the servicing; (ii) during a period when no payment is required on a qualified education loan, maintains account records for the qualified education loan and communicates with the qualified education loan borrower regarding the qualified education loan, on behalf of the qualified education loan's holder; and (iii) interacts with a qualified education loan borrower, which includes conducting activities to help prevent default on obligations arising from qualified education loans or to facilitate certain activities. Under current law, "qualified education loan servicer" means a person that meets any one or more of such criteria. The bill provides that "servicing" means undertaking all of the following activities: (a) receiving any scheduled periodic payments from a qualified education loan borrower or notification of such payments or applying the payments of principal and interest and such other payments, with respect to the amounts

received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; (b) during a period when no payment is required on a qualified education loan, maintaining account records for the loan and communicating with the qualified education loan borrower regarding the qualified education loan, on behalf of the qualified education loan's holder; and (c) interacting with a qualified education loan borrower, including conducting activities to help prevent default on obligations arising from qualified education loans or to facilitate any such activity. Under current law, "servicing" means undertaking any one or more of such activities. This bill is identical to SB 496.

*Patron - Webert*

**[P] HB209 Credit unions; activity authorized for a federally chartered credit union.** Provides that a credit union has the power to engage in any activity, service, or other practice that is authorized for a federally chartered credit union and that has not otherwise been authorized for a state-chartered credit union, provided that (i) the credit union provides the State Corporation Commission with written notice at least 45 calendar days prior to engaging in any such activity, service, or practice and (ii) the credit union engages in the activity, service, or practice subject to the same terms, conditions, and limitations as applicable to a federally chartered credit union. Additionally, the bill authorizes the Commissioner of the State Corporation Commission to prohibit or restrict the activity, service, or practice at any time. This bill is identical to SB 329.

*Patron - Webert*

**[P] HB263 Banks; virtual currency custody services.** Permits banks in the Commonwealth to provide virtual currency custody services so long as the bank has adequate protocols in place to effectively manage the associated risks. The bill defines "virtual currency" and provides that a bank may choose to offer such custody services in a nonfiduciary capacity or a fiduciary capacity. If it chooses to provide such custody services in a fiduciary capacity, it must possess trust powers and have a trust department approved by the State Corporation Commission.

*Patron - Head*

**[P] HB268 Credit unions; priority of shares.** Removes a provision that establishes that shares held by a credit union member are subordinate to all other obligations of the credit union. This bill is identical to SB 326.

*Patron - Byron*

**[P] HB1027 Financial institutions; sales-based financing providers.** Requires a provider or broker of sales-based financing to register with the State Corporation Commission (the Commission) in accordance with procedures established by the Commission. The bill requires a sales-based financing provider to provide certain disclosures to a recipient at the time of extending a specific offer of sales-based financing. The bill requires that any cause of action arising under a contract or agreement for sales-based financing shall be brought in Commonwealth and any forum for any face-to-face arbitration proceedings required in such a contract or agreement are held in the jurisdiction where the recipient's principal place of business is located. The bill requires the provider to pay any arbitrators' expenses or fees or any other expenses or administrative fees incurred in the conduct of the arbitration proceedings. The bill prohibits a sales-based financing contract from containing a confession by judgment or any similar provision. The bill requires the Commission to adopt regulations to implement the provisions of the bill. The bill authorizes the Attorney General to seek to enjoin violations of the bill's provisions and to seek damages and other relief as allowed by law.



The provisions of the bill apply to sales-based financing contracts or agreements entered into on or after July 1, 2022.

*Patron - Tran*

**[P] HB1153 Mortgage brokers; dual compensation.** Removes provisions prohibiting a person from acting as a mortgage broker in connection with any real estate sales transaction in which such person has acted as a real estate broker or real estate salesperson and has received or will receive compensation in connection with such transaction. The bill provides that if a mortgage broker negotiates, places, or finds a mortgage loan and acts as a real estate broker or real estate salesperson in connection with the sale of the real estate that secures such loan, the mortgage broker is required to conspicuously provide to the borrower a written disclosure at the time the mortgage broker services are first offered to the borrower. This bill is identical to SB 303.

*Patron - Ware*

**[P] HB1237 Definition of trust business.** Clarifies the definition of "trust business" to specify that engaging in trust business does not include rendering services as an individual attorney at law or through an entity wholly owned by attorneys at law in the performance of duties as a fiduciary.

*Patron - Leftwich*

**[P] SB303 Mortgage brokers; dual compensation.** Removes provisions prohibiting a person from acting as a mortgage broker in connection with any real estate sales transaction in which such person has acted as a real estate broker or real estate salesperson and has received or will receive compensation in connection with such transaction. The bill provides that if a mortgage broker negotiates, places, or finds a mortgage loan and acts as a real estate broker or real estate salesperson in connection with the sale of the real estate that secures such loan, the mortgage broker is required to conspicuously provide to the borrower a written disclosure at the time the mortgage broker services are first offered to the borrower. This bill is identical to HB 1153.

*Patron - Deeds*

**[P] SB326 Credit unions; priority of shares.** Removes a provision that establishes that shares held by a credit union member are subordinate to all other obligations of the credit union. This bill is identical to HB 268.

*Patron - Bell*

**[P] SB329 Credit unions; activity authorized for a federally chartered credit union.** Provides that a credit union has the power to engage in any activity, service, or other practice that is authorized for a federally chartered credit union and that has not otherwise been authorized for a state-chartered credit union, provided that (i) the credit union provides the State Corporation Commission with written notice at least 45 calendar days prior to engaging in any such activity, service, or practice and (ii) the credit union engages in the activity, service, or practice subject to the same terms, conditions, and limitations as applicable to a federally chartered credit union. Additionally, the bill authorizes the Commissioner of the State Corporation Commission to prohibit or restrict the activity, service, or practice at any time. This bill is identical to HB 209.

*Patron - Bell*

**[P] SB496 Financial institutions; qualified education loan servicers; definition.** Provides that "qualified education loan servicer" means any person that meets all of the following criteria: (i) receives any scheduled periodic payments from a qualified education loan borrower or notification of such payments or applies payments to the qualified education loan borrower's account pursuant to the terms of the qualified education

loan or the contract governing the servicing; (ii) during a period when no payment is required on a qualified education loan, maintains account records for the qualified education loan and communicates with the qualified education loan borrower regarding the qualified education loan, on behalf of the qualified education loan's holder; and (iii) interacts with a qualified education loan borrower, which includes conducting activities to help prevent default on obligations arising from qualified education loans or to facilitate certain activities. Under current law, "qualified education loan servicer" means a person that meets any one or more of such criteria.

The bill provides that "servicing" means undertaking all of the following activities: (a) receiving any scheduled periodic payments from a qualified education loan borrower or notification of such payments or applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; (b) during a period when no payment is required on a qualified education loan, maintaining account records for the loan and communicating with the qualified education loan borrower regarding the qualified education loan, on behalf of the qualified education loan's holder; and (c) interacting with a qualified education loan borrower, including conducting activities to help prevent default on obligations arising from qualified education loans or to facilitate any such activity. Under current law, "servicing" means undertaking any one or more of such activities. This bill is identical to HB 203.

*Patron - Lewis*

## Failed

**[F] HB922 Virginia FinTech Regulatory Sandbox Program; temporary product testing; consumer protections; report.** Creates the Virginia FinTech Regulatory Sandbox Program, which allows participants to temporarily test a financial product or service on a limited basis without otherwise being licensed or authorized to conduct such business under the laws of the Commonwealth. The bill specifies application requirements and requires approval by the State Corporation Commission prior to an applicant's participation in the Program. Participants in the Program have a period of 24 months to conduct testing of a financial product or service with the possibility of an additional 12 months of testing if an agreement to do so is reached with the Commission. In addition, the bill provides that up to 30 days before the end of the testing period, a participant may request an extension of up to six months for the purpose of obtaining a license or other authorization for conducting business in the Commonwealth. Participants must provide required disclosures to consumers, and the bill gives the Commission the right to remove Program participants and to require assurances regarding consumer protections during the testing period. The bill also includes recordkeeping and reporting requirements for Program participants and a requirement for the Commission to provide an annual report to the General Assembly.

*Patron - Webert*

**[F] HB1314 Credit unions; expansion of field of membership to underserved areas.** Authorizes a credit union to expand its field of membership to include individuals or organizations in one or more underserved areas to the same extent, and subject to the same conditions, as is authorized for federally chartered credit unions.

*Patron - Ward*

## Fisheries and Habitat of the Tidal Waters

### Passed

**P HB189 Right to aquaculture.** Provides that the right to use and occupy the ground for the terms of a lease in Chesapeake Bay waters includes the right to propagate shellfish by whatever legal means necessary. This bill is identical to SB 509.

*Patron - Webert*

**P HB1112 Virginia Marine Resources Commission; saltwater fishing licenses.** Requires the Virginia Marine Resources Commission to provide an option to purchase a multiyear recreational saltwater fishing license.

*Patron - Cordoza*

**P HB1322 Living shorelines.** Defines "other structural and organic materials" authorized to be used in a living shoreline to include a variety of natural or man-made materials.

*Patron - Hodges*

**P SB358 Seafood industry workforce liaison.** Directs the Governor or the Secretary of Labor to designate a liaison to address seafood industry workforce needs by (i) promoting the interests of seafood industry employees and employers; (ii) assisting employees and employers in understanding the rights and processes available to them, including those related to temporary worker visas; (iii) answering inquiries; (iv) providing referrals to public and private agencies upon request; and (v) reporting annually on the liaison's activities to the House Committees on Commerce and Energy and Agriculture, Chesapeake and Natural Resources and the Senate Committees on Commerce and Labor and Agriculture, Conservation and Natural Resources. The bill requires the liaison to carry out his duties with impartiality and provides that he is immune from civil liability in the performance of his duties. The bill also provides that certain records and communications are exempt from the Virginia Freedom of Information Act. The bill directs the Governor or the Secretary of Labor to designate a current employee of the executive branch to serve in this capacity in lieu of hiring a new employee.

*Patron - Stuart*

**P SB509 Right to aquaculture.** Provides that the right to use and occupy the ground for the terms of a lease in Chesapeake Bay waters includes the right to propagate shellfish by whatever legal means necessary. This bill is identical to HB 189.

*Patron - Stuart*

**P SB629 Season for taking oysters.** Extends from March 1 to March 31 the close of the season for taking oysters by patent tongs from public oyster beds, rocks, or shoals. Under current law, the season begins October 1. The bill allows the Marine Resources Commission to close the season for any area in the Commonwealth where the use of patent tongs is permitted when, in its opinion, the condition of the oysters warrants.

*Patron - Stuart*

### Failed

**F HB739 Repair and maintenance of existing shoreline improvements.** Provides that no regulation shall require the replacement of an existing shoreline improvement with a living shoreline if the application is to restore or maintain the existing improvement and that no permitting decision shall require the replacement of an existing shoreline improvement if the living shoreline would substantially detract from established use and enjoyment of the property. The bill also provides that, for purposes of a wetlands permit, a project shall be deemed not suitable for a living shoreline if the proposed work is to maintain or repair an existing shoreline improvement.

*Patron - Krizek*

### Carried Over

**C SB50 Placement of piles; no permit required.** Provides that no permit shall be required for (i) the placement of piles for an existing private pier or to establish a boat slip or mooring within the owner's riparian area or (ii) a de minimis subaqueous disturbance of 10 square feet or less for purposes of placing a pile more than 50 feet from a marked navigation channel.

*Patron - Cosgrove*

**C SB773 Oyster lease holders; response to wetlands board or Commission.** Provides that failure of an oyster lease holder to respond to a wetlands board or Virginia Marine Resource Commission request regarding an application within 30 days of receipt of such request shall be deemed to be consent to the application.

*Patron - Cosgrove*

## General Assembly

### Passed

**P HB207 Evaluation of legislation increasing or beginning regulation of an occupation; committee chairman to request.** Provides that when any bill that would require the Department of Professional and Occupational Regulation to increase or begin regulation of an occupation is filed, the chairman of the committee having jurisdiction over the bill shall forward it to the Board for Professional and Occupational Regulation for evaluation. The Board shall complete such evaluation by November 1 of the same year for requests received during a regular session or as soon as practicable for requests received during a special session. Currently, the Division of Legislative Services identifies and forwards such bills to the Board for evaluation.

*Patron - Webert*

**P HB1136 Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes; established; report.** Establishes the Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes in the legislative branch of state government for the purpose of performing a comprehensive review of Virginia law to assess ways in which it must be revised to include federally recognized Tribal Nations located in the Commonwealth as distinct governments with the right to exercise general sovereignty and powers of government. The Commission is required to submit an annual report on its interim activities and work by the first day of each regular session of the General Assembly. The bill

has an expiration date of July 1, 2024. This bill received Governor's recommendations.

*Patron - Krizek*

**[P] SB62 School Health Services Committee; report.** Establishes the School Health Services Committee in the legislative branch to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. The bill requires the Committee to submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year. The bill has an expiration date of July 1, 2025, and is identical to HB 215. This bill received Governor's recommendations.

*Patron - Favola*

**[P] SB417 Virginia Code Commission; work group to review public notices required to be published by localities.** Directs the Virginia Code Commission to convene a work group to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice, and make recommendations for uniformity and efficiency. The bill requires the Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022. This bill is identical to HB 1131.

*Patron - Stanley*

**[P] SB776 Sale or auction of surplus property; General Assembly replacement project.** Provides for the sale or auction of surplus property from the Pocahontas Building as part of the General Assembly replacement project and for the transfer of all net proceeds of any such sale or auction to a special nonreverting fund for the restoration and ongoing preservation of Capitol Square. This bill received Governor's recommendations.

*Patron - Locke*

**[P] SJ10 Study; joint subcommittee to study pandemic response and preparedness in the Commonwealth; report.** Establishes a joint subcommittee to study pandemic response and preparedness in the Commonwealth. In conducting its study, the joint subcommittee is tasked with examining existing laws in the Commonwealth and developing recommendations regarding the pandemic response and future needs of the Governor, the General Assembly, local governments, public and private health care systems and other facilities and providers, health districts, the judicial system, K-12 and higher education systems, and the business regulatory system.

*Patron - Surovell*

## Failed

**[F] HB853 Brown v. Board of Education Scholarship Program Fund; unused funds; Enslaved Ancestors College Access Scholarship and Memorial Program benefits.** Requires any moneys remaining in the Brown v. Board of Education Scholarship Program Fund, including interest thereon, at the end of each fiscal year to be distributed in equal parts to each of the five public institutions of higher education that are required to implement and execute the Enslaved Ancestors College Access Scholarship and Memorial Program (the Program) for the sole purpose of providing the tangible benefit that is required to be provided pursuant to the Program. Current law requires such moneys to remain in the Brown v. Board of Education Scholarship Program Fund.

rent law requires such moneys to remain in the Brown v. Board of Education Scholarship Program Fund.

*Patron - Reid*

**[F] HB886 Virginia-Israel Advisory Board; membership.** Changes the membership of the Virginia-Israel Advisory Board by replacing the president of the Jewish Community Federation serving the Northern Virginia Region with the president of the Northern Virginia Jewish Community Center.

*Patron - Kilgore*

**[F] HB1057 Commission on Historically Black Colleges and Universities in the Commonwealth; report.** Establishes the 10-member Commission on Historically Black Colleges and Universities in the Commonwealth in the legislative branch to identify and recommend legislative priorities and policies for adoption or examination by the General Assembly and the Governor in order to provide ongoing support in developing and reviewing services and funding related to the five historically black colleges and universities in the Commonwealth, which are Hampton University, Norfolk State University, Virginia State University, Virginia Union University, and Virginia University of Lynchburg.

*Patron - Cordoza*

**[F] HB1195 Commission on Social Media; report.** Establishes the 20-member Commission on Social Media in the legislative branch to study and make recommendations on the impacts and harms to citizens caused by social media platforms hosting or amplifying content that includes threats or suggestions of physical violence or danger towards citizens, institutions, groups, associations, or physical structures of the Commonwealth by studying the impact of dangerous and violent rhetoric, threats, harassment, doxing, intimidation, misinformation, disinformation, defamation, and deceptive practices and the impact of certain practices by social media companies such as algorithmic amplification and targeted advertising on citizens. The bill requires the Commission to report annually to the General Assembly on its activities. The bill provides that the Commission will sunset on July 1, 2025.

*Patron - Gooditis*

**[F] HB1205 Division of Legislative Automated Systems; duties; cybersecurity department.** Directs the Division of Legislative Automated Systems to create and manage a cybersecurity department to monitor the technological systems of the General Assembly of Virginia and the agencies that directly serve the General Assembly for cybersecurity threats and to respond to and mitigate the effects of such threats. The bill provides that any employee assigned to the department shall keep all records, findings, and information related to his job confidential and is subject to a \$10,000 fine for any breach of confidentiality.

*Patron - Cordoza*

**[F] HB1252 General Assembly Conflicts of Interests Act; prohibited conduct; ownership of certain securities prohibited.** Prohibits members of the General Assembly from owning any security issued by a public service corporation, or the parent, affiliate, or subsidiary of a public service corporation, during their term of office. However, such prohibition does not restrict a member of the General Assembly from owning such a security in a diversified mutual fund or diversified unit investment trust.

*Patron - Helmer*

**[F] SB561 Virginia Attorney Disciplinary Commission; established.** Establishes the Virginia Attorney Disciplinary Commission in the legislative branch of state government for the purpose of holding disciplinary hearings

initiated by the Virginia State Bar against an attorney for a violation of the Virginia Rules of Professional Conduct or Unauthorized Practice Rules that would be the basis for a sanction to be imposed against such attorney and grants the Commission the power to hold issue sanctions against such attorney. The bill transfers any existing authority to discipline attorneys from the Virginia State Bar to the Commission.

*Patron - Petersen*

**[F] SB744 Virginia Elections Commission; establishment; purpose.** Establishes the Virginia Elections Commission as an advisory commission in the legislative branch for the purpose of studying and making recommendations on matters related to the administration and conduct of elections in the Commonwealth in order to ensure the accessibility, integrity, efficiency, and security of elections in the Commonwealth. The Commission will be composed of 15 members, including members of local electoral boards, general registrars, and members of the General Assembly, and shall employ staff as it deems necessary to assist in carrying out its duties.

*Patron - Vogel*

## Carried Over

**[C] HB458 MEI Project Approval Commission; incentives requiring review.** Adds to the incentive packages for economic development, film, and episodic television projects that require MEI Project Approval Commission (the Commission) review and approval any incentive package in which one of the incentives being sought includes a cash payment of more than \$3.5 million from any fund prior to any performance metrics being met by the proposed project. The bill clarifies that in calculating whether the value of proposed incentives exceeds \$10 million and thus requires review under current law, the value of applicable existing tax credits and incentives shall not be considered, with the exception of the sales tax exemption for data centers and the motion picture tax credit. Finally, the bill provides that economic development projects that propose to relocate or expand operations in one area of the Commonwealth while closing or reducing operations in another area of the Commonwealth shall be subject to Commission review only if the value of the proposed incentives exceeds \$2.5 million.

*Patron - Bulova*

**[C] HB1232 Behavioral Health Commission; membership.** Adds two nonlegislative citizen members who have received or are receiving services from the Commonwealth's behavioral health system, one nonlegislative citizen member who is a local law-enforcement officer serving a jurisdiction located in the Commonwealth, one nonlegislative citizen member who is a behavioral health services provider providing services in the Commonwealth, and one nonlegislative citizen member who is a certified peer recovery specialist or registered peer recovery specialist to the membership of the Behavioral Health Commission.

*Patron - Robinson*

**[C] SB38 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*

## Health

### Passed

**[P] HB81 Board of Health; Statewide Telehealth Plan; Virginia Telehealth Network.** Requires the Board of Health (the Board) to consult with the Virginia Telehealth Network in amending and maintaining the Statewide Telehealth Plan. The bill requires the Board to contract with the Virginia Telehealth Network, or another Virginia-based nongovernmental organization focused on telehealth if the Virginia Telehealth Network is no longer in existence, to (i) provide direct consultation to any advisory groups and groups tasked by the Board with implementation and data collection, (ii) track implementation of the Statewide Telehealth Plan, and (iii) facilitate changes to the Statewide Telehealth Plan as accepted medical practices and technologies evolve. This bill received Governor's recommendations.

*Patron - Kilgore*

**[P] HB91 Board of Health; fee for Certificate of Birth Resulting in Stillbirth.** Removes the requirement that the Board of Health prescribe a reasonable fee to cover the administrative cost and preparation of a Certificate of Birth Resulting in Stillbirth.

*Patron - Head*

**[P] HB93 Department of Health; home care organizations; license renewal.** Changes the license renewal requirement for home care organizations from an annual renewal to a triennial renewal. The bill prohibits the Department of Health, upon renewal of a home care organization license, from requiring home care organizations to submit financial documents other than those required for initial licensure.

*Patron - Head*

**[P] HB229 Department of Health; social determinants of health.** Directs the Department of Health to collect and analyze information, including demographic data, regarding social determinants of health, defined in the bill, and their impact on health risks and health outcomes of residents of the Commonwealth, and to make information regarding social determinants of health, their impact on health, and strategies for addressing social determinants of health to improve health outcomes available to the public on its website. This bill received Governor's recommendations.

*Patron - Coyner*

**[P] HB234 Secretary of Health and Human Resources; study of oversight and regulation of nursing homes, assisted living facilities, and other congregate living settings under a single state agency; report.** Directs the Secretary of Health and Human Resources to study the current oversight and regulation of nursing homes, assisted living facilities, and other congregate living settings to improve efficiency and effectiveness of regulation and oversight, provide better transparency for members of the public navigating the process of receiving services from such facilities, and better protect the health and safety of the public and to report his findings and recommendations to the Governor and the Chairmen of the Senate Committees on Education and Health and Finance and Appropriations and the House Committees on Appropriations and Health, Welfare and Institutions by October 1, 2022.

*Patron - Orrock*

**P HB235 Rehabilitation hospitals; arrangements for follow-up care.** Directs the Board of Health to convene a work group to provide recommendations regarding regulations requiring hospitals to develop protocols for connecting patients receiving rehabilitation services to necessary follow-up care. The bill requires the work group to report its recommendations to the Board of Health by October 1, 2022.

*Patron - Orrock*

**P HB241 Department of Medical Assistance Services; durable medical equipment and complex rehabilitative technology; work group; report.** Directs the Department of Medical Assistance Services to convene a work group with the Department of Planning and Budget and other relevant stakeholders to study the overall cost of and options for the provision of medical assistance to cover and reimburse complex rehabilitation technology (CRT) manual and power wheelchair bases and related accessories for qualified individuals who reside in nursing facilities. The bill requires the work group to report its findings to the Chairmen of the Senate Committees on Finance and Appropriations and Education and Health and the House Committees on Appropriations and Health, Welfare and Institutions by September 15, 2022.

*Patron - Adams, D.M.*

**P HB248 Health care data report; carriers.** Directs the Department of Health, through its contract with the non-profit organization that compiles and evaluates health care data on behalf of the Commonwealth and in consultation with the Bureau of Insurance of the State Corporation Commission (the Bureau), to (i) develop and implement a methodology to review and measure the efficiency and productivity of health care providers and carriers other than limited scope dental or vision plans and managed care health insurance plans and (ii) make available to the public on a website maintained by the nonprofit organization such data and information and other reports collected or produced as a result of implementation of such methodology by July 1, 2023. The bill also requires the Bureau to convene a stakeholder work group to (a) provide input on the development of the methodology required by the act; (b) identify additional measures to increase the transparency of information provided to the Bureau by carriers, managed care health insurance plans, and health care providers; and (c) determine what additional information should be provided to the nonprofit organization by carriers, managed care health insurance plan providers, and health care providers to foster transparency and competition among both carriers and health care providers and assist consumers in making educated decisions regarding options for health care coverage and access. The bill requires the work group to report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022.

*Patron - Davis*

**P HB481 Hospitals; price transparency.** Requires every hospital to make information about standard charges for items and services provided by the hospital available on the hospital's website by July 1, 2023. The bill directs the Secretary of Health and Human Resources to develop recommendations for implementation of the bill and to report those recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022.

*Patron - Helmer*

**P HB548 City of Chesapeake; local government authority to require analysis of water.** Adds the City of Chesapeake to the list of localities that may establish reasonable testing requirements to determine compliance with existing federal or state drinking water quality standards and require that such testing be done prior to the issuance of building permits. This bill is identical to SB 53.

*Patron - Hayes*

**P HB659 Department of Behavioral Health and Developmental Services to establish a work group to study and make recommendations regarding appropriate investigations of the deaths of individuals who die while receiving services from a licensed program.** Directs the Department of Behavioral Health and Developmental Services (the Department) to establish a work group to study and make recommendations regarding appropriate investigations, including recommendations regarding when autopsies may be appropriate, of the deaths of individuals with intellectual or developmental disabilities who are residents of the Commonwealth and who die while receiving services from a program licensed by the Department. The bill requires the work group to report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022.

*Patron - Hope*

**P HB669 Public pools; regulations.** Directs the Commissioner of Health to convene a work group to study whether swimming pools and other water recreational facilities for public use or use in conjunction with a tourist facility or health spa should be regulated by the Department of Health and requires the work group to report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2023. This bill was vetoed by the Governor.

*Patron - Hope*

**P HB769 Department of Health; onsite sewage system pump-out oversight; certain localities.** Requires the Department of Health (the Department), effective July 1, 2023, to manage and enforce onsite sewage system pump-out compliance for Accomack, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, and Westmoreland Counties and the incorporated towns within those counties. The bill requires licensed operators conducting onsite sewage system pump-outs that are managed by the Department in these localities to provide a report on the results of the site visit using a web-based reporting system developed by the Department. The bill also requires the Board of Health to establish a uniform schedule of civil penalties for violations of onsite treatment system pump-out requirements in localities in which compliance with such requirements is managed and enforced by the Department and provides that any person who violates such requirements in a locality in which compliance is managed and enforced by the Department is guilty of a Class 3 misdemeanor.

*Patron - Hodges*

**P HB800 Medical assistance services; individuals confined in state correctional facilities.** Directs the Department of Medical Assistance Services to coordinate with the Department of Corrections to identify persons in the custody of state correctional facilities who are currently enrolled in the Commonwealth's program of medical assistance or who may be eligible for services under the state plan for medical assistance upon release and, prior to the release of such persons, (i)

review the eligibility of currently enrolled persons to ensure continued access to medical assistance upon release or (ii) enroll persons not previously enrolled who meet eligibility criteria in the Commonwealth's program of medical assistance services.

*Patron - Price*

**P HB900 Public health emergency; hospital or nursing home; addition of beds.** Creates an exemption from the requirement for a certificate of public need or a license for the temporary addition of beds located in a temporary structure or satellite location by a hospital or nursing home in cases in which the Board of Health or the Commissioner of Health (the Commissioner) has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health and provides that such exemption shall apply for the duration of the emergency order plus 30 days. The bill also expands the duration of the existing exemption from the requirement for a certificate of public need or a license for the addition of temporary beds when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds to the duration of such determination plus 30 days and makes clear that such exemption shall apply to the temporary addition of beds located in a temporary structure or satellite location by a hospital or nursing home. This bill is identical to SB 130. This bill received Governor's recommendations.

*Patron - Avoli*

**P HB910 Hospital emergency department CPT code data reporting.** Requires every hospital in the Commonwealth that includes an emergency department to report quarterly to the Department of Health (the Department), for the preceding quarter, (i) the total number of visits to the hospital's emergency department, by location, and (ii) the total number of visits to the hospital's emergency department by emergency department evaluation and management (E/M) Physicians' Current Procedural Terminology (CPT) code. The bill also requires the Department to annually publish a report setting forth the average number of hospital emergency department visits by location and by emergency department E/M CPT code statewide and by region for each month.

*Patron - Orrock*

**P HB916 Health care providers; health records of minors; available via secure website.** Provides that every hospital and health care provider that makes patients' health records available to such patients through a secure website shall make all health records of a patient who is a minor available to such patient's parent through such secure website unless the hospital or health care provider cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied by a health care provider or for which required consent has not been provided.

*Patron - Robinson*

**P HB919 Board of Health; regulations; maximum contaminant levels in water supplies and waterworks; effective date.** Provides that the Board of Health shall review the recommendations of any work group convened by the Commissioner of Health after July 1, 2022, to study the occurrence of certain contaminants in public drinking water prior to adopting regulations establishing maximum contaminant levels (MCLs) in all water supplies and waterworks in the Commonwealth for (i) perfluorooctanoic acid, perfluorooctane sulfonate, and such other perfluoroalkyl and polyfluoroalkyl

substances as the Board deems necessary, (ii) chromium-6, and (iii) 1,4-dioxane. The bill also provides the Commissioner the option of establishing a work group to study the occurrence of such contaminants and to report to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health by December 1, 2022.

*Patron - Orrock*

**P HB939 Commissioner of Health; administration and dispensing of necessary drugs, devices, and vaccines during public health emergency; emergency.** Allows the Commissioner of Health to authorize persons who are not authorized by law to administer or dispense drugs or devices to do so in accordance with protocols established by the Commissioner when the Board of Health has made an emergency order for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases. Current law limits the Commissioner's ability to make such authorizations to circumstances when the Governor has declared a disaster or a state of emergency or the federal Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency. The bill contains an emergency clause. This bill is identical to SB 647. This bill received Governor's recommendations.

*Patron - Robinson*

**P HB987 Medicaid; program information; accessibility.** Directs the Board of Medical Assistance Services to require every person that provides program information to ensure that all program information, defined in the bill, be made available in a manner that is accessible to (i) individuals with limited English proficiency through the provision of language access services, including oral interpretation and written translations, and (ii) individuals with disabilities through the provision of auxiliary aids services, when doing so is a reasonable step to providing meaningful access to health care coverage. The bill provides that language access services and auxiliary aids services shall be provided free of charge to such individuals and that information regarding how to receive the language access services and auxiliary aids services shall be included with program information documents on a website maintained by the Department of Medical Assistance Services and on the website of every agency of the Commonwealth that disseminates program information. The bill also requires every person that makes program information available to use an objective readability measure approved by the Department to test the readability of its program information documents and requires such persons to make program information documents available to the Department for review upon request. Under current law, use of a specific readability formula is required and a minimum total readability score is prescribed. This bill received Governor's recommendations.

*Patron - Tran*

**P HB990 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 continue the work group established 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, 2022. This bill is identical to SB 232.

*Patron - Runion*

**P HB1001 Amending death certificates.** Requires the State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate within 45 days of the filing of a death certificate, to amend such death certificate to reflect the new information and evidence. The bill also requires the State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected demographic information on a death certificate more than 45 days after the filing of a death certificate, to amend such death certificate to reflect the new information and evidence. This bill is identical to SB 55.

*Patron - Runion*

**P HB1071 Hospitals; financial assistance; payment plans.** Requires hospitals to make reasonable efforts to screen every uninsured patient, defined in the bill, to determine whether the individual is eligible for medical assistance pursuant to the state plan for medical assistance or for financial assistance under the hospital's financial assistance policy and to inform every uninsured patient who receives services at the hospital and who is determined to be eligible for assistance under the hospital's financial assistance policy of the option to enter into a payment plan with the hospital. The bill also prohibits hospitals from engaging in extraordinary collection actions to recover a debt for medical services against any patient unless the hospital has made all reasonable efforts to determine whether the patient qualifies for medical assistance pursuant to the state plan for medical assistance or is eligible for financial assistance under the hospital's financial assistance policy and requires hospitals to annually report data and information regarding the amount of charity care, discounted care, and financial assistance provided under the hospital's financial assistance policy and the amount of uncollected bad debt. This bill is identical to SB 201.

*Patron - Tran*

**P HB1098 Joint Commission on Health Care; payment of medical assistance for obesity prevention and other obesity-related services; report.** Directs the Joint Commission on Health Care (the Commission) to convene a work group to study and provide recommendations related to the payment of medical assistance for obesity prevention and other obesity-related services, including (i) the types of obesity prevention and other obesity-related services for which federal matching funds are available, (ii) the estimated cost to the Commonwealth of providing medical assistance for such obesity prevention and other obesity-related services for eligible individuals, and (iii) any federal approvals or other actions necessary to allow for the payment of medical assistance for obesity prevention and other obesity-related services. The bill requires the Commission to report its findings and recommendations to the Governor and 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 November 1, 2023.

*Patron - Guzman*

**P HB1107 Hospitals; direct readmission of certain postpartum patients.** Directs the Department of Health (the Department) to develop recommendations for protocols for hospitals that provide obstetrical services for (i) admission or transfer of any pregnant woman who presents herself while in labor or while experiencing a perinatal emergency and (ii) direct readmission, if appropriate, to the hospital of any patient who received obstetrical services from the hospital, experi-

ences postpartum complications requiring immediate medical care, and is referred to the hospital by the patient's health care provider. The bill requires the Department to make such recommendations available to every hospital in the Commonwealth that provides obstetrical services by December 15, 2022.

*Patron - McQuinn*

**P HB1193 Department of Medical Assistance Services; coordinated specialty care; work group established.** Directs the Department of Medical Assistance Services to establish a work group, in coordination with the Department of Behavioral Health and Developmental Services, to evaluate and make recommendations to improve approaches to early psychosis and mood disorder detection approaches, make program funding recommendations, recommend a core set of standardized clinical and outcome measures, and evaluate coordinated specialty care programs in the Commonwealth. The work group is required by the bill to submit a five-year strategic plan annually to the General Assembly beginning November 1, 2022.

*Patron - Hope*

**P HB1305 Pioneer Community Hospital of Patrick County.** Authorizes the reestablishment of a general hospital in Patrick County.

*Patron - Williams*

**P HB1323 Pharmacists and pharmacy technicians; initiation of treatment with and dispensing and administration of vaccines.** Allows pharmacists and pharmacy technicians acting under the supervision of a pharmacist to initiate treatment with and dispense and administer vaccines for COVID-19, nicotine replacement and other tobacco cessation therapies, and tests for COVID-19 and other coronaviruses to persons aged 18 years and older and vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention and vaccines for COVID-19 and tests for COVID-19 and other coronaviruses to persons three years of age or older in accordance with a statewide protocol established by the Board of Medicine in collaboration with the Board of Pharmacy and the Department of Health. The bill also directs the Board of Medicine, in collaboration with the Board of Pharmacy and the Department of Health to develop such statewide protocol by November 1, 2022, and directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill. The bill also provides that when services related to the initiation of treatment with or dispensing or administration of a vaccination by a pharmacist, pharmacy technician, or pharmacy intern provided for by the state plan for medical assistance services are provided in accordance with the provisions of the bill, the Department of Medical Assistance Services shall provide reimbursement for such services. Finally, the bill provides that provisions related to administration of COVID-19 vaccines to and testing for COVID-19 of minors shall become effective upon the expiration of the provisions of the federal Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 related to the administration of COVID-19 vaccines to and testing for COVID-19 of minors. This bill is identical to SB 672. This bill received Governor's recommendations.

*Patron - Orrock*

**P HB1329 Pediatric survivors of sexual assault; Task Force on Services for Survivors of Sexual Assault.** Expands from under 13 years of age to under 18 years of age the age range of the pediatric survivors of sexual assault for whom each hospital must develop a plan for providing either pediatric sexual assault survivor treatment services or transfer



services to an approved pediatric health care facility. The bill also allows for transfer of a survivor of sexual assault to a clinic that provides treatment services for survivors of sexual assault that are comparable to those provided by treatment hospitals, and adds a representative of a forensic clinic to the existing Task Force on Services for Survivors of Sexual Assault.

*Patron - Delaney*

**P HB1345 Virginia Transplant Council; membership.** Adds Children's Hospital of The King's Daughters to the membership of the Virginia Transplant Council.

*Patron - Fariss*

**P SB46 Certain emergency and quarantine orders; additional procedural requirements.** 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 State Health Commissioner shall apply. This bill received Governor's recommendations.

*Patron - Petersen*

**P SB53 City of Chesapeake; local government authority to require analysis of water.** Adds the City of Chesapeake to the list of localities that may establish reasonable testing requirements to determine compliance with existing federal or state drinking water quality standards and require that such testing be done prior to the issuance of building permits. This bill is identical to HB 548.

*Patron - Cosgrove*

**P SB130 Public health emergency; hospital or nursing home; addition of beds.** Creates an exemption from the requirement for a certificate of public need or a license for the temporary addition of beds located in a temporary structure or satellite location by a hospital or nursing home in cases in which the Board of Health or the Commissioner of Health (the Commissioner) has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health and provides that such exemption shall apply for the duration of the emergency order plus 30 days. The bill also expands the duration of the existing exemption from the requirement for a certificate of public need or a license for the addition of temporary beds when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds to the duration of such determination plus 30 days and makes clear that such exemption shall apply to the temporary addition of beds located in a temporary structure or satellite location by a hospital or nursing home. This bill is identical to HB 900. This bill received Governor's recommendations.

*Patron - Favola*

**P SB169 Licensed practical nurses; authority to pronounce death.** Extends to licensed practical nurses the authority to pronounce the death of a patient in hospice, provided that certain conditions are met. Current law provides that physicians, registered nurses, and physician assistants may pronounce death.

*Patron - Peake*

**P SB192 Local health director; qualifications.** Amends the qualification requirements for local health directors to provide that a person may be a local health director if he possess a master's or doctoral degree in the area of public

health and has at least three years of professional experience in a full-time position in either a public health agency or public health-related position or is otherwise qualified for the position as determined by the Commissioner of Health. Currently, only a person who is a physician licensed to practice medicine in the Commonwealth may be a local health director. The bill provides that if a local health director is not a physician licensed to practice medicine and there is no licensed physician on staff, the local health director shall enter into a consulting agreement with a licensed physician to execute prescribing duties, consult on clinical matters, and perform all other duties as requested. This bill received Governor's recommendations.

*Patron - Mason*

**P SB201 Hospitals; financial assistance; payment plans.** Requires hospitals to make reasonable efforts to screen every uninsured patient, defined in the bill, to determine whether the individual is eligible for medical assistance pursuant to the state plan for medical assistance or for financial assistance under the hospital's financial assistance policy and to inform every uninsured patient who receives services at the hospital and who is determined to be eligible for assistance under the hospital's financial assistance policy of the option to enter into a payment plan with the hospital. The bill also prohibits hospitals from engaging in extraordinary collection actions to recover a debt for medical services against any patient unless the hospital has made all reasonable efforts to determine whether the patient qualifies for medical assistance pursuant to the state plan for medical assistance or is eligible for financial assistance under the hospital's financial assistance policy and requires hospitals to annually report data and information regarding the amount of charity care, discounted care, and financial assistance provided under the hospital's financial assistance policy and the amount of uncollected bad debt. This bill incorporates SB 245 and is identical to HB 1071.

*Patron - Favola*

**P SB202 Study; Secretary of Health and Human Resources and Secretary of Public Safety and Homeland Security; increase use of alternative custody arrangements for individuals subject to an emergency custody or temporary detention order; report.** Directs the Secretary of Health and Human Resources, together with the Secretary of Public Safety and Homeland Security, to study options to increase the use of alternative custody arrangements for individuals who are subject to an emergency custody or temporary detention order and to report his findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Education and Health and Finance and Appropriations by October 1, 2022.

*Patron - Newman*

**P SB232 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 continue the work group established 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, 2022. This bill is identical to HB 990.

*Patron - Suetterlein*

**P SB241 Renal Disease Council; report.** Creates the Renal Disease Council for the purpose of (i) advising the Gov-

ernor and the General Assembly on the needs of individuals with renal disease in the Commonwealth; (ii) identifying challenges that such individuals face and making recommendations for the improvement of the Commonwealth's kidney care system, particularly related to care coordination and prevention; (iii) funding research related to renal disease; (iv) funding supports for persons with renal disease in the Commonwealth; and (v) developing programs to educate medical professionals and the public about renal disease. This bill received Governor's recommendations.

*Patron - Hashmi*

**[P] SB248 Fertilizer; digestate.** Clarifies that a regulated product, for the purposes of fertilizer law, includes digestate. Digestate is defined in the bill as a biologically stable material derived from the process of anaerobic digestion. The bill also includes digestate in fertilizer labeling requirements. This bill is identical to HB 831.

*Patron - Surovell*

**[P] SB426 State plan for medical assistance services; remote patient monitoring.** Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to provide for the payment of medical assistance for (i) remote patient monitoring services provided via telemedicine for patients who have experienced a chronic or acute health condition who have had two or more hospitalizations or emergency department visits related to such health condition in the previous 12 months, when there is evidence that the use of remote patient monitoring is likely to prevent readmission to a hospital or emergency department, and (ii) provider-to-provider consultations that is no more restrictive than, and is at least equal in amount, duration, and scope to, that available through the fee-for-service program.

*Patron - Dunnivant*

**[P] SB436 Board of Health; Statewide Telehealth Plan; Virginia Telehealth Network.** Requires the Board of Health (the Board) to consult with the Virginia Telehealth Network in amending and maintaining the Statewide Telehealth Plan. The bill requires the Board to contract with the Virginia Telehealth Network, or another Virginia-based nongovernmental organization focused on telehealth if the Virginia Telehealth Network is no longer in existence, to (i) provide direct consultation to any advisory groups and groups tasked by the Board with implementation and data collection, (ii) track implementation of the Statewide Telehealth Plan, and (iii) facilitate changes to the Statewide Telehealth Plan as accepted medical practices and technologies evolve. This bill is identical to SB 436. This bill received Governor's recommendations.

*Patron - Barker*

**[P] SB580 Department of Health; triennial audit requirement for home care organizations.** Directs the Department of Health to remove the triennial audit requirement for home care organizations.

*Patron - McDougle*

**[P] SB647 Commissioner of Health; administration and dispensing of necessary drugs, devices, and vaccines during public health emergency; emergency.** Allows the Commissioner of Health to authorize persons who are not authorized by law to administer or dispense drugs or devices to do so in accordance with protocols established by the Commissioner when the Board of Health has made an emergency order for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infec-

tious diseases. Current law limits the Commissioner's ability to make such authorizations to circumstances when the Governor has declared a disaster or a state of emergency or the federal Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency. The bill contains an emergency clause. This bill is identical to HB 939. This bill received Governor's recommendations.

*Patron - Dunnivant*

**[P] SB663 State plan for medical assistance services; provision for payment of telemedicine services facilitated by emergency medical services.** Directs the Board of Health to amend the state plan for medical assistance services to include a provision for the payment of the originating site fee to emergency medical services agencies for facilitating synchronous telehealth visits with a distant site provider delivered to a Medicaid member. The bill defines "originating site" as any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom telemedicine services are provided is located.

*Patron - Stanley*

## Failed

**[F] HB22 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] HB27 COVID-19 vaccination status; mandatory COVID-19 vaccination prohibited; 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 COVID-19 vaccination status with regard to education or public employment and in numerous other contexts.

*Patron - Anderson*

**[F] HB80 Healthcare Regulatory Sandbox Program; established.** Requires the Department of Health to establish the Healthcare Regulatory Sandbox Program to enable a person to obtain limited access to the market in the Commonwealth to temporarily test an innovative health care product or service on a limited basis without otherwise being licensed or

authorized to act under the laws of the Commonwealth. Under the Program, an applicant requests the waiver of certain laws, regulations, or other requirements for a 24-month testing period, with an option to request an additional six-month testing period. The bill provides application requirements, consumer protections, procedures for exiting the Program or requesting an extension, and recordkeeping and reporting requirements. The bill requires the Department to provide an annual report to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health that provides information regarding each Program participant and recommendations regarding the effectiveness of the Program. The bill has an expiration date of July 1, 2027.

*Patron - Davis*

**[F] HB97 Nursing homes; regulations; electronic monitoring.** Directs the Board of Health to include in regulations governing nursing homes a provision prohibiting a nursing home from refusing to admit, transferring, or discharging a patient on the grounds that the patient has implemented or requested to implement electronic monitoring, provided such request and electronic monitoring is in accordance with regulations of the Board.

*Patron - Head*

**[F] HB156 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] HB157 Public health emergency; emergency orders and regulations; limitations.** Provides that any emergency order or regulation adopted by the Board of Health shall be valid for no more than 45 days and that such order may be extended by the Board for a subsequent period of 45 days, provided that the Board provides notice and receives public comment on the order or regulation proposed to be extended, but that in no case shall such emergency order or regulation be valid for more than 18 months from the effective date of the initial order or regulation. The bill also provides that in any case in which the Commissioner of Health exercises the authority of the Board to enact an emergency order or regulation, such order or regulation shall be valid for no more than 45 days from the effective date of the order or regulation unless the Board adopts an order or regulation to such effect.

The bill also limits the duration of an emergency temporary standard adopted by the Safety and Health Codes Board to 45 days and provides for an extension of such emergency temporary standard for a subsequent period of 45 days, provided that the Board provides notice and receives public comment on the emergency temporary standard proposed to be extended. However, no emergency temporary order shall be valid for a period of more than six months.

*Patron - Byron*

**[F] HB232 Medicaid Fraud Control Unit; recovery of fraudulent payments; report.** Directs the Attorney General to report annually (i) the number of investigations conducted of providers of medical assistance services under the state plan for medical assistance alleged to have fraudulently obtained or attempted to obtain payments; (ii) the number of cases in which it is determined that a provider has fraudulently obtained or attempted to obtain payments and the total amount of any

payments obtained or sought to be obtained; (iii) the number of cases in which the Attorney General sought to recover payments fraudulently obtained by a provider and the total amount of payments determined to have been made in such cases; (iv) the number of cases in which recovery of payments fraudulently obtained by a provider was not sought and the total amount of payments determined to have been made in such cases; and (v) for each case in which recovery of payments fraudulently obtained by a provider is sought, the total amount of such payments and the amount of such payments actually recovered. Such report shall also be made available to the public on a website maintained by the Office of the Attorney General.

*Patron - Orrock*

**[F] HB278 Department of Health; pilot program; impact of community health assessments and community health improvement plans on the health of residents of the Commonwealth; report.** Directs the Department of Health to conduct a pilot program to evaluate the impact of community health assessments and community health improvement plans on the health of residents of the Commonwealth and to report annually by December 1 to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health regarding the pilot program and any changes in public resulting from the implementation of the pilot program.

*Patron - Coyner*

**[F] HB306 Immunizations; authority of the Commissioner of Health; religious exception.** Exempts a person, including a parent or guardian on behalf of a child, who objects to administration of a vaccine on religious grounds from mandatory immunization requirements during an epidemic. Currently, exemption from mandatory immunization requirements during an epidemic is available only to those persons to whose health the administration of the vaccine would be detrimental, as certified in writing by a licensed physician.

*Patron - Freitas*

**[F] HB390 State plan for medical assistance services; violence interruption services.** Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for the payment of medical assistance for violence interruption services for an individual who receives medical treatment for an injury sustained as a result of community or interpersonal violence and who is determined by a health care provider to be at risk of retaliation related to such community or interpersonal violence or future injury as a result of community or interpersonal violence.

*Patron - Murphy*

**[F] HB420 Department of Health; evidence-based best practices for opioid-related emergencies in the emergency department.** Requires hospitals to establish and implement policies and protocols consistent with evidence-based best practices for opioid-related emergencies in the emergency department published and regularly updated by the Department of Health.

*Patron - Delaney*

**[F] HB432 Department of Veterans Services; plan for establishment of a veterans care center in the eastern portion of the Northern Virginia region; report.** Directs the Department of Veterans Services to study and develop a plan for the establishment of a veterans care center in the eastern portion of the Northern Virginia region and to report to the Governor and 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 regarding such plan by November 1, 2022.

*Patron - Sewell*

**[F] HB494 Human donor milk bank licensing; payment of medical assistance and health insurance coverage.** Directs the Board of Medical Assistance Services to include a provision for the payment of medical assistance for pasteurized human donor milk acquired from a licensed human donor milk bank and provides for the licensure and regulation of human donor milk banks by the Department of Health. The bill requires health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations to provide coverage for expenses incurred in the provision of pasteurized human donor milk, provided that certain conditions are met.

*Patron - Rasoul*

**[F] HB498 Department of Health; H-2B employer-provided housing; registry.** Requires every H-2B employer, as defined in the bill, to report to the Commissioner of Health the physical address of every unit of employer-provided housing, also defined in the bill, provided to an H-2B employee, together with the number of H-2B employees residing at each such housing unit and the number of beds at each such housing unit. The bill requires the Department of Health to establish, maintain, and make available on a website a registry of H-2B employer-provided housing in the Commonwealth that includes the information H-2B employers are required by the bill to report.

*Patron - Mullin*

**[F] HB512 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 COVID-19 vaccination status (i) with regard to education, employment, insurance, or issuance of a driver's license or other state identification or (ii) in numerous other contexts.

*Patron - March*

**[F] HB514 Prohibition on mask mandates.** Prohibits the Board of Health, Commissioner of Health, and Governor from issuing any rule, regulation, or order that requires (i) individuals to wear masks or other face coverings or (ii) businesses to require customers to wear masks or other face coverings while on the premises of such business and prohibits any local school board from requiring any student enrolled at a public elementary or secondary school in the local school division to wear a mask, face covering, or other covering of the student's nose and mouth at school, on a school bus, or at a school-sponsored activity.

*Patron - March*

**[F] HB519 Hospitals; regulations; visitation; individuals infected with COVID-19.** Directs the Board of Health to include in regulations governing hospitals a provision prohibiting hospitals from restricting in any way the ability of a patient who has tested positive for infection with COVID-19 to receive visits from members of his family.

*Patron - March*

**[F] HB726 Health insurance; coverage for donated human breast milk.** Requires health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations to provide coverage for

expenses incurred in the provision of pasteurized donated human breast milk. The requirement applies if the covered person is an infant under the age of six months, the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health, and a licensed medical practitioner has issued an order for an infant who satisfies certain criteria. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on or after January 1, 2023. The measure also requires the state plan for medical assistance services to include a provision for payment of medical assistance services incurred in the provision of pasteurized donated human breast milk. This bill is a recommendation of the Health Insurance Reform Commission.

*Patron - Gooditis*

**[F] HB770 Freestanding emergency departments.** Requires the Board of Health to promulgate regulations related to freestanding emergency departments, defined in the bill as facilities located in the Commonwealth that (i) provide emergency services, (ii) are owned and operated by a licensed hospital and operate under the hospital's license, and (iii) are located on separate premises from the primary campus of the hospital. The bill also requires freestanding emergency departments to make certain disclosures to patients, in advertisements, and on any online platforms associated with such emergency department.

*Patron - Hodges*

**[F] HB777 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 HB783 Immunizations; authority of the Commissioner of Health; religious exception.** Exempts a person, including a parent or guardian on behalf of a child, who objects to administration of a vaccine on religious grounds from mandatory immunization requirements during an epidemic. Currently, exemption from mandatory immunization requirements during an epidemic is available only to those persons to whose health the administration of the vaccine would be detrimental, as certified in writing by a licensed physician.

*Patron - LaRock*

**F HB823 Task Force on Maternal Health Data and Quality Measures; study.** Directs the Task Force on Maternal Health Data and Quality Measures to study certain issues related to maternal health. The bill requires the Task Force to submit its findings and conclusions to the Governor and General Assembly by December 1, 2022.

*Patron - Torian*

**F HB861 Certificate of public need; charity care.** Provides that the Commissioner of Health shall not impose conditions related to the agreement of the applicant to provide care to individuals who are eligible for benefits under Title XVIII or XIX of the Social Security Act or TRICARE on certificates of public need for projects involving nursing homes.

*Patron - Sickles*

**F HB877 Public benefits; eligibility of certain aliens.** Repeals provisions prohibiting persons other than United States citizens or persons who are legally present in the United States from receiving certain public benefits.

*Patron - Lopez*

**F HB878 Comprehensive health care coverage program.** Directs the Department of Medical Assistance Services (the Department) to establish a program to provide state-funded comprehensive health care coverage for individuals in the Commonwealth who (i) are younger than 19 years of age, aged 65 years or older, or pregnant; (ii) are not covered under a group health plan or health insurance coverage; and (iii) but for their immigration status, would be eligible for medical assistance services through the Commonwealth's program of medical assistance services established pursuant to Title XIX and Title XXI of the federal Social Security Act. The bill also requires the Department to ensure that all program information is made available in a manner that is accessible to individuals with limited English proficiency through the provision of language access services, including oral interpretation and written translations, free of charge, and to ensure that information obtained by the program established by this section remains confidential and is not disclosed for any purpose not related to the administration of the program.

*Patron - Lopez*

**F HB915 Required immunizations; regulations.** Provides that a parent, guardian, or person standing in loco parentis of each child in the Commonwealth shall cause such child to be vaccinated in accordance with the Regulations for the Immunization of School Children of the State Board of Health (the Board) and that regulations of the Board setting forth such requirements shall be subject to the Administrative Process Act. Currently, a parent, guardian, or person standing in loco parentis of a child shall cause such child to be vaccinated in accordance with the Immunizations Schedule developed and published by the Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices, American Academy of Pediatrics, and American Academy of Family Physicians, and any regulations of the Board setting

forth requirements related to vaccines are exempt from the Administrative Process Act.

The bill also provides that no regulation of the Board of Health setting forth requirements related to vaccines shall become effective until after the next regular session of the General Assembly following the date on which the final adopted regulation is published in the Virginia Register of Regulations.

*Patron - Orrock*

**F HB937 Department of Health; restrictions on expenditure of funds related to family planning services.** Prioritizes the types of entities to which the Department of Health provides grants for family planning services.

*Patron - LaRock*

**F HB962 Vaccines; adverse events; reporting.** Requires the Department of Health (the Department) to establish a process for receiving reports of adverse events, defined in the bill as adverse reactions to the administration of a vaccine, including any side effects and other reactions, provided by health care providers and members of the public and make information regarding reported adverse events available to the public on a website maintained by the Department. The bill also requires every health care provider who reports an adverse event to the Vaccine Adverse Event Report System administered by the Centers for Disease Control and Prevention and the U.S. Food and Drug Administration to report such adverse event to the Department.

*Patron - LaRock*

**F HB1011 Commissioner of Health; study of the occurrence of PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS in the Commonwealth's public drinking water; report.** Directs the Commissioner of Health to convene a work group to study the occurrence of perfluoroalkyl and polyfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrate (PFBA), perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide-dimer acid (HFPO-DA), perfluorohexanoic acid (PFHxA), perfluoropentanoic acid (PFPeA), and perfluorobutane sulfonic acid (PFBS), in drinking water in the Commonwealth. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health by December 1, 2023.

*Patron - Guzman*

**F HB1012 Comprehensive children's health care-coverage program.** Directs the Department of Medical Assistance Services (the Department) to establish a program to provide state-funded comprehensive health care coverage for individuals in the Commonwealth who (i) are under 19 years of age, (ii) are not covered under a group health plan or health insurance coverage, and (iii) but for their immigration status would be eligible for medical assistance services through the Commonwealth's program of medical assistance services established pursuant to Title XIX or XXI of the Social Security Act. The bill also requires the Department to ensure that all program information is made available in a manner that is accessible to individuals with limited English proficiency through the provision of language access services, including oral interpretation and written translations, free of charge, and to ensure that information obtained by the program remains confidential and is not disclosed for any purpose not related to the administration of the program or any purpose related to civil immigration enforcement unless the subject of the infor-

mation consents to such disclosure or the requesting agency presents a valid judicial order, subpoena, or warrant.

The bill also requires the Department to establish a workgroup composed of individuals with experience conducting outreach to individuals who are eligible for the program established by the bill to advise and assist the Department in carrying out marketing and outreach activities required by the bill, and to seek all federal waivers and other approvals necessary to maximize federal financial participation in the cost of carrying out the program established by the bill.

*Patron - Tran*

**[F] HB1038 Emergency rules, regulations, and orders; prohibition on mask mandates.** Prohibits the Board of Health, Commissioner of Health, or Governor from issuing any rule, regulation, or order that requires (i) individuals to wear masks or other face coverings or (ii) businesses to require customers to wear masks or other face coverings while on the premises of such business.

*Patron - Scott, P.A.*

**[F] HB1079 Local department; human resources.** Requires every local department to (i) establish a human resources staff position to receive complaints regarding human resources matters and assist employees of the local department with resolution of such complaints and (ii) ensure that individuals with supervisory authority are prohibited from interfering in the investigation or resolution of such complaints.

*Patron - Cordoza*

**[F] HB1221 Hospitals; charity care policies; meaningful access; individuals with low English proficiency.** Requires every hospital that is subject to the requirements of Title VI of the Civil Rights Act to make available information about the hospital's charity care policies, including information regarding specific eligibility criteria and procedures for applying for charity care, to individuals with low English proficiency in the same manner and languages, and to the same degree, as the hospital makes available other information regarding hospital programs and services.

*Patron - Tran*

**[F] HB1294 Personal care services; requirements for managed care organizations.** Requires the Department of Medical Assistance Services (the Department) to include in every contract between the Department and a managed care organization a provision that (i) authorizations or reauthorizations of consumer-directed or agency-directed personal care service hours for individuals receiving services through the Commonwealth Coordinated Care Plus waiver shall be required no more frequently than once every 12 months unless warranted by a substantial change in the medical needs of the service recipient and (ii) the managed care organization shall not remove a provider that provides consumer-directed or agency-directed personal care services for individuals receiving services through the Commonwealth Coordinated Care Plus waiver from its provider network without cause, and shall provide a written statement setting forth such cause to the provider prior to such removal.

The bill also requires the Department to seek federal approval to amend the Commonwealth Coordinated Care Plus waiver and, upon receipt of such approval, amend the implementing regulations to provide that authorizations and reauthorizations of consumer-directed or agency-directed personal care service hours for individuals receiving services through the Commonwealth Coordinated Care Plus waiver shall be required no more frequently than once every 12 months unless warranted by a

substantial change in the medical needs of the service recipient.

*Patron - Gooditis*

**[F] HB1342 Hospital regulations; policies and procedures related to victims of domestic violence and sexual assault.** Requires hospitals to develop and implement written policies and procedures related to the screening and treatment of victims of domestic violence and sexual assault.

*Patron - Murphy*

**[F] SB86 Department of Health; sanitary requirements for certain facilities.** Directs the Department of Health to amend its regulations to exempt outdoor motorsport facilities that are located on over 1,100 acres of rural property bordering the Dan River and have a track surface of not less than 3.27 miles in length or host a NASCAR national touring race from certain permanent sanitary facility requirements.

*Patron - Stanley*

**[F] SB170 Department of Health; Statewide Telehealth Plan; emergency services coordination.** Directs the Department of Health to amend the Statewide Telehealth Plan to require health care providers providing telehealth services to directly contact and coordinate with emergency services in accordance with the standard of care that is appropriate to the patient's situation and to the services rendered during the telehealth visit.

*Patron - Peake*

**[F] SB205 Certificate of public need; expedited review process; work group; report.** Requires the Department of Health to establish an expedited review process for certain projects involving the addition of imaging equipment, a new ambulatory or outpatient surgery center, operating rooms at an existing ambulatory or outpatient surgery center, and psychiatric beds or conversion of existing beds at a medical care facility to psychiatric beds and requires the Board of Health to include in regulations governing the certificate of public need program a provision for the development of review criteria and standards for specific medical care facilities and health care services for each health planning region that take into account the unique needs and characteristics of such region. The bill also amends the definition of "charity care" and defines "health care service" and "indigent." Additionally, the bill directs the Department of Health to convene a work group to make recommendations of funding options to alleviate the risk of financial insolvency for public and private hospitals with fewer than 100 licensed beds in the event of a future public health emergency. The bill requires the work group to report its recommendations to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2022.

*Patron - Petersen*

**[F] SB231 Department of Medical Assistance Services; amend waivers providing services for individuals with developmental disabilities; greater financial flexibility for certain services; report.** Directs the Department of Medical Assistance Services (the Department) to take steps to amend the Family and Individual Supports, Community Living, Building Independence, and Commonwealth Coordinated Plus waivers. The bill requires the Department to report on its progress to the Governor and the General Assembly by December 1, 2022.

*Patron - Suetterlein*

**[F] SB243 End Stage Renal Disease Patient Navigator Network.** Directs the Department of Health to establish the End State Renal Disease Patient Navigator Network to assist

persons diagnosed with end stage renal disease in navigating through the health care system. The bill permits the Department to contract with other entities to establish the Network and provide services to qualified patients.

*Patron - Hashmi*

**[F] SB260 Department of Health; H-2B employer-provided housing; registry.** Requires every H-2B employer, as defined in the bill, to report to the Commissioner of Health the physical address of every unit of employer-provided housing, also defined in the bill, provided to an H-2B employee, together with the number of H-2B employees residing at each such housing unit and the number of beds at each such housing unit. The bill requires the Department of Health to establish, maintain, and make available on a website a registry of H-2B employer-provided housing in the Commonwealth that includes the information H-2B employers are required by the bill to report.

*Patron - Hashmi*

**[F] SB336 Certificate of public need; nursing homes; charity care.** Exempts nursing homes from the requirement that applicants for a certificate of public need agree to provide a specified level of charity care to indigent persons or accept patients requiring specialized care, facilitate the development and operation of primary and specialty medical care services in designated medically underserved areas of the applicant's service area, or both.

*Patron - Barker*

**[F] SB344 Health insurance; coverage for donated human breast milk.** Requires health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations to provide coverage for expenses incurred in the provision of pasteurized donated human breast milk. The requirement applies if the covered person is an infant under the age of six months, the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health, and a licensed medical practitioner has issued an order for an infant who satisfies certain criteria. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on or after January 1, 2024. The measure also requires the state plan for medical assistance services to include a provision for payment of medical assistance services incurred in the provision of pasteurized donated human breast milk. The bill requires the Department of Health to establish quality guidelines for human milk banks that operate, sell, distribute, or collect milk in Virginia by July 1, 2023. The provisions of the bill other than the requirement for the Department of Health to establish quality guidelines have a delayed enactment of July 1, 2023. This bill is a recommendation of the Health Insurance Reform Commission.

*Patron - Barker*

**[F] SB406 Minimum staffing standards for nursing homes and certified nursing facilities; administrative sanctions; Long-Term Care Services Fund.** Requires nursing homes to meet a baseline staffing level based on resident acuity in alignment with the Centers for Medicare and Medicaid Services staffing level recommendations. The bill requires nursing homes to collect and submit to the Department of Health certain data related to staffing. The bill gives the Commissioner of Health the power to impose administrative sanctions on nursing homes and directs the Board of Health to promulgate regulations related to the criteria and procedures for imposition of administrative sanctions or initiation of court proceedings for violations of the bill. The bill provides that nursing homes shall only be subject to administrative sanctions upon initial funding for the state share of the cost to implement the provisions of the

bill. The bill establishes the Long-Term Care Services Fund for the purpose of making grants to assist in the provision of activities that protect or improve the quality of care or quality of life for residents, patients, and consumers of long-term care services.

*Patron - Barker*

**[F] SB587 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] SB617 Commissioner of Health and local health director qualifications; local variances.** Requires the Commissioner of Health to possess a Doctor of Public Health degree, a Master of Public Health degree, or a doctoral degree in the area of public health in addition to the current requirement that the Commissioner of Health be a physician licensed to practice medicine in the Commonwealth with certification from the American Board of Preventive Medicine or a recognized board in a primary care specialty as approved by the American Board of Medical Specialties. The bill allows local health directors to possess a Doctor of Public Health degree, a Master of Public Health degree, or a doctoral degree in the area of public health as an alternative to the current requirement that local health directors be physicians licensed to practice medicine in the Commonwealth. Additionally, the bill allows the Commissioner to grant a variance to a state law or regulation of the Board when the Commissioner determines that, upon review of an application from a county, city, or town, (i) the applicant for such variance has demonstrated that the implementation of a regulation would impose a substantial financial or programmatic hardship and (ii) the variance would not adversely affect the safety and well-being of residents of the county, city, or town or the Commonwealth.

*Patron - Locke*

**[F] SB626 Department of Health; non-skilled home care organizations; triennial audit requirement.** Directs the Department of Health to amend its regulations to exempt non-skilled home care organizations that do not participate in government-funded programs from the requirement of a triennial audit for licensing.

*Patron - Ebbin*

## Carried Over

**[C] HB330 Minimum staffing standards for nursing homes and certified nursing facilities; administrative sanctions; Long-Term Care Services Fund.** Requires nursing homes to meet a baseline staffing level based on resident acuity in alignment with the Centers for Medicare and Medicaid Ser-



vices staffing level recommendations. The bill requires nursing homes to collect and submit to the Department of Health certain data related to staffing. The bill gives the Commissioner of Health the power to impose administrative sanctions on nursing homes and directs the Board of Health to promulgate regulations related to the criteria and procedures for imposition of administrative sanctions or initiation of court proceedings for violations of the bill. The bill provides that nursing homes shall only be subject to administrative sanctions upon initial funding for the state share of the cost to implement the provisions of the bill. The bill establishes the Long-Term Care Services Fund for the purpose of making grants to assist in the provision of activities that protect or improve the quality of care or quality of life for residents, patients, and consumers of long-term care services.

*Patron - Watts*

**HB392 Sudden Unexpected Death in Epilepsy.** Requires the Office of the Chief Medical Examiner to take certain actions upon the finding that an individual died from Sudden Unexpected Death in Epilepsy (SUDEP). The bill directs the Office of the Chief Medical Examiner to publish information on SUDEP and a SUDEP death investigation form on its website. Additionally, the bill requires the Chief Medical Examiner and local medical examiners to complete training provided by The Epilepsy Foundation of Virginia. The bill has a delayed effective date of January 1, 2023.

*Patron - Murphy*

**HB478 Secretary of Health and Human Resources; wholesale prescription drug importation program.** Directs the Secretary of Health and Human Resources (the Secretary) to establish a wholesale prescription drug importation program that complies with the requirements of federal law and to report annually by October 1 to the Governor and 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 on the wholesale prescription drug importation program. The bill also requires the Secretary to (i) convene a workgroup composed of relevant stakeholders to develop a plan for implementation of the wholesale prescription drug importation program and report the plan to the Governor and 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, 2022, and (ii) seek such federal approvals, waivers, exemptions, or agreements as may be necessary to enable all covered entities enrolled in or eligible for the federal 340B Drug Pricing Program to participate in the wholesale prescription drug importation program to the greatest extent possible without jeopardizing their eligibility for the 340B Drug Pricing Program by July 1, 2023.

*Patron - Subramanyam*

**HB534 State plan for medical assistance services; eligibility; social security disability income.** Directs the State Board of Medical Assistance Services to amend the state plan for medical assistance to disregard, for the purposes of eligibility determination, any social security disability income received by the person.

*Patron - Batten*

**HB538 Perinatal health care providers; implicit bias training.** Requires the Board of Health to amend its regulations to require that each hospital develop and implement policies requiring all perinatal health care providers to complete an in-person and interactive training on implicit bias.

*Patron - Clark*

**HB591 Secretary of Health and Human Resources; plan to consolidate state agency prescription drug purchasing and reimbursement programs; report.** Directs the Secretary of Health and Human Resources to develop a plan to consolidate state agency prescription drug purchasing and reimbursement programs to increase efficiency in prescription drug purchasing and reduce spending on prescription drugs. The bill directs the Secretary to provide to the Governor and General Assembly an interim report on the development of the plan to consolidate state agency prescription drug purchasing and reimbursement programs by November 1, 2022, and a final report on the plan by November 1, 2023.

*Patron - VanValkenburg*

**HB646 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 2.8 direct care hours provided by a nurse aide per resident, per day; (ii) a minimum of 1.3 direct care hours provided by a registered nurse or licensed practical nurse per resident, per day; and (iii) a minimum of 0.75 hours out of total 4.1 required direct hours provided by a registered nurse per resident, per day. The bill requires nursing homes to provide quarterly staff training on first aid, medication administration, and compliance with nursing home policies and procedures. Additionally, the bill removes language requiring that each hospital, nursing home, and certified nursing facility establish protocols for patient visits from a rabbi, priest, minister, or clergy of any religious denomination or sect during a declared public health emergency related to a communicable disease of public health threat.

*Patron - Carr*

**HB651 Department of Medical Assistance Services; report on utilization of community intermediate care facilities for individuals with intellectual disabilities.** Directs the Department of Medical Assistance Services to report annually by December 1 of each year to the Governor and the Chairmen of the Senate Committees on Education and Health and Finance and Appropriations and the House Committees on Health, Welfare and Institutions and Appropriations regarding utilization of community intermediate care facilities for individuals with intellectual disabilities in the Commonwealth and to make such report available to the public on a website maintained by the Department.

*Patron - Kory*

**HB680 State plan for medical assistance services; case management services; individuals with severe traumatic brain injury.** Directs the Board of Medical Assistance Services to update the state plan for medical assistance services to include a provision for the payment of medical assistance for targeted case management services for individuals with severe traumatic brain injury.

*Patron - Hope*

**HB743 Certificate of public need; inpatient psychiatric services and facilities.** Requires the Commissioner of Health (the Commissioner) to impose conditions related to the provision of care to individuals who are the subject of a temporary detention order on certificates of public need for projects involving inpatient psychiatric services and facilities and provides that when determining the public need for a proposed project involving an inpatient psychiatric service or facility, the Commissioner shall not take into consideration existing inpatient psychiatric services or facilities or the impact of approv-

ing the application and issuing the certificate of public need for the proposed project on an existing inpatient psychiatric service or facility if the existing inpatient psychiatric service or facility does not provide an adequate amount of service to individuals who are subject to a temporary detention order, as determined by the Commissioner in accordance with regulations of the Board of Health (the Board). The bill directs the Board to adopt regulations establishing a process by which the Commissioner shall annually establish the amount of services for individuals who are subject to a temporary detention order that an existing inpatient psychiatric service or facility must provide.

*Patron - Bell*

**HB930 Human research; research involving minors; requirements.** Establishes additional requirements for human research involving a minor as a human subject, defined in the bill, including requirements related to review of proposed and continuing research by institutional review boards and requirements related to parental consent to human research involving a minor.

*Patron - Robinson*

**HB1046 Department of Medical Assistance Services; plan for a process to allow direct purchase of over-the-counter medications and medical supplies; report.** Directs the Department of Medical Assistance Services to study options for and develop a plan to implement a process by which recipients of medical assistance services shall receive payments that may be used to purchase over-the-counter medications and medical supplies prescribed by an authorized prescriber directly in a retail setting and to report its findings and plan to the Governor and 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, 2022.

*Patron - Scott, P.A.*

**SB171 Department of Health; Department of Environmental Quality; harmful algal bloom mitigation.** Directs the Department of Health and Department of Environmental Quality to develop a harmful algal bloom mitigation plan for Lake Anna through or in conjunction with a public institution of higher learning and other organizations as deemed necessary.

*Patron - Peake*

**SB293 Certificate of public need; inpatient psychiatric services and facilities.** Requires the Commissioner of Health (the Commissioner) to impose conditions related to the provision of care to individuals who are the subject of a temporary detention order on certificates of public need for projects involving inpatient psychiatric services and facilities and provides that when determining the public need for a proposed project involving an inpatient psychiatric service or facility, the Commissioner shall not take into consideration existing inpatient psychiatric services or facilities or the impact of approving the application and issuing the certificate of public need for the proposed project on an existing inpatient psychiatric service or facility if the existing inpatient psychiatric service or facility does not provide an adequate amount of service to individuals who are subject to a temporary detention order, as determined by the Commissioner in accordance with regulations of the Board of Health (the Board). The bill directs the Board to adopt regulations establishing a process by which the Commissioner shall annually establish the amount of services for individuals who are subject to a temporary detention order that an existing inpatient psychiatric service or facility must provide.

*Patron - Deeds*

**SB340 Freestanding emergency departments.** Requires the Board of Health to promulgate regulations related to freestanding emergency departments, defined in the bill as facilities located in the Commonwealth that (i) provide emergency services, (ii) are owned and operated by a licensed hospital and operate under the hospital's license, and (iii) are located on separate premises from the primary campus of the hospital. The bill also requires freestanding emergency departments to make certain disclosures to patients, in advertisements, and on any online platforms associated with such emergency department.

*Patron - Barker*

**SB448 Task Force on Services for Survivors of Sexual Assault; hospital policies and procedures related to victims of domestic violence and sexual assault; work group; report.** Directs the Task Force on Services for Survivors of Sexual Assault (the Task Force) to convene a work group to develop best practices for hospital policies and procedures related to victims of domestic violence and sexual assault. The bill requires the Task Force to report its findings and recommendations to the Governor and the General Assembly by November 1, 2022.

*Patron - Boysko*

**SB484 Comprehensive children's health care coverage program.** Directs the Department of Medical Assistance Services (the Department) to establish a program to provide state-funded comprehensive health care coverage for individuals in the Commonwealth who (i) are under 19 years of age, (ii) are not covered under a group health plan or health insurance coverage, and (iii) but for their immigration status would be eligible for medical assistance services through the Commonwealth's program of medical assistance services established pursuant to Title XIX or XXI of the Social Security Act. The bill also requires the Department to ensure that all program information is made available in a manner that is accessible to individuals with limited English proficiency through the provision of language access services, including oral interpretation and written translations, free of charge, and to ensure that information obtained by the program remains confidential and is not disclosed for any purpose not related to the administration of the program or any purpose related to civil immigration enforcement unless the subject of the information consents to such disclosure or the requesting agency presents a valid judicial order, subpoena, or warrant.

The bill also requires the Department to establish a workgroup composed of individuals with experience conducting outreach to individuals who are eligible for the program established by the bill to advise and assist the Department in carrying out marketing and outreach activities required by the bill, and to seek all federal waivers and other approvals necessary to maximize federal financial participation in the cost of carrying out the program established by the bill.

*Patron - McClellan*

**SB636 Department of Veterans Services; hyperbaric oxygen therapy; data collection.** Allows the Department of Veterans Services (the Department) to contract with any hospital in the Commonwealth that furnishes the treatment option of hyperbaric oxygen therapy to provide hyperbaric oxygen therapy to any veteran in the Commonwealth who has been certified by the U.S. Department of Veterans Affairs or any branch of the United States Armed Forces as having post-traumatic stress disorder or traumatic brain injury. The Department shall include in any contract with such hospital to furnish hyperbaric oxygen therapy the requirement that data be collected to assess the efficacy of hyperbaric oxygen therapy for

veterans and any other information deemed relevant by the Department.

*Patron - Cosgrove*

## Highways and Other Surface Transportation Systems

### Passed

**P HB138 Central Virginia Transportation Authority; membership.** Adds the Chief Executive Officer of the Capital Region Airport Commission as an ex officio, nonvoting member of the Central Virginia Transportation Authority. This bill is identical to SB 476.

*Patron - McQuinn*

**P HB142 Transit Ridership Incentive Program.** Changes from a maximum of 25 percent to a minimum of 25 percent the percentage of Transit Ridership Incentive Program (TRIP) funds required to be used to support the establishment of programs to reduce the impact of fares on low-income individuals. The bill requires at least 25 percent of TRIP funds to be used to support regional transit initiatives and provides that the Commonwealth Transportation Board has the discretion to allocate the remaining funds available as authorized by law and based on the programs and initiatives submitted during the application process. This bill received Governor's recommendations.

*Patron - McQuinn*

**P HB275 Commonwealth Transportation Board; regulations; secondary street acceptance.** Requires the regulations adopted by the Commonwealth Transportation Board regarding ensuring connectivity of highway and pedestrian networks with transportation networks during secondary street acceptance to include flexibility to limit the number of such connections to adjacent property or highway networks. The bill requires the Department of Transportation to convene a stakeholder advisory group to develop and provide recommended amendments to such regulations.

*Patron - Coyner*

**P HB482 Commonwealth Transportation Board; performance standards for review of certain plans.** Directs the Department of Transportation to adopt performance standards for the review and approval of subdivision and commercial development plans by January 1, 2025. The bill requires the Department to submit a report on such standards to the Chairman of the Commonwealth Transportation Board and to make such standards available for public view on the Department's website, updated quarterly.

*Patron - Austin*

**P HB667 Staff Sergeant Darrell "Shifty" Powers Memorial Highway.** Designates Shifty Lane in the Town of Clinchco the "Staff Sergeant Darrell "Shifty" Powers Memorial Highway."

*Patron - Wampler*

**P HB1238 Valluvar Way.** Designates Brentwall Drive in Fairfax County as "Valluvar Way."

*Patron - Helmer*

**P HB1363 Norvel LaFayette Ray Lee Memorial Highway.** Designates the portion of U.S. Route 220 in Botetourt County between State Route 43 (Narrow Passage

Road) and the boundary line between Botetourt and Alleghany Counties as the "Norvel LaFayette Ray Lee Memorial Highway."

*Patron - Austin*

**P SB131 Potomac River Bridge Towing Compact.** Adds the Arland D. Williams, Jr. Memorial Bridge to the Potomac River bridges subject to the Potomac River Bridge Towing Compact to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving the District of Columbia, Maryland, and Virginia appropriate authority anywhere on the bridges. The effective date of this amendment to the Compact is contingent upon enactment of substantially similar legislation by the State of Maryland and the District of Columbia. The bill contains technical amendments. This bill incorporates SB 33. This bill is identical to HB 386.

*Patron - Favola*

**P SB342 Transit Ridership Incentive Program.** Directs the Commonwealth Transportation Board to use at least 25 percent of the funds available for the Transit Ridership Incentive Program for grants to fund reduced-fare or zero-fare transit projects. Under current law, the amount that may be used for such programs is capped at 25 percent. The bill provides that funds awarded for reduced-fare or zero-fare transit projects shall not be included in the requirement that funds be awarded in accordance with a statewide equitable ratio. This bill received Governor's recommendations.

*Patron - Barker*

**P SB725 Virginia Passenger Rail Authority; membership.** Changes the membership of the Board of Directors of the Virginia Passenger Rail Authority by (i) adding one non-legislative member who resides within the boundaries of Planning District 3 or 4 and (ii) reducing from two to one the nonlegislative members who reside within the boundaries of Planning District 5, 9, 10, or 11.

*Patron - Pillion*

### Failed

**F HB31 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 HB436 Joint transportation meeting; National Capital Region Transportation Planning Board.** Directs the Commonwealth Transportation Board to invite the National Capital Region Transportation Planning Board to participate in and present information at the joint transportation meeting held annually concerning projects in Planning District 8.

*Patron - Sewell*

**F HB456 Virginia Passenger Rail Authority; membership.** Makes mandatory instead of discretionary the provisions that the members of the Virginia Passenger Rail Authority selected by the Governor to represent the Northern Virginia Transportation District and the Potomac-Rappahannock Transportation District be selected from lists recommended by the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission, respectively. The bill requires such lists to include at least six persons.

*Patron - Bennett-Parker*

**[F] HB546 Transportation safety funding.** Provides that for any year in which there is a surplus, the Governor shall include in his proposed budget an appropriation of 10 percent of such surplus for the Transportation Safety Fund, created by the bill, for the purpose of funding projects that would improve transportation safety, implement safe system approach designs, improve high accident risk areas, and create safer options for pedestrians and bicyclists. The bill directs the Secretary of Transportation to establish a process for soliciting, reviewing, and selecting project submissions by local governing bodies.

*Patron - Roem*

**[F] HB704 Northern Virginia Transportation Authority; new sidewalks and circular intersections.** Prioritizes projects for new sidewalks and circular intersections when selecting projects to be funded with Northern Virginia Transportation Authority funds.

*Patron - Keam*

**[F] HB707 Transportation funding; statewide prioritization process; resiliency.** Adds resiliency, defined in the bill, to the list of factors to be considered during the statewide transportation funding prioritization process commonly known as SMART SCALE. The bill also requires that the factors of congestion mitigation, economic development, accessibility, safety, resiliency, and environmental quality be considered relative to the anticipated life-cycle cost of the project or strategy under consideration.

*Patron - Keam*

**[F] HB975 Department of Transportation; data on wildlife carcass removal sites.** Directs the Department of Transportation to collect and publish annually on its website the sites of wildlife carcass removals from interstate, primary, and secondary roads completed upon the direction of or pursuant to a contract with the Department or the Commonwealth. The bill has a delayed effective date of July 1, 2023.

*Patron - Tran*

**[F] HB992 Commonwealth Transportation Board; statewide plan.** Directs the Commonwealth Transportation Board to develop a statewide plan for the allocation of certain funds from the federal Infrastructure Investment and Jobs Act and to identify projects that can be funded through competitive grants through the Act. The bill requires the Board to conduct a risk-based assessment of vulnerabilities of transportation assets and systems in the Commonwealth to weather events and natural disasters.

*Patron - Tran*

**[F] HB1113 Transportation funding; statewide prioritization process.** Requires the Commonwealth Transportation Board, when administering SMART SCALE, to ensure that projects are evaluated for district grant program funds and high-priority funds separately, and that the projects selected in one program do not impact the other program. The bill requires the Board to weight congestion mitigation at at least 55 percent in the Northern Virginia and Hampton Roads highway construction districts. The bill requires that projects eligible for district grant program funds receive a district-specific score and an overall score.

*Patron - LaRock*

**[F] HB1229 Electronic toll collection device; notifications.** Requires the Department of Transportation to offer holders of an E-ZPass the option to receive an electronic notification when such device passes through an electronic toll collection system. The bill requires that a customer have the option to opt in and out of such notifications, subject to verifi-

cation of account privileges, online, by phone, and via the E-ZPass mobile application.

*Patron - Scott*

**[F] SB32 Overweight vehicle permits.** Increases from five percent to 10 percent the maximum extension of existing weight limits authorized by an overweight vehicle permit. The bill retains the limit of 84,000 pounds and the maximum weight limit on interstate highways.

*Patron - Marsden*

**[F] SB251 Northern Virginia Transportation Authority; pedestrian and bicyclist projects.** Directs the Department of Transportation to convene a work group, which includes certain specified parties, to assess and identify projected pedestrian, bicycling, and traffic infrastructure needs and associated budgeting and funding needs. The bill provides that the work group shall submit a report of the gathered information to the Chairmen of the House Committees on Transportation and Appropriations and the Senate Committees on Transportation and Finance and Appropriations no later than October 1, 2022.

*Patron - Surovell*

**[F] SB272 Climate impact of concrete; work group; report.** Directs the Department of General Services to convene a stakeholder work group to review the climate impact of concrete and recommend policies and practices to incentivize the reduction of the air emission impact of the production of concrete procured by agencies of the Commonwealth for Commonwealth-funded projects. The work group shall report its findings, including any public comments received, and recommendations no later than November 1, 2023.

*Patron - Hashmi*

**[F] SB339 Washington Metropolitan Area Transit Authority; alternate directors.** Repeals a provision of the 2018 mass transit funding legislation that requires the Commonwealth Transportation Board to withhold certain funding from the Washington Metropolitan Area Transit Authority if alternate directors of the Authority participate in or take action at a meeting at which the primary directors are present.

*Patron - Barker*

**[F] SB488 Transit Transition Fund and Program; established.** Establishes the Transit Transition Fund and Program, administered by the Department of Rail and Public Transportation, to provide grants to state, regional, and local public entities to support the transition of public transit fleets to zero-emission fleets. The Director of the Department is directed by the bill to report annually to the Governor and the chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by November 1 of each year.

*Patron - McClellan*

## Carried Over

**[C] HB567 Toll Relief Program; eligibility.** Requires the Department of Transportation to expand eligibility for the Toll Relief Program for the tolls on the Downtown and Midtown Tunnels to residents of the Cities of Portsmouth and Norfolk with an income of \$45,000 or less per year. The bill requires that all eligible residents receive the same toll relief regardless of income level. The bill provides that funding for the additional toll relief shall be paid by the Commonwealth from the federal American Rescue Plan Act (ARPA), as possible, and any costs not covered by the ARPA shall be the

responsibility of the Commonwealth. The bill expires on January 1, 2025.

*Patron - Scott, D.L.*

**[C] HB859 Commissioner of Highways; roadways operating under the Virginia 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 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 if 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. The bill has an expiration date of January 1, 2024.

*Patron - Reid*

**[C] SB220 State of good repair funds.** Makes bridges with a general condition rating of no greater than five eligible for state of good repair funding. Under current law, structurally deficient bridges and highways with deficient pavement conditions are eligible for state of good repair funds. The bill eliminates the minimum and maximum percentage of the state of good repair funds that each construction district can receive.

*Patron - McPike*

**[C] SB445 Commissioner of Highways; roadways operating under the Virginia 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 if 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. The bill has an expiration date of January 1, 2024.

*Patron - Boysko*

**[C] SB522 Toll Relief Program; eligibility.** Requires the Department of Transportation to expand eligibility for the Toll Relief Program for the tolls on the Downtown and Midtown Tunnels to residents of the Cities of Portsmouth and Norfolk with an income of \$45,000 or less per year. The bill requires that all eligible residents receive the same toll relief regardless of income level. The bill provides that funding for the additional toll relief shall be paid by the Commonwealth from the federal American Rescue Plan Act (ARPA), as possible, and any costs not covered by the ARPA shall be the responsibility of the Commonwealth. The bill expires on January 1, 2025.

*Patron - Lucas*

## Hotels, Restaurants, Summer Camps, and Campgrounds

### Passed

**[P] HB258 Department of Criminal Justice Services; hotels; human trafficking training.** Directs the Department of Criminal Justice Services, under the direction of the Criminal Justice Services Board, to develop an online course to train hotel proprietors and their employees, as defined in the bill, to recognize and report instances of suspected human trafficking. The bill provides that such online course shall be provided at no cost to the hotel proprietors and their employees. The bill requires that every hotel proprietor require its employees to complete such human trafficking training course developed by the Department or an alternative online or in-person training course approved by the Department within six months of being employed by a hotel and thereafter at least once every two years, for as long as the employee is employed by the hotel. This bill received Governor's recommendations.

*Patron - Simonds*

## Housing

### Passed

**[P] HB214 Redevelopment and housing authorities; naming convention.** Provides that a locality that establishes a redevelopment and housing authority may name such authority an appropriate name and title. Current law requires the authority to be known as the "\_\_\_\_\_ (insert name of locality) Redevelopment and Housing Authority." The bill contains technical amendments.

*Patron - Robinson*

**[P] HB239 Housing and Supportive Services Inter-agency Leadership Team initiative; housing and services for adults 65 years of age or older.** Directs the Department for Housing and Community Development to expand the existing Housing and Supportive Services Interagency Leadership Team (ILT) initiative to include adults 65 years of age or older as a target subpopulation and seek input from appropriate stakeholders to facilitate the development of strategies for increasing the supply of permanent supportive housing for adults 65 years of age or older. This bill is identical to SB 263.

*Patron - Adams, D.M.*

**[P] HB354 Virginia Military Community Infrastructure Grant Program and Fund.** Establishes the Virginia Military Community Infrastructure Grant Fund (the Fund) to support military communities in the Commonwealth by awarding grants to aid the planning and design, construction, or completion of infrastructure projects that enhance military readiness, installation resiliency, or quality of life for military communities. The bill directs the Secretary of Veterans and Defense Affairs to develop guidance and criteria to be used in awarding grants from the Fund and an annual grant application that sets out certain requirements for a grantee. This bill is identical to SB 315.

*Patron - Tata*

**[P] HB1122 Manufactured homes; release of manufactured home records.** Requires the Commissioner of the

Department of Motor Vehicles to furnish vehicle information for a manufactured home to a bona fide prospective purchaser or home owner of such manufactured home, real estate agent, title insurer, settlement agent, attorney, manufactured home dealer, manufactured home broker, or loan officer upon such individuals meeting certain requirements and prohibits the Department from disposing of any vehicle information for any manufactured home.

*Patron - Campbell, J.L.*

**[P] HB1265 Department of Housing and Community Development; broadband affordability plan.** Directs the Department of Housing and Community Development to develop a plan, to be known as the Commonwealth Digital Affordability and Cost Effectiveness Plan, to access federal funding under the federal Infrastructure Investment and Jobs Act. The bill requires that the Plan include (i) an overview of options for affordable broadband connectivity in the Commonwealth; (ii) recommendations on how best to leverage federal grants addressing broadband affordability; (iii) best practices for establishing a broadband affordability program, taking into account existing federal funds and programs; and (iv) recommendations for public outreach, with consideration of the report submitted by the Department of Social Services as required in Item 359 L of Chapter 552 of the Acts of Assembly of 2021, Special Session I. The bill requires the Department to report the Plan to the Governor and the General Assembly by December 1, 2022. This bill is identical to SB 716.

*Patron - Subramanyam*

**[P] HB1286 Housing Authorities Law; notice of intent to dispose of housing projects.** Removes the requirement that any housing authority required to submit an application to the U.S. Department of Housing and Urban Development to demolish, liquidate, or otherwise dispose of such housing project also serve a notice to any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project. The bill shortens from 12 to six the number of months prior to such application submission date required before the housing authority serves notice of intent to the Virginia Department of Housing and Community Development and each tenant residing in the housing project. The bill prohibits the housing authority from requiring a tenant currently residing in such housing project to surrender possession of his unit until at least 12 months after serving the notice required by the bill except as otherwise provided by law.

*Patron - Hudson*

**[P] HB1289 Board of Housing and Community Development; exemption for certain use and occupancy classifications from the requirements of the Uniform Statewide Building Code.** Directs the Board of Housing and Community Development to consider, during the next code development cycle, revising the Uniform Statewide Building Code (the Building Code) to provide an exemption from any requirements in the energy efficiency standards in the Building Code and the 2018 Virginia Energy Conservation Code (the Energy Conservation Code), and any subsequent amendments to the Building Code and the Energy Conservation Code, for the use and occupancy classifications of (i) Section 306, Factory Group F; (ii) Section 311, Storage Group S; and (iii) Section 312, Utility and Miscellaneous Group U.

*Patron - Head*

**[P] SB145 Unlawful use of subaqueous beds; replacement of piers.** Excludes the maintenance or replacement of previously authorized piers from Virginia Marine Resources

Commission permitting requirements, so long as the reconstructed pier is in the existing footprint of the original pier.

*Patron - Cosgrove*

**[P] SB263 Housing and Supportive Services Interagency Leadership Team initiative; housing and services for adults 65 years of age or older.** Directs the Department for Housing and Community Development to expand the existing Housing and Supportive Services Interagency Leadership Team (ILT) initiative to include adults 65 years of age or older as a target subpopulation and seek input from appropriate stakeholders to facilitate the development of strategies for increasing the supply of permanent supportive housing for adults 65 years of age or older. This bill is identical to HB 239.

*Patron - Hashmi*

**[P] SB400 Agritourism event buildings.** Authorizes the Board of Housing and Community Development to promulgate regulations related to agritourism event buildings, defined in the bill as a building or structure located on property where farming operations or agritourism takes place and which is primarily used for holding events and entertainment gatherings, open to the public, of 300 people or less. The bill directs the Board to appoint a nine-member Agritourism Event Structure Technical Advisory Committee to assist the Board in administering its powers and duties pertaining to the construction and rehabilitation of agritourism event buildings.

*Patron - Hanger*

**[P] SB716 Department of Housing and Community Development; broadband affordability plan.** Directs the Department of Housing and Community Development to develop a plan, to be known as the Commonwealth Digital Affordability and Cost Effectiveness Plan, to access federal funding under the federal Infrastructure Investment and Jobs Act. The bill requires that the Plan include (i) an overview of options for affordable broadband connectivity in the Commonwealth; (ii) recommendations on how best to leverage federal grants addressing broadband affordability; (iii) best practices for establishing a broadband affordability program, taking into account existing federal funds and programs; and (iv) recommendations for public outreach, with consideration of the report submitted by the Department of Social Services as required in Item 359 L of Chapter 552 of the Acts of Assembly of 2021, Special Session I. The bill requires the Department to report the Plan to the Governor and the General Assembly by December 1, 2022. This bill is identical to HB 1265.

*Patron - Petersen*

## Failed

**[F] HB249 Department of Housing and Community Development; Virginia Telecommunications Initiative; eligibility.** Directs the Department of Housing and Community Development to adjust criteria regarding eligibility for a Virginia Telecommunications Initiative grant to reflect the provisions established by the United States Treasury's Final Rule regarding the Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act of 2021.

*Patron - Davis*

**[F] HB586 Virginia Fair Housing Law; use of assistance animal in a dwelling; penalties.** Makes it a Class 4 misdemeanor, with respect to the Virginia Fair Housing Law, for a person to knowingly and willfully misrepresent himself as needing an assistance animal. The bill provides an exception for any person, federal or state agency, or private organization participating in fair housing testing, defined in the bill, for the

purpose of investigating allegations of housing discrimination. The bill also prohibits any person from providing supporting documentation in an attempt to verify the existence of a disability or disability-related need for a person seeking a reasonable accommodation in a dwelling if he does not have a therapeutic relationship with the person requesting the reasonable accommodation and provides that a violation of this provision constitutes a prohibited practice under the Virginia Consumer Protection Act.

*Patron - VanValkenburg*

**[F] HB701 Uniform Statewide Building Code; local building codes and regulations; energy efficiency and conservation standards.** Provides that the Uniform Statewide Building Code (the Building Code) shall not supersede the building code provisions and regulations adopted by a locality that are related to energy efficiency and conservation if the standards outlined in such provisions and regulations are as or more stringent than those contained in the Building Code. The bill defines a standard to be as stringent as one contained in the Building Code if such standard would perform the same function as the standard contained in the Building Code without using more energy than would be used under the provisions of the Building Code.

*Patron - Kory*

**[F] HB885 Uniform Statewide Building Code; livability standards.** Expands the list of provisions in the Uniform Statewide Building Code related to recognized standards of health and safety required to be present in buildings and structures to include standards related to (i) the accumulation and growth of mold, (ii) plumbing leaks or issues, (iii) air conditioning and heating equipment and running hot water, and (iv) the removal of lead paint and paint that is flaking.

*Patron - Lopez*

**[F] HB1097 Fair Housing Law; exemptions; tenant's source of funds.** Exempts an owner that, individually or through a business entity, owns more than a 10 percent interest in more than 10 rental dwelling units in the Commonwealth from the provisions of the Fair Housing Law that prohibit discrimination against a person based on such person's source of funds. Current law exempts owners that own more than 10 percent interest in more than four rental dwelling units in the Commonwealth.

*Patron - Brewer*

**[F] HB1137 Exemptions.**

*Patron - Walker*

**[F] HB1159 Virginia Housing Trust Fund; recommendations for increase in allocation of funds; certain low-income and moderate-income families.** Directs the Department of Housing and Community Development to convene a stakeholder work group to determine an appropriate increase in the percentage of moneys from the Virginia Housing Trust Fund that is used to provide flexible financing for low-interest loans through eligible organizations that are allocated to housing developments that serve persons and families with a household income at or below 30 percent of the adjusted median income and to report its findings and recommendations to the Governor, the Secretary of Commerce and Trade, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations on or before December 1, 2022.

*Patron - Lopez*

**[F] HB1216 Housing Authorities Law; powers of legal entity; use of funds and tax credits.** Requires any legal entity formed by a local redevelopment and housing authority

to expend funds or utilize tax credits only in support of projects within its area of operation. The bill also provides that the books and records of any such legal entity shall be made available, upon request, to the local governing body or its designee.

*Patron - Glass*

**[F] HB1227 Housing authorities; appointment of commissioners; exception.** Provides an exception to the prohibition against a local redevelopment and housing authority's appointment of an officer or employee of the city or county for which the authority was created as a commissioner by allowing an authority to appoint as a commissioner one member of its city or town's council and the mayor of its city or town, or his designee.

*Patron - McQuinn*

**[F] SB312 Department of Housing and Community Development; statewide housing choice voucher program.** Requires the Department of Housing and Community Development to develop and implement a statewide housing choice voucher program to assist low-income Virginians with securing safe, decent, and affordable rental housing. The bill directs the Department to develop and implement such program on or before January 1, 2023.

*Patron - Bell*

**[F] SB747 Uniform Statewide Building Code; religious exemptions.** Provides that the Board of Housing and Community Development shall have the power to grant religious exemptions from the Uniform Statewide Building Code if certain findings are made by the Board.

*Patron - McDougle*

## Carried Over

**[C] SB410 Uniform Statewide Building Code; lead-safe rental housing.** Provides that the local governing body of a locality may adopt an ordinance that requires the inspection and certification of a residential rental dwelling unit built prior to 1986 for the purpose of ensuring the absence of lead hazards in such dwelling unit. The bill requires any such inspection and certification to be completed by a person licensed and qualified pursuant to appropriate state and federal laws and regulations and prohibits the rental of any residential dwelling unit that does not receive a satisfactory post-inspection certification based on certain factors outlined in the bill. Pursuant to the provisions of the bill, any locality that adopts an ordinance shall establish a fund to pay for the cost of remediation or require the landlord to pay for remedying the lead hazard. Finally, the bill allows a locality to waive inspection requirements for certain reasons and permits the local governing body of a locality to adopt additional lead-safe and lead-free inspection and certification requirements or higher standards for inspection and certification, if it so chooses.

*Patron - Morrissey*

## Institutions of Higher Education and Other Cultural Institutions

### Passed

**[P] HB165 Bonds for public institutions of higher learning; emergency.** Authorizes issuance of bonds in an amount up to \$100,869,000 for revenue-producing capital proj-



ects at James Madison University and Virginia Polytechnic Institute and State University. The bill contains an emergency clause. This bill is identical to SB 93.

*Patron - Knight*

**P HB210 Department of Military Affairs; recruitment.** Authorizes the Department of Military Affairs to utilize grant funding to recruit qualified applicants for service in the Virginia National Guard. The bill states that the yearly funding amount for such recruitment shall be at the discretion of the Adjutant General and the Department of Military Affairs and not exceed \$50,000 per fiscal year. This bill received Governor's recommendations.

*Patron - Brewer*

**P HB355 State Council of Higher Education for Virginia; baccalaureate public institutions of higher education; website; posting of certain comparative data relating to undergraduate students.** Requires the State Council of Higher Education for Virginia to maintain on its website a comparison of each baccalaureate public institution of higher education to each other baccalaureate public institution of higher education on an enumerated list of undergraduate student metrics and requires each such institution to maintain a link on its website to such comparison.

*Patron - Freitas*

**P HB419 Institutions of higher education; education preparation programs; coursework; audit.** Requires each education preparation program offered by a public institution of higher education or private institution of higher education that provides training for any student seeking initial licensure by the Department of Education to (i) include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction and require such program of coursework and the student mastery required to be demonstrated therein to be consistent with definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent literacy experts and stakeholders with knowledge of science-based reading research and evidence-based literacy instruction that has reviewed the relevant regulations and (ii) for any such student seeking initial licensure by the Department of Education as a teacher with an endorsement in early childhood, elementary education, or special education or with an endorsement as a reading specialist, ensure that reading course work and field practice opportunities are a significant focus of the education preparation program. The bill requires the Department of Education to audit at least once every seven years each education preparation program, in alignment with each program's accreditation cycle, for compliance with such requirements. The provisions of the bill become effective beginning with the 2024-2025 school year. This bill received Governor's recommendations.

*Patron - Delaney*

**P HB525 Institutions of higher education; hazing; policies.** Establishes mandates at nonprofit private institutions of higher education and public institutions of higher education relating to hazing and defines different types of organizations at such institutions to which the mandates apply. The bill requires each such institution to provide to each current member, new member, and potential new member of each student organization with new members hazing prevention training that includes extensive, current, and in-person education about hazing, the dangers of hazing, including alcohol intoxication, and hazing laws and institution policies and information explaining that the institution's disciplinary process is not to be considered a substitute for the criminal legal process and pro-

vides that if a student organization with new members has an advisor, such advisor shall receive such hazing prevention training. The bill requires the governing board of each institution to include as part of its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action based on hazing or personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of hazing in advance of or during an incident of hazing that causes injury to a person. Beginning with the 2022-2023 academic year, the bill requires each institution to maintain and publicly report actual findings of violations of the institution's code of conduct or of federal or state laws pertaining to hazing that are reported to campus authorities or local law enforcement. This bill shall be known as Adam's Law. This bill is identical to SB 439.

*Patron - Murphy*

**P HB526 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 public 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. This bill received Governor's recommendations.

*Patron - Batten*

**P HB565 Advanced Manufacturing Talent Investment Fund.** Creates the Advanced Manufacturing Talent Investment Fund to support the General Assembly's long-term goal of supporting efforts to increase the number of new eligible credentials in advanced manufacturing. The bill provides that moneys in the Fund shall also be used to improve the readiness of graduates to be employed in advanced manufacturing fields and fields that align with advanced manufacturing growth opportunities identified by the Virginia Economic Development Partnership. This bill is identical to SB 685.

*Patron - O'Quinn*

**P HB582 Public institutions of higher education; Supplemental Nutrition Assistance Program; notice to students; SNAP benefits.** Requires each public institution of higher education to ensure that all students have access to accurate information about the Supplemental Nutrition Assistance Program (SNAP), including eligibility and how to apply. The bill also directs each institution to advertise the application and process for applying for SNAP prominently on the institution's website and in orientation materials that are distributed to each new student.

*Patron - Roem*

**P HB857 Virginia National Guard; institutions of higher education; tuition grants.** Adds parameters around grants distributed by the Department of Military Affairs (the Department) to members of the Virginia National Guard who are enrolled in any course or program at any public institution of higher education or accredited nonprofit private institution of higher education. The bill provides that an application for a grant shall be made to the Department no later than 30 days prior to the beginning of an academic semester. The bill pro-

vides that the Department shall determine whether an applicant is eligible for the grant and communicate acceptance and any additional requirements determined by the Department in writing no later than 30 days after receipt of an application. The bill requires individuals who are eligible for such grants to satisfy all financial obligations with the institution and provide written proof of acceptable academic performance and good standing for the current term no later than 30 days following the end of a term or semester. The bill provides that individuals receiving grants pursuant to the bill incur a single two-year service obligation to the Virginia National Guard and that this two-year obligation commences on the last day of the last term or semester for which tuition assistance was awarded. The bill provides that federal active duty mobilizations occurring while still a member of the Virginia National Guard and state active duty for the Commonwealth count toward such two-year service obligation. The bill provides that grants shall be subject to limitation based on the amount of funds appropriated for such purpose and that if applications for grants exceed the amount of funding appropriated, the Department shall issue grants to eligible recipients based on the order in which applications were received.

*Patron - Reid*

**[P] HB1004 Selective Service; Two-Year College Transfer Grant; Virginia Tuition Assistance Grant Program.** Removes the requirement that individuals register for the Selective Service in compliance with federal law in order to be eligible for the Two-Year College Transfer Grant and the Virginia Tuition Assistance Grant Program. This bill was vetoed by the Governor.

*Patron - Guzman*

**[P] HB1277 Public institutions of higher education; academic credit; education, experience, training, and credentials in Armed Forces of the United States.** Requires each public institution of higher education in the Commonwealth to map the existing opportunities to earn education, experience, training, and credentials in the Armed Forces of the United States to the award of academic credit at the institution.

*Patron - Freitas*

**[P] HB1299 Department of Education; State Council of Higher Education for Virginia; instruction concerning post-graduate opportunities for high school students.** Requires the Department of Education to collect and distribute to public schools and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs. The bill directs the Department to annually collect and compile such information in consultation with the State Council of Higher Education for Virginia and any other entity that can assist the Department with collecting and compiling such information and to update its distribution materials accordingly each year. The bill requires the Department to post and distribute the information to school boards, with any relevant updates, no later than October 1 each year and requires each school board to ensure that the information is readily available to each high school student and distributed to each high school student who expresses an interest in attending an institution of higher education or completing another training program as described in the bill. This bill is identical to SB 738.

*Patron - Coyner*

**[P] SB71 Virginia National Guard; institutions of higher education; tuition grants.** Adds parameters around grants distributed by the Department of Military Affairs (the

Department) to members of the Virginia National Guard who are enrolled in any course or program at any public institution of higher education or accredited nonprofit private institution of higher education. The bill provides that an application for a grant shall be made to the Department no later than 30 days prior to the beginning of an academic semester. The bill provides that the Department shall determine whether an applicant is eligible for the grant and communicate acceptance and any additional requirements determined by the Department in writing no later than 30 days after receipt of an application. The bill requires individuals who are eligible for such grants to satisfy all financial obligations with the institution and provide written proof of acceptable academic performance and good standing for the current term no later than 30 days following the end of a term or semester. The bill provides that individuals receiving grants pursuant to the bill incur a single two-year service obligation to the Virginia National Guard and that this two-year obligation commences on the last day of the last term or semester for which tuition assistance was awarded.

*Patron - Ruff*

**[P] SB84 New College Institute; noncredit workforce training.** Permits the board of directors at New College Institute to provide specialized noncredit workforce training independent of local comprehensive community colleges when such community colleges are unable to meet identified industry needs. Under current law, if comprehensive community colleges are unable to meet identified industry needs, the board may seek to collaborate with other education providers or other public and private organizations to provide specialized noncredit workforce training but does not have the explicit authority to provide such training on its own.

*Patron - Stanley*

**[P] SB93 Bonds for public institutions of higher learning; emergency.** Authorizes issuance of bonds in an amount up to \$100,869,000 for revenue-producing capital projects at James Madison University and Virginia Polytechnic Institute and State University. The bill contains an emergency clause. This bill is identical to HB 165.

*Patron - Howell*

**[P] SB210 Virginia Public Procurement Act; public institutions of higher education; disclosure required by certain offerors; civil penalty.** Requires every offeror who is awarded a contract by a public institution of higher education for any construction project that has a total cost of \$5 million or more to disclose any contributions the offeror has made within the previous five-year period totaling \$25,000 or more to the public institution of higher education or any private foundation that exists solely to support the public institution of higher education. The bill provides that no protest of an award shall lie for a claim that the selected offeror was awarded a contract solely based on such offeror's contribution to the public institution of higher education. The bill imposes a \$500 civil penalty on any offeror that knowingly fails to submit the required disclosure. The provisions of the bill relating to such disclosure of gifts made by an offeror to a public institution of higher education or any private foundation that exists solely to support the public institution of higher education expire on June 30, 2027. This bill is identical to HB 19.

*Patron - Petersen*

**[P] SB223 Intercollegiate athletics; student-athletes; compensation and representation for name, image, or likeness.** Establishes several parameters for the compensation and representation of a student-athlete related to the use of such student's name, image, or likeness. The bill prohibits any private institution of higher education, associate-degree-granting public institution of higher education, or baccalaureate public

institution of higher education or any agent thereof; athletic association; athletic conference; or other organization with authority over intercollegiate athletics from (i) prohibiting or preventing a student-athlete from earning compensation for the use of his name, image, or likeness, except in certain circumstances enumerated in the bill; (ii) prohibiting or preventing a student-athlete from obtaining professional representation by a licensed athlete agent or legal representation by a licensed attorney in connection with issues related to name, image, or likeness; (iii) declaring a student-athlete ineligible for intercollegiate athletic competition because he earns such compensation or obtains such representation; or (iv) reducing, canceling, revoking, or not renewing an athletic scholarship because a student-athlete earns such compensation or obtains such representation. The bill establishes several other conditions and limitations relating to pre-agreement disclosures, the use of the institution's property, and the effect on employment status in connection with a student-athlete's use of his name, image, or likeness. The bill also amends the definition of "athlete agent" in relevant law to permit such agents to represent a student-athlete in connection with issues related to name, image, or likeness, including negotiating, securing, obtaining, arranging, and managing name, image, or likeness opportunities. This bill is identical to HB 507.

*Patron - McPike*

**[P] SB256 Department of Military Affairs; recruitment.** Authorizes the Department of Military Affairs to utilize grant funding to recruit qualified applicants for service in the Virginia National Guard. The bill states that the yearly funding amount for such recruitment shall be at the discretion of the Adjutant General and the Department of Military Affairs and not exceed \$50,000 per fiscal year.

*Patron - Bell*

**[P] SB395 Roanoke Higher Education Authority; board of trustees; membership.** Adds the president of Virginia State University or his designee to the board of trustees of the Roanoke Higher Education Authority and removes the presidents of Averett University and Mary Baldwin College or their designees from the board of trustees.

*Patron - Edwards*

**[P] SB439 Institutions of higher education; hazing; policies.** Establishes mandates at nonprofit private institutions of higher education and public institutions of higher education relating to hazing and defines different types of organizations at such institutions to which the mandates apply. The bill requires each such institution to provide to each current member, new member, and potential new member of each student organization with new members hazing prevention training that includes extensive, current, and in-person education about hazing, the dangers of hazing, including alcohol intoxication, and hazing laws and institution policies and information explaining that the institution's disciplinary process is not to be considered a substitute for the criminal legal process and provides that if a student organization with new members has an advisor, such advisor shall receive such hazing prevention training. The bill requires the governing board of each institution to include as part of its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action based on hazing or personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of hazing in advance of or during an incident of hazing that causes injury to a person. Beginning with the 2022–2023 academic year, the bill requires each institution to maintain and publicly report actual findings of violations of the institution's code of conduct or of federal or state laws pertaining to hazing that are reported to campus

authorities or local law enforcement. This bill shall be known as Adam's Law. This bill is identical to HB 525.

*Patron - Boysko*

**[P] SB597 Virginia Commission for the Arts; Virginia Commission for the Arts Fund.** Eliminates the Virginia Arts Foundation and transfers its powers to the Virginia Commission for the Arts. The bill renames the existing Virginia Arts Foundation Fund (the Fund) as the Virginia Commission for the Arts Fund and transfers authority for expenditures and disbursements from the Fund to the Virginia Commission for the Arts.

*Patron - Pillion*

**[P] SB667 Innovative Internship Program; Office of Education and Labor Market Alignment.** Directs the State Council of Higher Education for Virginia to partner with the Office of Education and Labor Market Alignment to collect and utilize data that includes the gaps that are most significant in hindering the Commonwealth from achieving its goals that its funds are intended to accomplish under the Innovative Internship Program and provides other directives to the Council and the Office to collaborate on and accomplish for the Innovative Internship Program.

*Patron - Hashmi*

**[P] SB685 Advanced Manufacturing Talent Investment Fund.** Creates the Advanced Manufacturing Talent Investment Fund to support the General Assembly's long-term goal of supporting efforts to increase the number of new eligible credentials in advanced manufacturing. The bill provides that moneys in the Fund shall also be used to improve the readiness of graduates to be employed in advanced manufacturing fields and fields that align with advanced manufacturing growth opportunities identified by the Virginia Economic Development Partnership. This bill is identical to HB 565.

*Patron - Mason*

**[P] SB738 Department of Education; State Council of Higher Education for Virginia; instruction concerning post-graduate opportunities for high school students.** Requires the Department of Education to collect and distribute to public schools and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs. The bill directs the Department to annually collect and compile such information in consultation with the State Council of Higher Education for Virginia and any other entity that can assist the Department with collecting and compiling such information and to update its distribution materials accordingly each year. The bill requires the Department to post and distribute the information to school boards, with any relevant updates, no later than October 1 each year and requires each school board to ensure that the information is readily available to each high school student and distributed to each high school student who expresses an interest in attending an institution of higher education or completing another training program as described in the bill. This bill is identical to HB 1299.

*Patron - Morrissey*

**[P] SB768 Virginia Military Survivors and Dependents Education Program.** Amends the definition of "qualified survivors and dependents" under the Virginia Military Survivors and Dependents Education Program to include that a child who is a stepchild of a deceased military service member shall receive all Program benefits if the military service member claimed the stepchild on his tax return or on his Defense Enrollment Eligibility Reporting System while serving on

active duty. The bill also provides that the Commissioner of the Department of Veterans Services may consider the domicile or physical presence requirements with reference to the surviving spouse or surviving student, as applicable, for qualified survivors and dependents to be eligible for a waiver of tuition and mandatory fees if such requirements are not met because the military service member or surviving spouse dies after having established physical presence within the Commonwealth but before such requirements can be met.

*Patron - Reeves*

**[F] SJ53 State Council of Higher Education for Virginia; statewide strategic plan; report.** Endorses the framework of mission, vision, goals, and strategies for the statewide strategic plan for higher education developed and approved by the State Council of Higher Education for Virginia (SCHEV) as the Commonwealth's vision and plan for higher education and requires SCHEV to report annually for six years on the Commonwealth's progress toward achieving the plan's goals to the Governor, the General Assembly, institutions of higher education, and the public.

*Patron - Locke*

## Failed

**[F] HB256 New Economy Workforce Credential Grant Program; eligible institutions; contracts.** Permits eligible institutions under the New Economy Workforce Credential Grant Program to contract with noncredit workforce training programs and providers, provided that the instructors of such programs and providers are certified and are compensated by the eligible institution.

*Patron - Simonds*

**[F] HB317 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] HB357 Public institutions of higher education; grants for tuition and fees.** Requires any associate-degree-granting public institution of higher education other than a comprehensive community college and baccalaureate public institution of higher education to provide a grant for the payment of tuition and fees to certain students. Under current law, only comprehensive community colleges are required to provide such grants to such students and other associate-degree-granting public institutions of higher education or baccalaureate public institutions of higher education may provide such grants. The bill also specifies that the fees eligible for payment by such grants shall include the cost of books and the cost of housing and meal plans year-round.

*Patron - Tata*

**[F] HB406 Higher education; students and student organizations; remedies for certain violations.** Permits any student or student organization aggrieved by a violation of certain provisions of law relating to campus free speech by a public institution of higher education or any employee of such institution acting in his official capacity to (i) bring a cause of action against such institution or employee for appropriate relief, including injunctive relief, monetary damages, reasonable attorney fees, and court costs; (ii) assert such violation as a defense or counterclaim in any disciplinary action or civil or administrative proceeding brought against such student or stu-

dent organization; and (iii) pursue any other remedy available to such student or student organization.

*Patron - Freitas*

**[F] HB457 Institutions of higher education; immunity from disciplinary action in certain cases involving a good faith report of an act of sexual violence.** Includes the Virginia Military Institute Board of Visitors among the governing boards of public institutions of higher education that are each required to include as part of its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action for certain individuals who make good faith reports of acts of sexual violence. Under current law, the Virginia Military Institute Board of Visitors is exempted from such requirement. The bill also requires the governing board of each nonprofit private institution of higher education and each public institution of higher education to include as part of its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action based on curfew violation in any case in which disclosure of such violation is made in conjunction with a good faith report of an act of sexual violence. Under current law, such boards are only required to include such a provision for immunity from disciplinary action based on personal consumption of drugs or alcohol.

*Patron - Helmer*

**[F] HB485 Student Emergency Aid Fund and Program; established.** Establishes the Student Emergency Aid Fund and Program for the purpose of distributing emergency funds to students enrolled as full-time or part-time students at public and nonprofit private institutions of higher education in the Commonwealth to assist such students with satisfying non-tuition and non-book emergency financial transactions and costs required in order for the student to complete his certification or degree. The bill directs the State Council of Higher Education for Virginia to establish guidelines for the Program and distribute the funds to institutions for disbursement according to the guidelines.

*Patron - Helmer*

**[F] HB539 Public institutions of higher education; criminal history.** Requires each public institution of higher education to include a disclosure to each applicant that certain criminal convictions may disqualify such applicant from pursuing his intended course of study or living in student housing, if applicable, and that applicants may contact the institution of higher education to learn more about which criminal convictions preclude individuals from pursuing certain courses of study or living in student housing.

*Patron - Batten*

**[F] HB566 Public hospitals; medical debt collection practices.** Requires the University of Virginia Medical Center (the Medical Center) and the Virginia Commonwealth University Health System Authority (the Authority) to make payment plans available to each person who incurs a debt related to medical treatment. The bill (i) requires that such payment plans be provided in writing and cap monthly payments at no more than five percent of the person's household income, (ii) provides that the first payment under such payment plan shall not be due until a date that is at least 90 days after the date on which treatment was provided or the date on which the person discharged, and (iii) provides that a person who has made at least 10 payments pursuant to the payment plan in a 12-month period shall be deemed to be in compliance with the payment plan. The bill also prohibits the Medical Center and the Authority from charging interest or late fees for medical debt, requires the Medical Center and Authority to make information available in writing in languages other than English spoken in

the service area and via oral translation service for other languages, prohibits the Medical Center and the Authority from selling medical debt to any person other than an organization that purchases medical debt for the purpose of paying such debt in full, prohibits the Medical Center and the Authority from initiating any extraordinary debt collection action including garnishment of wages or liens on a debtor's primary residence or vehicle, and requires the Medical Center and the Authority to establish a Financial Assistance Ombudsman Office to assist patients and other persons with issues related to financial assistance, payment plans, and debt collection.

*Patron - Hudson*

**[F] HB629 Public institutions of higher education; Hunger-Free Campus Grant Program; established.** Establishes the Hunger-Free Campus Grant Program (the Program) to address student hunger at public institutions of higher education. The bill provides that the Program shall be managed by the State Council of Higher Education for Virginia and available for participation by public institutions of higher education; however, participation in the Program shall be optional for such institutions. Under the bill, if a public institution of higher education satisfies certain criteria set out in the bill, including creating initiatives on campus to address student hunger, it shall be designated as a "Hunger-Free Campus" and the Council shall award a grant to such institution. A public institution of higher education that receives a grant under the bill shall utilize the funds to support on-campus efforts and initiatives to eliminate student hunger at such institution. The bill requires the Council to submit a report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Education no later than two years after the establishment of the Program that shall include (i) the total number and amounts of grant awards, (i) information about the impact that the Program has had on establishing additional hunger-free campuses at public institutions of higher education and reducing the number of students experiencing food insecurity, and (iii) recommendations regarding the potential establishment of an annual appropriation for the Program.

*Patron - Roem*

**[F] HB694 Commonwealth College Completion Fund and Program; established.** Establishes the Commonwealth College Completion Fund (the Fund) and Program (the Program) for the purpose of administering funds to students enrolled as full-time or part-time students at public and non-profit private institutions of higher education in the Commonwealth. Under the bill, such funds shall be administered to assist students with satisfying non-tuition financial transactions and costs that are preventing such students from reenrolling or signing up for courses with the institution required to complete the student's certification or degree. The bill requires the State Council of Higher Education for Virginia to administer the Program and with input from the institutions of higher education, set guidelines for (i) what types of financial transactions and costs are eligible to be covered through the Program, (ii) criteria that students must satisfy to be eligible for the Program; and (iii) any limits on money to be disbursed through the Fund per person or per covered cost.

*Patron - Keam*

**[F] HB721 Get Skilled, Get a Job, Give Back (G3) Program; higher education centers.** Adds educational programs at higher education centers that lead to an occupation in a high-demand field to the Get Skilled, Get a Job, Give Back Program (G3 Program) and provides that the State Council of Higher Education for Virginia shall make expenditures and disbursements from the Get Skilled, Get a Job, Give Back Fund. The bill defines higher education centers as the Southwest Virginia Higher Education Center, Southern Virginia

Higher Education Center, The New College Institute, Roanoke Higher Education Center, and Institute for Advanced Learning and Research. Under current law, the G3 Program only includes educational programs at associate-degree-granting public institutions of higher education that lead to occupations in a high-demand field.

*Patron - Filler-Corn*

**[F] HB860 Teacher Training Corps; report.** Establishes the Teacher Training Corps for the purpose of attracting and retaining public elementary and secondary school teachers in school divisions in the Commonwealth by awarding scholarships to students who obtain teaching degrees and certifications at participating institutions and requiring such students to fill teacher positions for specified periods of time at high-needs schools, as defined in the bill, and meet other requirements. The bill also establishes the Teacher Training Corps Scholarship Fund and Program for the purpose of funding such scholarships at the participating institutions of Longwood University, Norfolk State University, Radford University, and Virginia Commonwealth University. Finally, the bill establishes the 12-member Teacher Training Corps Commission to administer the Teacher Training Corps Scholarship Program and directs the Commission to begin meeting on or after September 1, 2022, establish the parameters for the Program, and award the first scholarships pursuant to the Program prior to the beginning of the 2023-2024 academic year.

*Patron - Reid*

**[F] HB1041 Public institutions of higher education; in-state tuition; children of active duty service members or veterans.** Provides that any child of an active duty service member or veteran who claims Virginia as his home state and filed Virginia tax returns for at least two years during active duty service is eligible for in-state tuition charges, regardless of domicile. Under current law, any such child is eligible for in-state tuition charges if such service member or veteran claims Virginia as his home state and filed Virginia tax returns for at least 10 years during active duty service.

*Patron - Guzman*

**[F] HB1120 Public institutions of higher education; admission, in-state tuition, and tuition waivers; members of certain American Indian tribes.** Requires each public institution of higher education to establish and implement an admissions policy whereby a certain number of annual offers of student admission is reserved for individuals who are members of a state-recognized or federally recognized American Indian tribe that is headquartered in the Commonwealth. The bill declares eligible for in-state tuition charges regardless of domicile any non-Virginia student who is a member of a state-recognized or federally recognized American Indian tribe that is headquartered in the Commonwealth. The bill also provides that any student who is a member of a state-recognized or federally recognized American Indian tribe headquartered in the Commonwealth and who has been admitted to a public institution of higher education is eligible for a tuition waiver up to the amount necessary to cover the last-dollar cost of the institution's in-state tuition and mandatory fees after all other federal and state financial aid to which the student is entitled is taken into account.

*Patron - McQuinn*

**[F] HB1226 State Council of Higher Education for Virginia; baccalaureate public institutions of higher education; productivity analysis.** Requires the State Council of Higher Education for Virginia to conduct and submit to the Governor and the General Assembly no later than December 1, 2022, a productivity analysis of each baccalaureate public institution of higher education in the Commonwealth that

includes, among other metrics, an analysis of the (i) ten-year trend in the ratio of students to full-time equivalent faculty per academic program, (ii) published student to faculty ratio as a benchmark, (iii) completion rate per academic program, and (iv) plans to address both outlying low and outlying high student demand for academic programs.

*Patron - Davis*

**[F] HB1264 New Economy Workforce Credential Grant Program; eligible institutions; maximum reimbursement per completed noncredit workforce training program.** Increases from \$3,000 to \$4,000 the maximum amount that the State Council of Higher Education for Virginia is permitted to reimburse to an eligible institution per completed noncredit workforce training program per eligible student pursuant to the New Economy Workforce Credential Grant Program.

*Patron - Filler-Corn*

**[F] HB1275 Virginia Credential Registry; established.** Directs the State Council of Higher Education for Virginia to create the Virginia Credential Registry for the purpose of ensuring that the general public has access to essential information about all educational and occupational credentials that are delivered, issued, funded, recognized, authorized, overseen, or governed in the Commonwealth. The bill describes such credentials as all degrees, certificates, certifications, licenses, apprenticeships, military training, diplomas, and badges that are available in the Commonwealth. The bill sets out other information required to be included in the Registry and requires the Council to establish and populate the Registry no later than July 1, 2023, and report on its progress in implementing the Virginia Credential Registry to the General Assembly no later than October 1, 2023.

*Patron - Freitas*

**[F] HB1280 Get Skilled, Get a Job, Give Back (G3) Program; eligible institutions.** Expands eligibility to participate in the Get Skilled, Get a Job, Give Back (G3) Program to any public or private historically black college or university in the Commonwealth that offers workforce development certifications and associate degree programming. Under current law, eligibility is limited to associate-degree-granting public institutions of higher education.

*Patron - McQuinn*

**[F] HB1333 Public institutions of higher education; in-state tuition; children of active duty service members or veterans.** Provides that any child of an active duty service member or veteran who claims Virginia as his home state and filed Virginia tax returns for at least four years during active duty service is eligible for in-state tuition charges, regardless of domicile. Under current law, any such child is eligible for in-state tuition charges if such service member or veteran claims Virginia as his home state and filed Virginia tax returns for at least 10 years during active duty service.

*Patron - Cordoza*

**[F] SB245 Public hospitals; medical debt collection practices.** Requires the University of Virginia Medical Center (the Medical Center) and the Virginia Commonwealth University Health System Authority (the Authority) to make payment plans available to each person who incurs a debt related to medical treatment. The bill (i) requires that such payment plans be provided in writing and cap monthly payments at no more than five percent of the person's household income, (ii) provides that the first payment under such payment plan shall not be due until a date that is at least 90 days after the date on which treatment was provided or the date on which the person discharged, and (iii) provides that a person who has made at

least 10 payments pursuant to the payment plan in a 12-month period shall be deemed to be in compliance with the payment plan. The bill also prohibits the Medical Center and the Authority from charging interest or late fees for medical debt, requires the Medical Center and Authority to make information available in writing in languages other than English spoken in the service area and via oral translation service for other languages, prohibits the Medical Center and the Authority from selling medical debt to any person other than an organization that purchases medical debt for the purpose of paying such debt in full, and requires the Medical Center and the Authority to establish a Financial Assistance Ombudsman Office to assist patients and other persons with issues related to financial assistance, payment plans, and debt collection. This bill was incorporated into SB 201.

*Patron - Hashmi*

**[F] SB420 Get Skilled, Get a Job, Give Back (G3) Program; higher education centers.** Adds educational programs at higher education centers that lead to an occupation in a high-demand field to the Get Skilled, Get a Job, Give Back Program (G3) Program. The bill defines higher education centers as the Southwest Virginia Higher Education Center, Southern Virginia Higher Education Center, New College Institute, Roanoke Higher Education Center, and Institute for Advanced Learning and Research. Under current law, the G3 Program only includes educational programs at associate-degree-granting public institutions of higher education that lead to occupations in a high-demand field.

*Patron - Edwards*

**[F] SB466 Virginia College Savings Plan; Virginia College Equity Foundation and Fund.** Directs the Board of the Virginia College Savings Plan to invest the surplus from the fund for prepaid tuition contracts, if any, in the Virginia College Equity Fund (the Fund), established by the bill. The bill provides that financial management of the Fund is the responsibility of the Board of the Virginia College Savings Plan but authorizes the board of the Virginia College Equity Foundation, also established by the bill, to manage a scholarship program funded by the Fund. The bill establishes an individual and corporate income tax subtraction for donations to the Fund.

Under the bill, the program provides scholarships to students at Virginia's nonlegacy public universities. Scholarships are available only to students who attend a nonlegacy university, likely would have been denied admission to a public institution of higher education prior to 1900 based on admission criteria in effect at the time, meet the income requirements for a Pell Grant, and commit to working in Virginia for at least eight years after graduation.

*Patron - Surovell*

**[F] SB611 Get Skilled, Get a Job, Give Back (G3) Program; higher education centers.**

*Patron - Boysko*

**[F] SB717 Public institutions of higher education; foreign governments; programs and grants.** Prohibits employees at public institutions of higher education in the Commonwealth from participating in Chinese-sponsored talent recruitment programs or receiving Chinese-funded grants. The bill also requires each employee at such institutions to disclose to the Council all financial payments received from foreign governments.

*Patron - Reeves*

## Carried Over

**C HB128 Virginia Diverse Educator Scholarship Fund and Program established.** Establishes the Virginia Diverse Educator Scholarship Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of annually providing to each Historically Black College or University in the Commonwealth (defined in the bill as Norfolk State University and Virginia State University) such sums as are necessary for each such institution to annually provide renewable last-dollar scholarships on a competitive basis to two students who (i) attended a public elementary or secondary school in the Commonwealth in which at least 75 percent of the enrolled students qualify for free or reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Department of Health and Human Services; (ii) are accepted to or enrolled in such institution's education preparation program; and (iii) are eligible for a federal Pell Grant to attend such institution. The bill provides that each such scholarship would consist of the following sums: (a) the cost of tuition, mandatory fees, room and board, and textbooks at such institution; (b) the recipient's teacher licensure fees; (c) \$5,000 toward teacher professional development activities for the recipient, including coursework, seminars, and conferences; and (d) \$10,000 toward mentorship of the recipient by a master teacher, defined as an experienced public elementary or secondary school teacher who is deemed by the relevant school board to be highly effective and able to provide high quality mentorship. The bill requires each student who is awarded a scholarship pursuant to the Program to agree in writing to (1) teach in a public elementary or secondary school in the Commonwealth in which at least 75 percent of the enrolled students qualify for free or reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Department of Health and Human Services upon graduation for a period that is at least as long as the period during which the recipient used scholarship funds to attend a Historically Black College or University and (2) be mentored by a master teacher during such period of employment.

*Patron - Davis*

**C SB72 Virginia Museum of Transportation; established.** Establishes the Virginia Museum of Transportation as a public entity and educational institution of the Commonwealth. Under the bill, the Museum is governed by a 15-member board of trustees.

*Patron - Edwards*

**C SB454 Teacher Training Corps; report.** Establishes the Teacher Training Corps for the purpose of attracting and retaining public elementary and secondary school teachers in school divisions in the Commonwealth by awarding scholarships to students who obtain teaching degrees and certifications at participating institutions and requiring such students to fill teacher positions for specified periods of time at high-needs schools, as defined in the bill, and meet other requirements. The bill also establishes the Teacher Training Corps Scholarship Fund and Program for the purpose of funding such scholarships at the participating institutions of Longwood University, Norfolk State University, Radford University, and Virginia Commonwealth University. Finally, the bill establishes the 12-member Teacher Training Corps Commission to administer the Teacher Training Corps Scholarship Program and directs the Commission to begin meeting on or after September 1, 2022, establish the parameters for the Program, and award the first scholarships pursuant to the Program prior to the beginning of the 2023-2024 academic year.

*Patron - Boysko*

## Insurance

### Passed

**P HB44 Standard nonforfeiture provisions for life insurance; minimum nonforfeiture amounts; interest rates.** Decreases the minimum nonforfeiture amount interest rate from one percent to 0.15 percent.

*Patron - Ware*

**P HB45 Health carriers; licensed athletic trainers.** Requires health insurers and health service plan providers whose policies or contracts cover services that may be legally performed by a licensed athletic trainer to provide equal coverage for such services when rendered by a licensed athletic trainer when such services are performed in an office setting. As introduced, this bill was a recommendation of the Health Insurance Reform Commission. This bill is identical to SB 525.

*Patron - Ware*

**P HB62 Insurance; obsolete provisions and notice.** Removes an exception to the regulation of insurance rates by the State Corporation Commission relating to certain automobile bodily injury and property damage liability insurance policies. The bill removes provisions requiring the Commission to mail a copy of certain orders regarding motor vehicle insurance forms to insurers and rate service organizations and instead requires the Commission to provide notice of such orders. Finally, the bill repeals a provision requiring that coverage of airtrip accident policies extend in certain cases to connecting or returning planes.

*Patron - Ward*

**P HB82 Insurance holding company systems; group capital calculation and liquidity stress test.** Requires that certain insurers that are members of an insurance holding company system file a group capital calculation in accordance with the National Association of Insurance Commissioners (NAIC) Group Capital Calculation Instructions and a liquidity stress test in accordance with the NAIC Liquidity Stress Test Framework. The bill provides exceptions to such reporting requirements and contains various provisions regarding the confidentiality of information contained in such reports. The bill authorizes the State Corporation Commission to require a deposit or bond when an insurer that is a member of an insurance holding company system is in a hazardous financial condition or a condition that would be grounds for the supervision, conservation, or delinquency proceeding.

*Patron - Kilgore*

**P HB146 Insurance; examinations; provider complaints.** Provides that any person may submit a complaint of noncompliance by an insurer with any insurance law, regulation, or order of the State Corporation Commission on behalf of a health care provider. The bill provides that the Commission shall investigate such complaints and notify the complainants of the outcomes, but that the Commission shall not have jurisdiction to adjudicate individual controversies or matters of contractual dispute.

*Patron - Head*

**P HB225 Health insurance; definition of autism spectrum disorder.** Provides that for the purposes of required health insurance coverage for the diagnosis and treatment of autism spectrum disorder, "autism spectrum disorder" means any pervasive developmental disorder or autism spectrum dis-



order, as defined in the most recent edition or the most recent edition at the time of diagnosis of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association and "medically necessary" means in accordance with the generally accepted standards of mental disorder or condition care and clinically appropriate in terms of type, frequency, site, and duration, based upon evidence and reasonably expected to do any of the following: (i) prevent the onset of an illness, condition, injury, or disability; (ii) reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, or disability; or (iii) assist to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the individual and the functional capacities that are appropriate for individuals of the same age. This bill is identical to SB 321.

*Patron - Coyner*

**P HB281 Real property; duty to disclose ownership interest and lis pendens.** Provides that a real estate licensee has an affirmative duty, upon having substantive discussions about specific real property, to disclose in writing to the purchaser, seller, lessor, or lessee of the property if he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest has or will have an ownership interest as a party to the transaction and must also disclose in writing that he is a licensee. The bill requires that an owner of a residential dwelling unit who has actual knowledge of a lis pendens filed against the dwelling unit must provide to a prospective purchaser a written disclosure of such fact on a form provided by the Real Estate Board on its website. This bill is identical to SB 311.

*Patron - Coyner*

**P HB312 Virginia Health Benefit Exchange; marketing.** Requires the Virginia Health Benefit Exchange to prepare an annual marketing plan that includes consumer outreach, licensed health insurance agents, and navigator programs. As introduced, this bill was a recommendation of the Joint Commission on Health Care. This bill is identical to SB 469.

*Patron - Rasoul*

**P HB360 Health insurance; carrier disclosure of certain information.** Requires each health insurance carrier, beginning July 1, 2025, to establish and maintain an online process that (i) links directly to e-prescribing systems and electronic health record systems that utilize the National Council for Prescription Drug Programs SCRIPT standard; (ii) can accept electronic prior authorization requests from a provider; (iii) can approve electronic prior authorization requests for which no additional information is needed by the carrier to process the prior authorization request, no clinical review is required, and that meet the carrier's criteria for approval; and (iv) otherwise meets the requirements of the relevant Code of Virginia section. The bill prohibits a carrier from (a) imposing a charge or fee on a participating health care provider for accessing the required online process required or (b) accessing, absent provider consent, provider data via the online process other than for the enrollee. The bill requires participating health care providers, beginning July 1, 2025, to ensure that any e-prescribing system or electronic health record system owned by or contracted for the provider to maintain an enrollee's health record has the ability to access the electronic prior authorization process established by a carrier and real-time cost information data for a covered prescription drug made available by a carrier. The bill provides that a provider may request a waiver of compliance for undue hardship for a period not to exceed 12 months. The bill requires any carrier or its pharmacy benefits manager to provide real-time cost information data to enrollees and contracted providers for a covered

prescription drug, including any cost-sharing requirement or prior authorization requirements, and to ensure that the data is accurate. The bill requires that such cost information data is available to the provider in a format that a provider can access and understand such as through the provider's e-prescribing system or electronic health record system for which the carrier or pharmacy benefits manager or its designated subcontractor has adopted that utilizes the National Council for Prescription Drug Programs SCRIPT standard from which the provider makes the request.

The bill requires the State Corporation Commission's Bureau of Insurance (the Bureau) to, in coordination with the Secretary of Health and Human Resources, establish a work group to evaluate and make recommendations to modify the process for prior authorization for drug benefits in order to maximize efficiency and minimize delays that include a single standardized process and any recommendations for necessary statutory or regulatory changes. The bill requires the work group to include relevant stakeholders, including representatives from the Virginia Association of Health Plans, the Medical Society of Virginia, the National Council for Prescription Drug Programs, the Virginia Pharmacists Association, and the Virginia Hospital and Healthcare Association, and other parties with an interest in the underlying technology. The bill requires the work group to report its findings and recommendations to the Chairmen of the Senate Committee on Commerce and Labor and the House Committee on Commerce and Energy by November 1, 2022. The provisions of the bill other than the requirement for the Bureau to establish the work group will not become effective unless reenacted by the 2023 Session of the General Assembly. This bill is identical to SB 428.

*Patron - Fowler*

**P HB431 Qualified health plans; state-mandated health benefits.** Authorizes a qualified health plan offered on the Virginia Health Benefit Exchange to provide state-mandated health benefits that are not provided in the essential health benefits package. Under current law, qualified health plans are prohibited from providing such state-mandated health benefits. This bill is identical to SB 449.

*Patron - Murphy*

**P HB606 Fire insurance; appraisers and umpires; citizenship requirements.** Removes a requirement that appraisers and umpires who make appraisals for loss or damage to property under the provisions of a fire insurance policy are citizens and residents of the Commonwealth.

*Patron - Bourne*

**P HB642 Department of Military Affairs; health care insurance premiums for members of Virginia National Guard or Virginia Defense Force.** Provides that the Department of Military Affairs shall have the power to pay the employer portion of health care premiums for any member of the Virginia National Guard or Virginia Defense Force when certain circumstances are met. The bill requires the Department to establish policies, procedures, and protocols to implement and record such payments and to report annually to the Secretary of Veterans and Defense Affairs all such payments made. This bill is identical to SB 719.

*Patron - Carr*

**P HB675 Health insurance; tobacco surcharge.** Eliminates the authority of a health carrier to vary its premium rates based on tobacco use. Under current law, a health carrier may charge premium rates up to 1.5 times higher for a tobacco user than for a nonuser. This bill is a recommendation of the Joint Commission on Health Care, and the provisions of the bill shall apply to health benefit plans providing individual or

small group health insurance coverage beginning on January 1, 2023. This bill is identical to SB 422. This bill was vetoed by the Governor.

*Patron - Hope*

**P HB768 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 25,000 members; (b) has been organized and maintained in good faith for purposes other than that of obtaining insurance; (c) has been in active existence for at least five years; and (d) has a constitution and bylaws that provide that the association hold regular meetings not less than annually to further purposes of the members, that the association collects dues or solicits contributions from members, and that the members have voting privileges and representation on the governing board and committees.

The 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 a policy that meets certain requirements of the bill is considered to be compliant with the large group market insurance regulations under the federal Public Health Service Act and, as such, the Commonwealth is

considered to be substantially enforcing the federal Patient Protection and Affordable Care Act with regard to such policy. The bill requires the State Corporation Commission to regulate the policy in a manner that is consistent with such provisions. The bill provides that, in any case in which a federal agency renders a decision that is contrary to such provisions, notwithstanding any other provision of law, the Attorney General may resolve any difference between federal law and the laws of the Commonwealth. This bill is identical to SB 335.

*Patron - Hodges*

**P HB773 Health insurance; provider credentialing; receipt of application.** Requires the protocols and procedures for the reimbursement of new provider applicants that are established by a carrier that credentials providers in its network to require that the carrier provide recognition or notification of receipt of such applicant's credentialing application (i) electronically if the carrier uses an online credentialing system for new provider applicants or (ii) by mail or electronic mail, as selected by the applicant, within 10 days of receiving the application if the carrier does not use an online credentialing system. This bill is identical to SB 427.

*Patron - Hodges*

**P HB842 Commonwealth Health Reinsurance Program; federal risk adjustment program.** Eliminates the requirement that the State Corporation Commission consider transfers made under the federal risk adjustment program to eliminate double reimbursement for high-cost cases as a factor when establishing payment parameters for the benefit year under the Commonwealth Health Reinsurance Program. The bill also eliminates the requirement that the Commission factor in transfers received for an enrolled individual under the federal risk adjustment program when calculating each reinsurance payment based on an eligible carrier's incurred claims costs for a covered person's covered benefits in the applicable benefit year. This bill is identical to SB 338.

*Patron - Sickles*

**P HB884 Group health benefit plans; bona fide associations; formation of benefits consortium.** Provides that certain trusts constitute a benefits consortium and are authorized to sell health benefit plans to members of a sponsoring association that (i) has been formed and maintained in good faith for purposes other than obtaining or providing health benefits; (ii) does not condition membership in the sponsoring association on any factor relating to the health status of an individual, including an employee of a member of the sponsoring association or a dependent of such an employee; (iii) makes any health benefit plan available to all members regardless of any factor relating to the health status of such members or individuals eligible for coverage through a member; (iv) does not make any health benefit plan available to any person who is not a member of the association; (v) makes available health plans or health benefit plans that meet requirements provided for in the bill; (vi) operates as a nonprofit entity under § 501(c)(5) or 501(c)(6) of the Internal Revenue Code; and (vii) has been in active existence for at least five years. The bill replaces references to "bona fide association," as used in provisions applicable to health care plans in the small employer market, with the term "sponsoring association." The bill requires any health benefit plan issued by a self-funded multiple employer welfare arrangement (MEWA) that covers one or more employees of one or more small employers to (a) provide essential health benefits and cost-sharing requirements; (b) offer a minimum level of coverage designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan; (c) not limit or exclude coverage for an individual by imposing a preexisting condition exclusion on that individual; (d) be prohibited from establish-

ing discriminatory rules based on health status related to eligibility or premium or contribution requirements as imposed on health carriers; (e) meet the renewability standards set forth for health insurance issuers; (f) establish base rates formed on an actuarially sound, modified community rating methodology that considers the pooling of all participant claims; and (g) utilize each employer member's specific risk profile to determine premiums by actuarially adjusting above or below established base rates, and utilize either pooling or reinsurance of individual large claimants to reduce the adverse impact on any specific employer member's premiums. The bill prohibits a self-funded MEWA from issuing health benefit plans in the Commonwealth until it has obtained a license pursuant to regulations promulgated by the State Corporation Commission. The bill authorizes the Commission to adopt regulations applicable to self-funded MEWAs, including regulations addressing financial condition, solvency requirements, and the exclusion of self-funded MEWAs from the Virginia Life, Accident and Sickness Insurance Guaranty Association. This bill is identical to SB 195.

*Patron - Byron*

**P HB912 Bureau of Insurance; provider contracts; continuity of care.** Directs the Bureau of Insurance of the State Corporation Commission to convene a work group to determine options for ensuring continuity of care covered by insurance for a reasonable amount of time under reasonable conditions during the time that providers and insurance carriers are negotiating provider contracts. The work group shall provide recommendations to the General Assembly by December 1, 2022.

*Patron - Orrock*

**P HB925 Health insurance; coverage for prosthetic devices.** Requires health insurers, corporations providing health care coverage subscription contracts, health maintenance organizations, and the Commonwealth's Medicaid program to provide coverage for medically necessary prosthetic devices, including myoelectric, biomechanical, or microprocessor-controlled prosthetic devices. The provisions of the bill apply only in the large group markets. The provisions of the bill apply to any policies issued or delivered on and after January 1, 2023. This bill is identical to SB 405.

*Patron - Roem*

**P HB1081 Health insurance; calculation of enrollee's contribution; high deductible health plan.** Provides that if the application of the requirement that a carrier, when calculating an enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under a health plan, include any amounts paid by the enrollee or paid on behalf of the enrollee by another person results in a health plan's ineligibility to qualify as a Health Savings Account-qualified High Deductible Health Plan under the federal Internal Revenue Code, then such requirement shall not apply to such health plan with respect to the deductible of such health plan until the enrollee has satisfied the minimum deductible required by the federal Internal Revenue Code. The bill provides such limitation does not apply with respect to items or services that are considered preventive care. This bill is identical to SB 433.

*Patron - Byron*

**P HB1156 Private family leave insurance.** Establishes family leave insurance as a class of insurance. The bill defines "family leave insurance" as an insurance policy issued to an employer related to a benefit program provided to an employee to pay for the employee's income loss due to (i) the birth of a child or adoption of a child by the employee; (ii) placement of a child with the employee for foster care; (iii)

care of a family member of the employee who has a serious health condition; or (iv) circumstances arising out of the fact that the employee's family member who is a service member is on active duty or has been notified of an impending call or order to active duty. Under the bill, family leave insurance may be written as an amendment or rider to a group disability income policy, included in a group disability income policy, or written as a separate group insurance policy purchased by an employer. The bill prohibits delivery or issue for delivery of a family leave insurance policy unless a copy of the form and the rate manual showing rates, rules, and classification of risks have been filed with the State Corporation Commission. The bill prohibits an individual certificate and enrollment form from being used in connection with a group family leave insurance policy unless the form for the certificate and enrollment form have been filed with the Commission. The bill provides that "life and annuities insurance agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate, among other types of insurance, family leave insurance on behalf of insurers licensed in the Commonwealth. This bill is identical to SB 15.

*Patron - Byron*

**P HB1162 Health insurance; discrimination prohibited against covered entities and contract pharmacies.** Prohibits carriers and pharmacy benefits managers from discriminating in the requirements, exclusions, terms, or other conditions imposed on a covered entity or contract pharmacy on the basis that the entity or pharmacy is operating under the 340B Program of the federal Public Health Service Act. Such prohibition does not (i) apply to drugs with an annual estimated per-patient cost exceeding \$250,000 or (ii) prohibit the identification of a 340B reimbursement request. The bill also prohibits a carrier or pharmacy benefits manager from interfering in a covered individual's right to choose a contract pharmacy or covered entity.

*Patron - Wachsmann*

**P SB15 Private family leave insurance.** Establishes family leave insurance as a class of insurance. The bill defines "family leave insurance" as an insurance policy issued to an employer related to a benefit program provided to an employee to pay for the employee's income loss due to (i) the birth of a child or adoption of a child by the employee; (ii) placement of a child with the employee for foster care; (iii) care of a family member of the employee who has a serious health condition; or (iv) circumstances arising out of the fact that the employee's family member who is a service member is on active duty or has been notified of an impending call or order to active duty. Under the bill, family leave insurance may be written as an amendment or rider to a group disability income policy, included in a group disability income policy, or written as a separate group insurance policy purchased by an employer. The bill prohibits delivery or issue for delivery of a family leave insurance policy unless a copy of the form and the rate manual showing rates, rules, and classification of risks have been filed with the State Corporation Commission. The bill prohibits an individual certificate and enrollment form from being used in connection with a group family leave insurance policy unless the form for the certificate and enrollment form have been filed with the Commission. The bill provides that "life and annuities insurance agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate, among other types of insurance, family leave insurance on behalf of insurers licensed in the Commonwealth. This bill is identical to HB 1156.

*Patron - Favola*

**P SB194 Insurance; public adjusters; standards of conduct.** Prohibits a public adjuster from engaging in any

activity that may reasonably be construed as a conflict of interest, including soliciting or accepting any remuneration of any kind or nature, directly or indirectly, except as set forth in a public adjusting contract with an insured. Additionally, the bill provides that for the purposes of the prohibition on a public adjuster having a financial interest in an insured's claim, "financial interest" includes participation by a public adjuster, directly or indirectly, in the reconstruction, repair, or restoration of damaged property that is the subject of a claim adjusted by that public adjuster. The bill contains technical amendments.

*Patron - Mason*

**P SB195 Group health benefit plans; bona fide associations; formation of benefits consortium.** Provides that certain trusts constitute a benefits consortium and are authorized to sell health benefit plans to members of a sponsoring association that (i) has been formed and maintained in good faith for purposes other than obtaining or providing health benefits; (ii) does not condition membership in the sponsoring association on any factor relating to the health status of an individual, including an employee of a member of the sponsoring association or a dependent of such an employee; (iii) makes any health benefit plan available to all members regardless of any factor relating to the health status of such members or individuals eligible for coverage through a member; (iv) does not make any health benefit plan available to any person who is not a member of the association; (v) makes available health plans or health benefit plans that meet requirements provided for in the bill; (vi) operates as a nonprofit entity under § 501(c)(5) or 501(c)(6) of the Internal Revenue Code; and (vii) has been in active existence for at least five years. The bill replaces references to "bona fide association," as used in provisions applicable to health care plans in the small employer market, with the term "sponsoring association." The bill requires any health benefit plan issued by a self-funded multiple employer welfare arrangement (MEWA) that covers one or more employees of one or more small employers to (a) provide essential health benefits and cost-sharing requirements; (b) offer a minimum level of coverage designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan; (c) not limit or exclude coverage for an individual by imposing a preexisting condition exclusion on that individual; (d) be prohibited from establishing discriminatory rules based on health status related to eligibility or premium or contribution requirements as imposed on health carriers; (e) meet the renewability standards set forth for health insurance issuers; (f) establish base rates formed on an actuarially sound, modified community rating methodology that considers the pooling of all participant claims; and (g) utilize each employer member's specific risk profile to determine premiums by actuarially adjusting above or below established base rates, and utilize either pooling or reinsurance of individual large claimants to reduce the adverse impact on any specific employer member's premiums. The bill prohibits a self-funded MEWA from issuing health benefit plans in the Commonwealth until it has obtained a license pursuant to regulations promulgated by the State Corporation Commission. The bill authorizes the Commission to adopt regulations applicable to self-funded MEWAs, including regulations addressing financial condition, solvency requirements, and the exclusion of self-funded MEWAs from the Virginia Life, Accident and Sickness Insurance Guaranty Association. This bill is identical to HB 884.

*Patron - Mason*

**P SB321 Health insurance; definition of autism spectrum disorder.** Provides that for the purposes of required health insurance coverage for the diagnosis and treatment of autism spectrum disorder, "autism spectrum disorder" means

any pervasive developmental disorder or autism spectrum disorder, as defined in the most recent edition or the most recent edition at the time of diagnosis of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association and "medically necessary" means in accordance with the generally accepted standards of mental disorder or condition care and clinically appropriate in terms of type, frequency, site, and duration, based upon evidence and reasonably expected to do any of the following: (i) prevent the onset of an illness, condition, injury, or disability; (ii) reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, or disability; or (iii) assist to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the individual and the functional capacities that are appropriate for individuals of the same age. This bill is identical to HB 225.

*Patron - Vogel*

**P SB335 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 25,000 members; (b) has been organized and maintained in good faith for purposes other than that of obtaining insurance; (c) has been in active existence for at least five years; and (d) has a constitution and bylaws that provide that the association hold regular meetings not less than annually to further purposes of the members, that the association collects dues or solicits contributions from members, and that the members have voting privileges and representation on the governing board and committees.

The 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 a policy that meets certain requirements of the bill is considered to be compliant with the large group market insurance regulations under the federal Public Health Service Act and, as such, the Commonwealth is considered to be substantially enforcing the federal Patient Protection and Affordable Care Act with regard to such policy. The bill requires the State Corporation Commission to regulate the policy in a manner that is consistent with such provisions. The bill provides that, in any case in which a federal agency renders a decision that is contrary to such provisions, notwithstanding any other provision of law, the Attorney General may resolve any difference between federal law and the laws of the Commonwealth. This bill incorporates SB 397 and is identical to HB 768.

*Patron - Barker*

**[P] SB337 Accident and sickness insurance; minimum standards.** Authorizes the State Corporation Commission to issue rules and regulations related to accident and sickness insurance minimum standards and excepted benefits and provides that the purpose of such rules and regulations is to establish (i) the minimum standards for filing of policy forms for individual and small group health benefit plans, (ii) the minimum standards, terms, and coverages for individual and group accident and sickness policies known as excepted benefits, and (iii) the minimum standards for short-term limited-duration insurance. The bill directs the Commission to ensure that such standards are simple and understandable and are not misleading or unreasonably confusing, and that the sale of such policies provides for full disclosure.

*Patron - Barker*

**[P] SB338 Commonwealth Health Reinsurance Program; federal risk adjustment program.** Eliminates the requirement that the State Corporation Commission consider transfers made under the federal risk adjustment program to eliminate double reimbursement for high-cost cases as a factor when establishing payment parameters for the benefit year under the Commonwealth Health Reinsurance Program. The bill also eliminates the requirement that the Commission factor in transfers received for an enrolled individual under the federal risk adjustment program when calculating each reinsurance payment based on an eligible carrier's incurred claims costs for a covered person's covered benefits in the applicable benefit year. This bill is identical to HB 842.

*Patron - Barker*

**[P] SB359 Pharmacy benefits managers; frequency of required report.** Changes the frequency of which a carrier or its pharmacy benefits manager is required to report certain information to the Commissioner of Insurance. The bill provides that the report is to be filed quarterly through the period ending December 31, 2022, and is to be filed by March 31 of each year on a calendar year basis thereafter. Under current law, the report is required quarterly indefinitely.

*Patron - Stuart*

**[P] SB383 Credit life insurance and credit accident and sickness insurance; adjustment of rates; requirement for hearing.** Removes the requirement that the State Corporation Commission conduct a hearing prior to determining the

actual loss ratio for each form of insurance and adjusting the prima facie rates. Under the bill, after the Commission has determined the actual loss ratio and prima facie rates, it will provide notice of such ratio and rates and provide an opportunity for a hearing.

*Patron - McDougale*

**[P] SB405 Health insurance; coverage for prosthetic devices.** Requires health insurers, corporations providing health care coverage subscription contracts, health maintenance organizations, and the Commonwealth's Medicaid program to provide coverage for medically necessary prosthetic devices, including myoelectric, biomechanical, or microprocessor-controlled prosthetic devices. The provisions of the bill apply only in the large group markets. The provisions of the bill apply to any policies issued or delivered on and after January 1, 2023. This bill is identical to HB 925.

*Patron - Barker*

**[P] SB422 Health insurance; tobacco surcharge.** Eliminates the authority of a health carrier to vary its premium rates based on tobacco use. Under current law, a health carrier may charge premium rates up to 1.5 times higher for a tobacco user than for a nonuser. This bill is a recommendation of the Joint Commission on Health Care, and the provisions of the bill shall apply to health benefit plans providing individual or small group health insurance coverage beginning on January 1, 2023. This bill is identical to HB 675. This bill was vetoed by the Governor.

*Patron - Edwards*

**[P] SB427 Health insurance; provider credentialing; receipt of application.** Requires the protocols and procedures for the reimbursement of new provider applicants that are established by a carrier that credentials providers in its network to require that the carrier provide recognition or notification of receipt of such applicant's credentialing application (i) electronically if the carrier uses an online credentialing system for new provider applicants or (ii) by mail or electronic mail, as selected by the applicant, within 10 days of receiving the application if the carrier does not use an online credentialing system. This bill is identical to HB 773.

*Patron - Dunnivant*

**[P] SB428 Health insurance; carrier disclosure of certain information.** Requires each health insurance carrier, beginning July 1, 2025, to establish and maintain an online process that (i) links directly to e-prescribing systems and electronic health record systems that utilize the National Council for Prescription Drug Programs SCRIPT standard; (ii) can accept electronic prior authorization requests from a provider; (iii) can approve electronic prior authorization requests for which no additional information is needed by the carrier to process the prior authorization request, no clinical review is required, and that meet the carrier's criteria for approval; and (iv) otherwise meets the requirements of the relevant Code of Virginia section. The bill prohibits a carrier from (a) imposing a charge or fee on a participating health care provider for accessing the required online process required or (b) accessing, absent provider consent, provider data via the online process other than for the enrollee. The bill requires participating health care providers, beginning July 1, 2025, to ensure that any e-prescribing system or electronic health record system owned by or contracted for the provider to maintain an enrollee's health record has the ability to access the electronic prior authorization process established by a carrier and real-time cost information data for a covered prescription drug made available by a carrier. The bill provides that a provider may request a waiver of compliance for undue hardship for a period not to exceed 12 months. The bill requires any carrier or

its pharmacy benefits manager to provide real-time cost information data to enrollees and contracted providers for a covered prescription drug, including any cost-sharing requirement or prior authorization requirements, and to ensure that the data is accurate. The bill requires that such cost information data is available to the provider in a format that a provider can access and understand such as through the provider's e-prescribing system or electronic health record system for which the carrier or pharmacy benefits manager or its designated subcontractor has adopted that utilizes the National Council for Prescription Drug Programs SCRIPT standard from which the provider makes the request. The bill requires the State Corporation Commission's Bureau of Insurance (the Bureau) to, in coordination with the Secretary of Health and Human Resources, establish a work group to evaluate and make recommendations to modify the process for prior authorization for drug benefits in order to maximize efficiency and minimize delays that include a single standardized process and any recommendations for necessary statutory or regulatory changes. The bill requires the work group to include relevant stakeholders, including representatives from the Virginia Association of Health Plans, the Medical Society of Virginia, the National Council for Prescription Drug Programs, the Virginia Pharmacists Association, and the Virginia Hospital and Healthcare Association, and other parties with an interest in the underlying technology. The bill requires the work group to report its findings and recommendations to the Chairmen of the Senate Committee on Commerce and Labor and the House Committee on Commerce and Energy by November 1, 2022. The provisions of the bill other than the requirement for the Bureau to establish the work group will not become effective unless reenacted by the 2023 Session of the General Assembly. This bill is identical to HB 360.

*Patron - Dunnivant*

**P SB433 Health insurance; calculation of enrollee's contribution; high deductible health plan.** Provides that if the application of the requirement that a carrier, when calculating an enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under a health plan, include any amounts paid by the enrollee or paid on behalf of the enrollee by another person results in a health plan's ineligibility to qualify as a Health Savings Account-qualified High Deductible Health Plan under the federal Internal Revenue Code, then such requirement shall not apply to such health plan with respect to the deductible of such health plan until the enrollee has satisfied the minimum deductible required by the federal Internal Revenue Code. The bill provides such limitation does not apply with respect to items or services that are considered preventive care. This bill is identical to HB 1081.

*Patron - Dunnivant*

**P SB434 Health insurance; coverage for mental health and substance use disorders; report.** Requires the State Corporation Commission's Bureau of Insurance, in its report regarding denied claims, complaints, appeals, and network adequacy involving mental health and substance abuse disorder coverage, to include a summary of certain comparative analyses from health carriers related to mental health parity and an explanation of whether the analyses were considered compliant and any corrective actions required of the health carrier by the Bureau. The bill also changes the annual deadline for such report from September 1 to November 1.

*Patron - Barker*

**P SB449 Qualified health plans; state-mandated health benefits.** Authorizes a qualified health plan offered on the Virginia Health Benefit Exchange to provide state-mandated health benefits that are not provided in the essential health benefits package. Under current law, qualified health

plans are prohibited from providing such state-mandated health benefits. This bill is identical to HB 431.

*Patron - Boysko*

**P SB469 Virginia Health Benefit Exchange; marketing.** Requires the Virginia Health Benefit Exchange to prepare an annual marketing plan that includes consumer outreach, licensed health insurance agents, and navigator programs. As introduced, this bill was a recommendation of the Joint Commission on Health Care. This bill is identical to HB 312.

*Patron - McClellan*

**P SB525 Health carriers; licensed athletic trainers.** Requires health insurers and health service plan providers whose policies or contracts cover services that may be legally performed by a licensed athletic trainer to provide equal coverage for such services when rendered by a licensed athletic trainer when such services are performed in an office setting. As introduced, this bill was a recommendation of the Health Insurance Reform Commission. This bill is identical to HB 45.

*Patron - Barker*

**P SB754 Motor vehicle insurance; underinsured motor vehicle.** Requires any motor vehicle liability insurance policy issued, delivered, or renewed in the Commonwealth after July 1, 2023, to include a specific statement regarding the insurer requirements to provide underinsured motorist coverage that pays any damages due to an insured in addition to any bodily injury or property damage liability that is applicable to the insured's damages. The bill requires that the endorsement or provisions of a motor vehicle liability policy to provide uninsured motorist insurance coverage also provide underinsured motorist insurance coverage with limits that are equal to the uninsured motorist insurance coverage limits. Under the bill, underinsured motorist coverage shall be paid without any credit for the bodily injury and property damage coverage available for payment, unless any named insured elects to reduce any underinsured motorist coverage payments by notifying the insurer. If an injured person is entitled to underinsured motorist coverage under one or more policies wherein a named insured has elected to reduce the underinsured motorist limits by the available bodily injury liability insurance or property damage liability insurance coverage available for payment, any amount available for payment shall be credited against such policies in payment priority established in current law, and where there is more than one such policy entitled to such credit, the credit shall be apportioned pro-rata pursuant to the policies' respective available underinsured motorist coverages. The bill also provides that taxicab operators may fulfill their insurance filing requirement by showing evidence of a certificate of self-insurance. The bill requires, with regard to the self-insurance protection of a taxicab operator, the amount of bodily injury or property damage liability coverage available for payment from any source to be credited against and reduce the amount of protection otherwise available against an underinsured motorist.

*Patron - Obenshain*

## Failed

**F HB101 Group health benefit plans; sponsoring associations; formation of benefits consortium.** Provides that sponsoring associations, including self-funded multiple employer welfare arrangements, may provide health benefit plans for small employers in the form of a trust benefit consortium, subject to certain requirements. The bill includes conditions for qualifying as a sponsoring association, requirements for the formation of a trust benefits consortium, and provisions

to establish a board of trustees. Under the bill, such trust benefits consortium is subject to the federal Employee Retirement Income Security Act of 1974 (ERISA) and U.S. Department of Labor regulations and such trust shall not include certain words or terms in its name that are uniquely descriptive of insurance companies or business, and a statement to this effect is required to be included on the first page of the health benefit plan documents. A benefits consortium or sponsoring association is exempt from the requirements of the Virginia Life, Accident and Sickness Insurance Guaranty Association and exempt from annual license taxes under the bill.

*Patron - Head*

**[F] HB126 Health insurance; proton radiation therapy coverage.** Provides that if proton radiation therapy is recommended by an enrollee's insurance policy, subscription contract, or health care plan beneficiary's health care provider as the preferred radiation therapy treatment to lessen the potential of detrimental side effects, then a carrier shall not deny coverage for such treatment solely on the basis of cost. The provision applies to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2023.

*Patron - Davis*

**[F] HB169 Property insurance; invoices.** Requires any invoice sent pursuant to an insurance contract on property or on any interest therein or arising therefrom to list the address of the insured property or property interest.

*Patron - Marshall*

**[F] HB237 Health insurance; short-term limited-duration medical plans.** Repeals prohibitions on the duration, renewal and extension, and availability of short-term limited-duration medical plans.

*Patron - Orrock*

**[F] HB240 State health plan; insulin discount program; health insurance; cost sharing for insulin.** Requires the state health plan established by the Department of Human Resource Management to offer an insulin discount program that allows individuals other than state employees to purchase insulin at a discounted, post-rebate price. The bill requires the insulin discount program to (i) allow a participant to purchase insulin at a discounted, post-rebate price; (ii) provide a participant with a card or electronic document that identifies the participant as eligible for the discount; (iii) provide a participant with information about pharmacies that will honor the discount; and (iv) provide a participant with instructions to pursue a reimbursement of the purchase price from the participant's carrier. The bill requires the discount program to charge a price for insulin that allows the program to retain only enough of any rebate for the insulin to make the state risk pool whole for providing discounted insulin to participants.

Additionally, the bill requires health plans offered by a carrier to set the cost-sharing payment that a covered person is required to pay for at least one prescription insulin drug in each therapy category at an amount that does not exceed \$30 per 30-day supply of the prescription insulin drug unless the health plan (a) covers at least one prescription insulin drug for the treatment of diabetes in each therapy category under the lowest tier of drugs and does not require cost sharing other than the cost sharing payment before the plan will cover insulin at the lowest tier or (b) guarantees that a covered person is not required to pay more out of pocket for a prescription insulin drug than the covered person would pay to obtain the prescription insulin drug through the insulin discount program and caps the total amount that a covered person is required to pay for at

least one prescription insulin drug in each therapy category at an amount not to exceed \$100 per 30-day supply of the prescription insulin drug. Under current law, a health plan is required to set the cost-sharing payment that a covered person is required to pay for a covered prescription insulin drug at an amount that does not exceed \$50 per 30-day supply of the prescription insulin drug, regardless of the amount or type of insulin needed to fill the covered person's prescription.

The bill also allows a health plan that provides coverage of a prescription insulin drug with the cost-sharing limits established in the bill to condition the cost-sharing limits on (1) the covered person's participation in a wellness-related activities for diabetes, (2) purchasing the prescription insulin drug at an in-network pharmacy, or (3) choosing a prescription insulin drug from the lowest ties of the health plan's formulary.

*Patron - Adams, D.M.*

**[F] HB245 Group health benefit plans; sponsoring associations; formation of benefits consortium.** Provides that sponsoring associations, including self-funded multiple employer welfare arrangements, may provide health benefit plans for small employers in the form of a trust benefit consortium, subject to certain requirements. The bill includes conditions for qualifying as a sponsoring association, requirements for the formation of a trust benefits consortium, and provisions to establish a board of trustees. Under the bill, such trust benefits consortium is subject to the federal Employee Retirement Income Security Act of 1974 (ERISA) and U.S. Department of Labor regulations and such trust shall not include certain words or terms in its name that are uniquely descriptive of insurance companies or business, and a statement to this effect is required to be included on the first page of the health benefit plan documents. A benefits consortium or sponsoring association is exempt from the requirements of the Virginia Life, Accident and Sickness Insurance Guaranty Association and exempt from annual license taxes under the bill.

*Patron - Wilt*

**[F] HB425 Continuing care providers; requirements for providers; complaint process; report.** Requires continuing care providers to include in continuing care contracts between the provider and residents of a continuing care retirement community a description of (i) the resident emergency call systems and other safety-based services, (ii) the criteria for and requirements and procedures applicable to the transfer of a resident between levels of care provided by the provider, and (iii) information about policies and procedures for use of the facility and its services, including any check-in procedures, by residents as well as nonresidents.

The bill also guarantees the right of residents to post information about residents' rights in the facilities of the continuing care retirement community and requires a continuing care provider to include on the board of directors or other such governing body of a continuing care retirement community a number of residents that is equal to or greater than 20 percent of the total number of members of the board of directors, or at least one resident, whichever is greater, who shall be elected by the residents of the continuing care retirement community, and to provide a copy of the bylaws of the board of directors or other such governing body to all residents of the continuing care retirement community.

The bill also requires the State Corporation Commission to establish a means by which any person may make a complaint regarding a continuing care retirement community or community-based continuing care provider; establish a process for responding to complaints regarding a continuing care retirement community or community-based continuing care provider, including procedures to ensure that the person who filed



the complaint receives information regarding the status of such response and the final resolution of the matter; and report annually by October 1 to the Governor and the Chairmen of the House Committees on Appropriations and Labor and Commerce and the Senate Committees on Finance and Appropriations and Commerce and Labor regarding the complaint process and the number, type, and resolution of complaints received.

*Patron - Willett*

**[F] HB477 Health insurance; coverage for prostate cancer screening.** Updates the current mandated requirement for health care coverage companies (including health insurers and HMOs), the health care coverage plan for state employees, and the state plan for Medicaid that provides coverage for one PSA test in a 12-month period to persons age 50 and over and to persons age 40 and over who are at high risk for prostate cancer according to American Cancer Society Guidelines such that the new coverage requirement is for prostate cancer screening that includes the current test and the current guidelines. The updated coverage begins January 1, 2023.

*Patron - Austin*

**[F] HB480 Health insurance; coverage for the diagnosis of and treatment for infertility and standard fertility preservation services.** Requires health insurance policies, subscription contracts, and health care plans to provide coverage for the diagnosis and treatment of infertility and for standard fertility preservation procedures, defined in the bill.

*Patron - Helmer*

**[F] HB681 Insurers rehabilitation and liquidation; federal home loan bank rights.** Expands upon provisions that authorize a court, in instances of insurer rehabilitation and liquidation, to issue a restraining order or injunction to an insurer to prevent the transaction of future business or other business activities. The bill further creates provisions relating to federal home loan bank rights and insurer-members of federal home loan banks related to the transfer of assets, delinquency proceedings, and requirements for federal home loan banks upon appointing a receiver for an insurer-member.

*Patron - Wampler*

**[F] HB806 Health insurance; coverage for polycystic ovary syndrome (PCOS).** Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for treatment of PCOS, if diagnosed by a gynecologist, endocrinologist, primary care physician, pediatrician, nurse practitioner, dermatologist, or infertility specialist. The bill specifies which types of treatment will be covered for PCOS. The bill applies to policies, contracts, and plans delivered, issued for delivery, or renewed on and after January 1, 2023.

*Patron - Price*

**[F] HB923 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 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 - Orrock*

**[F] HB931 Virginia Birth-Related Neurological Injury Compensation Act; publication of disciplinary actions; award eligibility.** Requires, to the extent permissible by state and federal law, the Board of Medicine to publish on its website disciplinary action taken against a physician as a result of an investigation under the Virginia Birth-Related Neurological Injury Compensation Act (the Act). The bill also permits compensation under the Act for birth-related neurological injury deaths occurring up to a person's eighteenth birthday; current law limits awards to such deaths occurring during the person's infancy.

*Patron - Robinson*

**[F] HB944 State Corporation Commission; identification of certain provisions regarding employee welfare benefit plans; report.** Directs the State Corporation Commission to identify each state statutory and regulatory provision from which an employee welfare benefit plan that is self-

insured or self-funded is exempted. The bill requires the Commission to survey entities providing or administering an employee welfare benefit plan to develop an estimate of the financial impact that would be incurred by the application of the identified statutory and regulatory provisions to such an employee welfare benefit plan. The bill requires the Commission to report its findings to the Chairs of the House Committees on Health, Welfare and Institutions and Labor and Commerce and to the Senate Committees on Education and Health and Commerce and Labor by October 1, 2022.

*Patron - Hodges*

**[F] HB1013 Long-term care insurance; rate increases; notice requirements.** Requires an insurer of long-term care insurance policies to notify its customers and applicants in writing of the insurer's filing for a rate increase with the State Corporation Commission within 60 days of making such filing. Under the bill, if the Commission has approved a rate increase, an insurer of long-term care insurance policies must notify its customers and applicants in writing of the rate increase at least 90 days before the effective date of the rate increase. The bill includes several requirements for each of these notices, requires the Commission to consider the public interest in approving any such rate increase, and prohibits using a rate increase to pay for losses incurred by an insurance company or its shareholders or to pay shareholder dividends.

*Patron - Tran*

**[F] HB1111 Health insurance; coverage for proton therapy.** Requires any health insurer, corporation, or health maintenance organization issuing an insurance policy, subscription contract, or health care plan to provide coverage for physician-prescribed proton therapy for the treatment of cancer if proton radiation therapy is recommended as the preferred radiation therapy treatment by the enrollee's health care provider.

*Patron - Cordoza*

**[F] HB1169 Health insurance; association health plans.** Provides that a licensed insurer may issue a policy of group accident and sickness insurance to an 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 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 - Fariss*

**[F] HB1174 Health carriers; denial of coverage; quarterly report.** Requires each health carrier in the Commonwealth to submit to the State Corporation Commission on a quarterly basis a report of all first-time denials of coverage, including denials based on preexisting conditions and experimental or investigational treatments. The bill states that a health carrier must inform a covered person of his right to an internal appeal or, if applicable, an external review, upon issuing a denial of coverage. The bill has an expiration date of July 1, 2024.

*Patron - Adams, D.M.*

**[F] HB1243 Health insurance; coverage for breast cancer screenings; mammography facilities to provide extended hours.** Expands health insurance coverage requirements that currently include only mammogram screenings to include diagnostic mammograms, breast ultrasounds, and magnetic resonance imaging. The bill requires that coverage for diagnostic mammograms be no less favorable than coverage for screening mammograms and provides that expanded coverage shall not be subject to any cost-sharing requirements. The bill also requires certain mammogram facilities certified pursuant to the federal Mammogram Quality Standards Act to provide extended hours for screening mammography services. Requirements for these extended hours and the potential to obtain a waiver under certain circumstances are included in the bill.

*Patron - McQuinn*

**[F] SB42 Health insurance wellness programs; COVID-19 vaccine.** Provides that a wellness program provided by a health carrier is provided at the employer's discretion and may include a program that provides a reward or

assesses a surcharge to encourage individuals to receive a vaccine for the prevention of COVID-19.

*Patron - Marsden*

**[F] SB204 Health care provider panels; vertically integrated carriers; reimbursements to providers.** Requires any vertically integrated carrier, upon written request, to offer participation in each requested provider panel or network established for each of the vertically integrated carrier's policies, products, and plans, including all policies, products, and plans offered to individuals, employers, and enrollees in government benefit programs, to the requesting provider under the same terms and conditions that apply to providers under common control with the vertically integrated carrier. The measure requires that the offered participation (i) be without any adverse tiering or other financial incentives that may discourage enrollees from utilizing the services of the provider, (ii) include all sites and services offered by the provider, and (iii) take into account the different characteristics of different providers with regard to the range, nature, cost, and complexity of services offered. The measure prohibits an officer or director of a vertically integrated carrier from simultaneously serving as an officer or director of an entity that owns, operates, manages, or controls an acute care hospital located, in whole or in part, in the Commonwealth. The measure defines "vertically integrated carrier" as a health insurer or other carrier that owns an interest in, is owned by, or is under common ownership or control with an acute care hospital facility, excluding an entity that is under the ultimate control of or under common control with a public hospital.

*Patron - Petersen*

**[F] SB242 Insurance; discrimination based on status as living organ donor prohibited.** Prohibits any person from refusing to insure, refusing to continue to insure, or limiting the amount or extent of life insurance, disability insurance, or long-term care insurance coverage available to an individual, or to charge an individual a different rate for the same coverage based solely and without any additional actuarial risks upon the status of such individual as a living organ donor. The provisions of the bill apply to life insurance, disability insurance, or long-term care insurance plans that are entered into, amended, extended, or renewed on or after January 1, 2023.

*Patron - Hashmi*

**[F] SB397 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 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 - Cosgrove*

**[F] SB407 Disability insurance; disability arising out of childbirth.** Requires each insurer proposing to issue individual or group accident and sickness insurance policies providing short-term disability income protection coverage whose policies provide coverage for short-term disability arising out of childbirth to, notwithstanding a disability determination or medical necessity requirement, provide for 12 weeks of income protection coverage for a payable benefit of at least 12 weeks immediately following childbirth.

*Patron - Dunnivant*

**[F] SB549 Group health benefit plans; bona fide associations; benefits consortium.** Provides that certain trusts constitute a benefits consortium and are authorized to sell health benefits plans to members of a sponsoring association that is a nonstock corporation, has five or more members participating in one or more benefits plans, has been formed for purposes other than obtaining or providing health benefits, and operates as a nonprofit entity under § 501(c)(6) of the federal Internal Revenue Code. The bill provides that a person may be a member of sponsoring association if he conducts business operations within the Commonwealth, employs individuals who reside in the Commonwealth, and is a member of the sponsoring association. The bill provides that the trust is subject to the federal Employee Retirement Income Security Act of 1974 and U.S. Department of Labor regulations applicable to multiple employer welfare arrangements and to the authority of the U.S. Department of Labor to enforce such law and regu-

lations. The bill (i) prohibits a self-funded multiple employer welfare arrangement (MEWA) from issuing health benefit plans in the Commonwealth until it has obtained a license from the State Corporation Commission; (ii) provides that health benefit plans issued by a self-funded MEWA shall be subject to taxes and maintenance assessments levied upon insurance companies; (iii) provides that health benefit plans issued by a self-funded MEWA are subject to protections of and other provisions of the Virginia Life, Accident and Sickness Insurance Guaranty Association; (iv) makes domestic self-funded MEWAs subject to all financial and solvency requirements imposed by provisions of Title 38.2 on domestic insurers unless domestic self-funded MEWAs are otherwise specifically exempted; and (v) provides that health benefit plans issued by a self-funded MEWA shall be exempt from all statutory requirements relating to insurance premium rates, policy forms, and policy cancellation and nonrenewal. The bill provides that the sponsoring association shall not, by virtue of its sponsorship of the benefits consortium or any benefits plan, be subject to the insurance laws of the Commonwealth or the tax levied on insurance companies by the Commonwealth. The measure removes the requirements that an association to which a group accident and sickness insurance policy is issued has at the outset a minimum of 100 persons, has been organized and maintained in good faith for purposes other than that of obtaining insurance, and has been in active existence for at least five years. The measure also replaces references to "bona fide association," as used in provisions applicable to health care plans in the small employer market, with the term "sponsoring association."

*Patron - Dunnivant*

**[F] SB637 Insurers rehabilitation and liquidation; federal home loan bank rights.** Expands upon provisions that authorize a court, in instances of insurer rehabilitation and liquidation, to issue a restraining order or injunction to an insurer to prevent the transaction of future business or other business activities. The bill further creates provisions relating to federal home loan bank rights and insurer-members of federal home loan banks related to the transfer of assets, delinquency proceedings, and requirements for federal home loan banks upon appointing a receiver for an insurer-member.

*Patron - Deeds*

## Carried Over

**[C] HB560 Health insurance; retail community pharmacies.** Requires a carrier to administer its health benefit plans in a manner consistent with certain requirements and to include such requirements in its provider contracts addressing the provision of pharmacy benefits management. The bill provides that (i) a covered individual is permitted to fill any mail order-covered prescription, at the covered individual's option, at any mail order pharmacy or network participating retail community pharmacy under certain conditions; (ii) the carrier or pharmacy benefits manager is prohibited from imposing a differential copayment, additional fee, rebate, bonus, or other condition on any covered individual who elects to fill his prescription at an in-network retail community pharmacy that is not similarly imposed on covered individuals electing to fill a prescription from a mail order pharmacy; and (iii) the pharmacy benefits manager is required to expressly disclose to the carrier in the contract if the pharmacy benefits manager retains all or a greater portion of a drug manufacturer's rebate amount or any additional direct or indirect remuneration from any third party for drugs dispensed through the pharmacy benefits manager-owned mail order pharmacy than the pharmacy benefits manager does for drugs dispensed through a retail community pharmacy. The bill also removes the exemption for a self-insured or

self-funded employee welfare benefit plan under provisions regulating pharmacy benefits managers.

*Patron - O'Quinn*

**[C] HB943 Health insurance; retail community pharmacies.** Requires a carrier to administer its health benefit plans in a manner consistent with certain requirements and to include such requirements in its provider contracts addressing the provision of pharmacy benefits management. The bill provides that (i) a covered individual is permitted to fill any mail order-covered prescription, at the covered individual's option, at any mail order pharmacy or network participating retail community pharmacy under certain conditions; (ii) the carrier or pharmacy benefits manager is prohibited from imposing a differential copayment, additional fee, rebate, bonus, or other condition on any covered individual who elects to fill his prescription at an in-network retail community pharmacy that is not similarly imposed on covered individuals electing to fill a prescription from a mail order pharmacy; and (iii) the pharmacy benefits manager is required to expressly disclose to the carrier in the contract if the pharmacy benefits manager retains all or a greater portion of a drug manufacturer's rebate amount or any additional direct or indirect remuneration from any third party for drugs dispensed through the pharmacy benefits manager-owned mail order pharmacy than the pharmacy benefits manager does for drugs dispensed through a retail community pharmacy. The bill also removes the exemption for a self-insured or self-funded employee welfare benefit plan under provisions regulating pharmacy benefits managers.

*Patron - Hodges*

**[C] HB1075 Health care provider panels; vertically integrated carriers; reimbursements to providers.** Requires any vertically integrated carrier, upon written request, to offer participation in each requested provider panel or network established for each of the vertically integrated carrier's policies, products, and plans, including all policies, products, and plans offered to individuals, employers, and enrollees in government benefit programs, to the requesting provider under the same terms and conditions that apply to providers under common control with the vertically integrated carrier. The measure requires that the offered participation (i) be without any adverse tiering or other financial incentives that may discourage enrollees from utilizing the services of the provider, (ii) include all sites and services offered by the provider, and (iii) take into account the different characteristics of different providers with regard to the range, nature, cost, and complexity of services offered. The measure prohibits an officer or director of a vertically integrated carrier from simultaneously serving as an officer or director of an entity that owns, operates, manages, or controls an acute care hospital located, in whole or in part, in the Commonwealth. The measure defines "vertically integrated carrier" as a health insurer or other carrier that owns an interest in, is owned by, or is under common ownership or control with an acute care hospital facility, excluding an entity that is under the ultimate control of or under common control with a public hospital.

*Patron - Leftwich*

**[C] SB376 Prescription Drug Affordability Board; established; drug cost affordability review.** Establishes the Prescription Drug Affordability Review Board for the purpose of protecting state residents, state and local governments, commercial health plans, health care providers, pharmacies licensed in the Commonwealth, and other stakeholders within the health care system from the high costs of prescription drug products.

The bill directs the Governor to appoint members and alternate members of the Board. The Board is required to meet in open session at least four times annually, with certain exceptions and

requirements. Members of the Board are required to disclose any conflicts of interest, as described in the bill. The bill also creates a stakeholder council for the purpose of assisting the Board in making decisions related to drug cost affordability. The Board is tasked with identifying prescription, generic, and other drugs, as defined in the bill, and, in the Board's discretion, conducting an affordability review of the prescription drug product. Factors for the Board to consider that indicate an affordability challenge are listed in the bill. Any person aggrieved by a decision of the Board may request an appeal of the Board's decision, as provided in the bill, and the Attorney General shall have authority to enforce the provisions of the bill.

The bill also creates the Prescription Drug Affordability Fund to be used for funding operations of the Board and reimbursing other state agencies for implementing the provisions of the bill. The Board is required to report to the General Assembly twice annually, beginning on July 1, 2023, and December 1, 2023.

Provisions of the bill shall apply to state-sponsored and state-regulated health plans and health programs and obligate such policies to limit drug payment amounts and reimbursements to an upper payment limit amount set by the Board, if applicable, following an affordability review. Medicare Part D plans shall not be bound by such decisions of the Board.

The bill contains a severability clause and has a delayed effective date of January 1, 2023.

*Patron - Petersen*

## Juvenile Justice

### Passed

**[P] SB485 Delinquency Prevention and Youth Development Act; youth services citizen boards; duties; guidelines.** Directs the Board of Juvenile Justice to establish and make available to localities a list of best practice program models that are likely to qualify for grants under the Delinquency Prevention and Youth Development Act. The bill requires youth services citizen boards to include representatives of law enforcement and the faith and business communities and allows local governing bodies to appoint as members of the youth services citizen board members of the community policy and management team or a similar entity, subject to certain requirements set forth in the bill. The bill allows youth services citizen boards to establish youth advisory teams for the purposes of consultation and advice regarding youth services programs. The bill removes the requirement that local youth services programs maintain and disseminate an annual inventory of youth-related and parenting-related services and programs available in the locality.

*Patron - McClellan*

### Failed

**[F] HB1115 Juvenile justice; human trafficking screening.** Requires the Department of Juvenile Justice to use trauma-informed screening measures to identify whether any child committed to the Department has been a victim of human trafficking and determine appropriate treatment and service options. The bill also requires that, in cases in which a juvenile and domestic relations district court or circuit court orders that a juvenile within its jurisdiction be physically examined and treated by a physician or local mental health center, such examination include trauma-informed screening measures to identify whether the juvenile has been a victim of human

trafficking and determine appropriate treatment and service options.

*Patron - Mundon King*

## Labor and Employment

### Passed

**[P] HB358 Veteran-owned small businesses; waiving of fees.** Directs the Secretary of Veterans and Defense Affairs and the Secretary of Commerce and Trade, in conjunction with the Department of Small Business and Supplier Diversity, to examine the waiving of fees associated with permits necessary to establish a small business for veteran-owned small businesses. This bill is identical to SB 572.

*Patron - McGuire*

**[P] HB421 Living organ donors; discrimination prohibited.** Prohibits any person from refusing to insure, refusing to continue to insure, or limiting the amount or extent of life insurance, disability insurance, or long-term care insurance coverage available to an individual or to charge an individual a different rate for the same coverage based solely and without any additional actuarial risks upon the status of such individual as a living organ donor. The provisions of the bill apply to such insurance plans that are entered into, amended, extended, or renewed on or after January 1, 2023. This bill is identical to SB 271.

*Patron - Delaney*

**[P] HB1173 Fair Labor Standards Act; overtime; employer liability.** Replaces the current provisions of the Virginia Overtime Wage Act with the provision that any employer that violates the overtime wage requirements of the federal Fair Labor Standards Act, and any related laws and regulations, shall be liable to its employee for remedies or other relief available under the Fair Labor Standards Act. The bill requires an employer to compensate employees of a derivative carrier, defined in the bill, at a rate not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek. The bill requires the Secretary of Labor to convene a work group that includes certain industry representatives and legislators to review overtime issues and the Virginia Overtime Wage Act and requires the work group to submit a report on its findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Commerce and Energy and the Senate Committees on Finance and Appropriations and Commerce and Labor by November 1, 2022. This bill is identical to SB 631.

*Patron - Ware*

**[P] HB1178 Department of Labor and Industry; seizure first aid information.** Directs the Department of Labor and Industry to disseminate information regarding seizure first aid, defined in the bill, to all employers and employees in the Commonwealth and requires all employers of 25 or more employees to physically post this information in a prominent location in the workplace. The bill incorporates the "Good Samaritan" provision of the Code of Virginia that shields a person from liability when rendering emergency care in good faith under certain circumstances.

*Patron - Avoli*

**[P] SB271 Living organ donors; discrimination prohibited.** Prohibits any person from refusing to insure, refusing to continue to insure, or limiting the amount or extent of life

insurance, disability insurance, or long-term care insurance coverage available to an individual or to charge an individual a different rate for the same coverage based solely and without any additional actuarial risks upon the status of such individual as a living organ donor. The provisions of the bill apply to such insurance plans that are entered into, amended, extended, or renewed on or after January 1, 2023. This bill incorporates SB 242 and SB 244 and is identical to HB 421. This bill was vetoed by the Governor.

*Patron - Ebbin*

**[P] SB572 Veteran-owned small businesses; waiving of fees.** Directs the Secretary of Veterans and Defense Affairs and the Secretary of Commerce and Trade, in conjunction with the Department of Small Business and Supplier Diversity, to examine the waiving of fees associated with permits necessary to establish a small business for veteran-owned small businesses. This bill is identical to HB 358.

*Patron - Kiggans*

**[P] SB631 Fair Labor Standards Act; overtime; employer liability.** Replaces the current provisions of the Virginia Overtime Wage Act with the provision that any employer that violates the overtime wage requirements of the federal Fair Labor Standards Act, and any related laws and regulations, shall be liable to its employee for remedies or other relief available under the Fair Labor Standards Act. The bill requires an employer to compensate employees of a derivative carrier, defined in the bill, at a rate not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek. The bill requires the Secretary of Labor to convene a work group that includes certain industry representatives and legislators to review overtime issues and the Virginia Overtime Wage Act and requires the work group to submit a report on its findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Commerce and Energy and the Senate Committees on Finance and Appropriations and Commerce and Labor by November 1, 2022. This bill is identical to HB 1173.

*Patron - Barker*

## Failed

**[F] HB61 Overtime pay requirements; volunteers.** Permits individuals who work as both employees and on a volunteer basis for a public body, church, or nonprofit organization to earn overtime wages for hours worked as an employee only and continues to exclude hours worked on a volunteer basis from overtime wage requirements.

*Patron - McGuire*

**[F] HB171 Minimum wage.** Repeals certain provisions of the Code of Virginia related to increasing the state minimum wage to more than \$11.00 per hour. The bill also repeals provisions related to increasing the state minimum wage based on an annual adjusted minimum wage determined by the Department of Labor and Industry.

*Patron - Marshall*

**[F] HB296 Minimum wage; definition of wages.** Amends the definition of "wages" for the purposes of the Virginia Minimum Wage Act such that "wages" includes the reasonable cost to an employer of providing payments for health care benefits to an employee, provided that the employee is paid a cash wage at a rate not less than the greater of \$11.00 per hour or the federal minimum wage.

*Patron - McNamara*

**[F] HB320 Minimum wage.** Repeals certain provisions of the Code of Virginia related to increasing the state minimum wage to more than \$11.00 per hour. The bill also repeals provisions related to increasing the state minimum wage based on an annual adjusted minimum wage determined by the Department of Labor and Industry.

*Patron - Freitas*

**[F] HB335 Public employees; independent bargaining.** Permits independent bargaining by public employees who are employed by a county, city, or town that has adopted an ordinance or resolution providing for collective bargaining by public employees. The bill prevents agreements between employee associations and employers from applying to employees who are not members of the association and states that there shall be only one designated bargaining representative for each collective bargaining unit in a county, city, or town that has adopted an ordinance or resolution providing for collective bargaining by public employees.

*Patron - Freitas*

**[F] HB336 Public employees; bargaining representative certification.** Provides that, in a locality that has authorized collective bargaining by ordinance or resolution, a bargaining representative must be selected for each collective bargaining unit determined to be appropriate by the governing body of the locality. The bill provides that for a bargaining representative to be certified as an exclusive representative, at least 51 percent of the public employees in a collective bargaining unit must vote for certification of the bargaining representative through a secret ballot election conducted by the governing body of the locality, and a secret ballot election shall be conducted very two years to confirm majority support for the bargaining representative. Preexisting bargaining representatives must also be certified by a vote of at least 51 percent of the affected collective bargaining unit.

*Patron - Freitas*

**[F] HB337 Public employees; compensation for union activities.** Prohibits any employer of public employees authorized to engage in collective bargaining from entering into a collective bargaining agreement to compensate any public employee or third party for an employee organization's or union's activities. Further, if a union's activities infringe on an employer's time and resources, the union must compensate the employer at a fair market value rate. The bill provides for enforcement by the Attorney General and creates a cause of action for public employees to remedy potential violations. The provisions of the bill preempt inconsistent local laws and regulations.

*Patron - Freitas*

**[F] HB341 Public employees; labor union dues deduction authorization.** Requires consent by public employees authorized to engage in collective bargaining before union or employee association dues are deducted from the employees' pay directly by their employers. The bill allows public employees to stop paying union or employee association dues at any time and gives public employees an annual opportunity to reconfirm that they want to continue union or employee association membership and pay such dues. The bill provides that if an employee does not reconfirm then the dues deduction must cease.

*Patron - Freitas*

**[F] HB461 Employee protections; medicinal use of cannabis oil.** Amends the provision that prohibits an employer from discriminating against an employee for such employee's lawful use of cannabis oil under the laws of the Common-

wealth, 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, with certain exceptions. Under the bill, the term "employer" includes the Commonwealth and any of its political subdivisions or agencies.

*Patron - Helmer*

**[F] HB510 Employer medical mandates; cause of action.** Provides for a cause of action for any employee who suffers any adverse reaction or injury sustained by reason of a medical mandate, defined in the bill, issued by the employer as a condition of employment. The bill provides that in any such action the employee may recover compensatory damages, punitive damages, and reasonable attorney fees and costs.

*Patron - March*

**[F] HB529 Labor and employment; misclassification of workers.** Establishes criteria for classifying the difference between employees and independent contractors based on either (i) the common law 20-factor test established in Internal Revenue Service Ruling 87-41, (ii) an applicable determination of the Internal Revenue Service, or (iii) satisfaction of specific criteria for classifying a person as an independent contractor as described in the bill.

*Patron - Batten*

**[F] HB580 Covenants not to compete; health care professionals; civil penalty.** Adds health care professionals as a category of employee with whom no employer shall enter into, enforce, or threaten to enforce a covenant not to compete. The bill defines "health care professional" as any physician, nurse, nurse practitioner, physician's assistant, pharmacist, social worker, dietitian, physical and occupational therapist, and medical technologist authorized to provide health care services in the Commonwealth. The bill provides that any employer that violates the prohibition against covenants not to compete with an employee health care professional is subject to a civil penalty of \$10,000 for each violation.

*Patron - VanValkenburg*

**[F] HB676 Fair Labor Standards Act waiver; employees with disabilities.** Removes the provision of the Code stating that any person who is paid pursuant to Section 14(c) of the Fair Labor Standards Act is not considered an employee for the purposes of the Virginia Minimum Wage Act.

*Patron - Hope*

**[F] HB757 Employment; anti-harassment training requirement.** Requires each employer with five or more employees, including the Commonwealth and its political subdivisions, to provide training regarding sexual harassment and workplace discrimination by January 1, 2023. The bill includes specific training requirements for supervisory and nonsupervisory employees, seasonal and temporary employees who are hired to work for less than six months, and migrant and seasonal agricultural workers. The training required under the bill must be provided by an educator or human resources professional and must include a method for employees to electronically save a certificate of completion. The bill requires the Department of Labor and Industry to make online training courses available on its website by January 1, 2023.

*Patron - Krizek*

**[F] HB790 Collective bargaining; law enforcement; transparency and accountability.** Prohibits a county, city, or town from entering into a collective bargaining contract with a labor union or other employee association representing law-enforcement officers or employees of a law-enforcement

agency that (i) prevents the Attorney General from seeking equitable relief against a law-enforcement agency engaging in a pattern or practice of unconstitutional misconduct; (ii) includes any stipulation that delays officer interviews or interrogations after alleged wrongdoing for a set length of time; (iii) provides officers with access to evidence before interviews or interrogations about alleged wrongdoing; (iv) mandates the destruction or purging of disciplinary records from personnel files after a set length of time, or limits the consideration of disciplinary records in future employment actions; (v) prohibits the interrogation, investigation, or punishment of officers on the basis of alleged wrongdoing if a set length of time has elapsed since its alleged occurrence, or since the initiation of the investigation; (vi) prohibits supervisors from interrogating, investigating, or disciplining officers on the basis of anonymous civilian complaints; or (vii) requires arbitration of disputes related to disciplinary penalties or termination.

*Patron - LaRock*

**[F] HB851 Paid sick leave; penalty; state tax deduction.** Requires employers, as defined in the bill, to provide 40 hours of paid sick leave, prorated to reflect the average number of hours worked per week by each employee, as defined in the bill, in the previous 12 months, for all existing eligible employees and eligible employees that have been employed for at least 12 months. For eligible employees who have been employed for less than 12 months, employers must provide 20 to 40 hours of paid sick leave, prorated to reflect the expected number of hours worked per week by each employee, as determined by the employer. Employers with at least 25 but not more than 49 full-time employees receive a nonrefundable state tax deduction equivalent to 120 percent of the value of any paid sick leave provided by an employer to an employee.

Employers with existing paid sick leave policies providing at least 40 hours per year of paid sick leave are exempt from the requirements of the bill. The bill allows employers to request a hardship waiver from the Department of Labor and Industry for certain circumstances and requires employers to provide a written notice of information related to paid sick leave to each employee at the commencement of employment or by January 1, 2023. The bill requires that sick leave be available for any eligible employee to use at the commencement of employment and provides that paid sick leave may be used (i) for 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) to provide care to a family member under similar circumstances.

The law prohibits employers from taking certain retaliatory actions against employees related to paid sick leave, and the bill authorizes the Department, in the case of a knowing violation, to subject an employer to a 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 the bill and to collect specified amounts from the employer, which shall be awarded to the employee.

Many of the provisions of the bill currently apply to certain home health workers. The bill has a delayed effective date of January 1, 2023.

*Patron - Reid*

**[F] HB876 Child labor; tobacco farms; civil penalty.** Prohibits any person from employing a child under the age of



18 to work in direct contact with tobacco plants or dried tobacco leaves unless (i) the owner of the farm or other location at which such work is conducted is the child's parent, grandparent, or legal guardian or (ii) the child's parent or legal guardian has consented in writing to such employment.

*Patron - Lopez*

**[F] HB883 Project labor agreements; prevailing wage; collective bargaining for employees of local governments.** Provides that state agencies, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, paid for in whole or in part by state funds, shall neither require nor prohibit bidders to enter into or adhere to agreements with one or more labor organizations on the public works projects. The bill removes requirements for the payment of prevailing wage for work performed on public works contracts for state agencies. In addition, the bill removes the authority for a locality, by a local ordinance or resolution, to recognize any labor union or other employee association as a bargaining agent of any public officers or employees or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents.

*Patron - Byron*

**[F] HB934 Employer-mandated vaccinations for COVID-19; required exemptions; civil penalties.** Prohibits an employer from requiring its employees to receive a vaccine for the prevention of COVID-19 unless such employer provides individual exemptions that allow an employee to opt out from such requirement on the basis of (i) medical reasons, including pregnancy or anticipated pregnancy; (ii) religious reasons; (iii) immunity from COVID-19; (iv) periodic testing; or (v) the use of employer-provided personal protective equipment. The bill provides requirements for an employee to claim such exemptions. The bill prohibits an employer from discrimination against an employee who claims such an exemption. The bill also provides for civil penalties not to exceed \$10,000 by an employer with fewer than 100 employees or \$50,000 by an employer with 100 or more employees for violations of the bill's requirements.

*Patron - LaRock*

**[F] HB997 Paid sick leave; home health workers providing agency-directed services.** Requires employers to provide paid sick leave to home health workers who provide agency-directed services. Under current law, employers are only required to provide paid sick leave to home health workers who provide consumer-directed services. The bill provides that "employer" includes the Commonwealth, any of its agencies, institutions, or political subdivisions, and any public body.

*Patron - Guzman*

**[F] HB1017 Overtime; compensable hours worked; compensatory time.** Defines compensable hours worked, for the purposes of the Virginia Overtime Wage Act, as the amount of time an employee is on duty or at a prescribed place of work and any time an employee is suffered or permitted to work. The bill states that such time shall include work performed at home, travel time, waiting time, and training and probationary periods. Under the bill, an employee may elect, during any probationary period of employment, to receive compensatory time in lieu of overtime pay. As used in the bill, compensatory time is the time an employee works beyond his regular schedule that is authorized by the employee's employer to be used as paid time off.

*Patron - Guzman*

**[F] HB1040 Minimum wage; small employers.** Exempts employers that are individuals or entities with 10 or fewer employees from the state minimum wage requirements.

*Patron - Scott, P.A.*

**[F] HB1143 Virginia Overtime Wage Act.** Provides that for the purposes of the Virginia Overtime Wage Act, the term "employee" does not include certain persons excluded from the definition of "employee" under the federal Fair Labor Standards Act (the federal act). The bill provides that an employer may assert an exemption to the overtime requirement of the Virginia Overtime Wage Act for employees who meet certain exemptions set forth in the federal act. The bill also provides that a public agency, as defined in the federal act, may provide an employee compensatory time off in lieu of overtime compensation, in accordance with the federal act.

*Patron - Byron*

**[F] HB1160 Paid sick leave; health care providers and grocery store workers.** Requires employers to provide paid sick leave to health care providers, grocery store workers, and home health workers who provide agency-directed services. Under current law, employers are only required to provide paid sick leave to home health workers who provide consumer-directed services. The bill removes requirements that workers work on average at least 20 hours per week or 90 hours per month to be eligible for paid sick leave. Additionally, the bill provides that certain health care providers may waive their right to accrue and use paid sick leave and provides an exemption for certain other health care providers.

*Patron - Mundon King*

**[F] HB1220 Right to unionize.** 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 - Clark*

**[F] SB173 Minimum wage.** Repeals certain provisions of the Code of Virginia related to increasing the state minimum wage to more than \$11.00 per hour. The bill also repeals provisions related to increasing the state minimum wage based on an annual adjusted minimum wage determined by the Department of Labor and Industry.

*Patron - Peake*

**[F] SB179 Virginia Human Rights Act; employee safety; definition changes.** Amends the definitions of "domestic worker" to exclude babysitters, nannies, caretakers, home health aides, and personal care aids; "employer" to one who employs at least three persons; and "domestic service" to exclude services performed by companions.

*Patron - Peake*

**[F] SB189 Employer-mandated vaccinations for COVID-19; discrimination prohibited; civil penalties.** Prohibits an employer from requiring its employees to receive a vaccine for the prevention of COVID-19. The bill prohibits an employer from discrimination against an employee because the employee has or has not received a vaccine for the prevention of COVID-19. The bill also provides for civil penalties not to exceed \$10,000 by an employer with fewer than 100 employees.

ees or \$50,000 by an employer with 100 or more employees for each violation of the bill's provisions.

*Patron - Chase*

**[F] SB244 Organ donors; unpaid leave; civil penalty.** Requires that an employer that employs 15 or more employees provide eligible employees with (i) up to 60 business days of unpaid organ donation leave in any 12-month period to serve as an organ donor and (ii) up to 30 business days of unpaid organ donation leave in any 12-month period to serve as a bone marrow donor. The bill requires the employer to restore the employee's position following the leave, to continue to provide coverage for the employee under any health benefit plan, and to pay the employee any commission earned prior to the leave. The bill prohibits the employer from taking retaliatory action against the employee for taking organ donation leave. The bill requires the Commissioner of Labor and Industry to enforce its provisions and provides for civil penalties for violations of its requirements.

*Patron - Hashmi*

**[F] SB264 Collective bargaining for public employees.** Provides for collective bargaining by public employees. The bill creates the Public Employee Relations Board, which will determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The measure requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The measure repeals a provision enacted in 2013 that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement.

*Patron - Hashmi*

**[F] SB331 Overtime pay requirements; volunteers.** Permits individuals who work as both employees and on a volunteer basis for a public body, church, or nonprofit organization to earn overtime wages for hours worked as an employee only and continues to exclude hours worked on a volunteer basis from overtime wage requirements.

*Patron - Reeves*

**[F] SB352 Paid sick leave; health care providers and grocery store workers.** Requires employers to provide paid sick leave to health care providers and grocery store workers. Under current law, employers are only required to provide paid sick leave to certain home health workers. The bill removes requirements that workers work on average at least 20 hours per week or 90 hours per month to be eligible for paid sick leave. The bill provides that certain health care providers may waive their right to accrue and use paid sick leave and provides an exemption for certain other health care providers. The bill requires the Department of Labor and Industry to develop guidelines for retail employers that sell groceries to provide sick leave and to publish such guidelines by December 1, 2022. The provisions of the bill other than the requirement for the Department of Labor and Industry to develop guidelines have a delayed effective date of January 1, 2023. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Surovell*

**[F] SB365 Virginia Overtime Wage Act.** Provides that for the purposes of the Virginia Overtime Wage Act, the term "employee" does not include certain persons excluded from the

definition of "employee" under the federal Fair Labor Standards Act (the federal act). The bill provides that an employer may assert an exemption to the overtime requirement of the Virginia Overtime Wage Act for employees who meet certain exemptions set forth in the federal act. The bill also provides that a public agency, as defined in the federal act, may provide an employee compensatory time off in lieu of overtime compensation, in accordance with the federal act.

*Patron - Stuart*

**[F] SB374 Project labor agreements; prevailing wage; collective bargaining for employees of local governments.** Repeals certain provisions of the Code that (i) require contractors and subcontractors under any public contract with a state agency or certain localities to pay the prevailing wage rate; (ii) authorize any public body, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects; and (iii) authorize a locality to recognize any labor union or other employee association as a bargaining agent of any public officers or employees or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents.

*Patron - Obenshain*

**[F] SB447 Wage or salary history inquiries prohibited; civil penalty.** Prohibits a prospective employer from (i) seeking the wage or salary history of a prospective employee; (ii) relying on the wage or salary history of a prospective employee in determining the wages or salary the prospective employee is to be paid upon hire; (iii) relying on the wage or salary history of a prospective employee in considering the prospective employee for employment; (iv) refusing to interview, hire, employ, or promote a prospective employee or otherwise retaliating against a prospective employee for not providing wage or salary history; and (v) failing or refusing to provide a prospective employee the wage or salary range for the position for which the prospective employee is applying prior to discussing compensation and at any time upon the prospective employee's request. The bill establishes a cause of action for an aggrieved prospective employee or employee and provides that an employer that violates such prohibitions is liable to the aggrieved prospective employee or employee for statutory damages between \$1,000 and \$10,000 or actual damages, whichever is greater, reasonable attorney fees and costs, and any other legal and equitable relief as may be appropriate. The bill also provides for civil penalties for violations not to exceed \$1,000 for a first violation, \$2,000 for a second violation, and \$4,000 for a third or subsequent violation. The bill has a delayed effective date of July 1, 2023.

*Patron - Boysko*

**[F] SB465 Employee protections; candidacy for or service in the General Assembly.** Prohibits an employer from discharging, disciplining, threatening, discriminating against, or penalizing an employee, or taking other retaliatory action regarding an employee's compensation, terms, conditions, location, or privileges of employment, because the employee is a candidate for the General Assembly or serves as a member of the General Assembly. The bill provides that a person who alleges a violation of this prohibition may bring a civil action seeking injunctive relief, reinstatement, and compensation for lost wages, benefits, and other remuneration.

*Patron - Surovell*

**[F] SB624 Paid sick leave; home health workers providing agency-directed services.** Requires employers to provide paid sick leave to home health workers who provide agency-directed services. Under current law, employers are

only required to provide paid sick leave to home health workers who provide consumer-directed services. The bill provides that "employer" includes the Commonwealth, any of its agencies, institutions, or political subdivisions, and any public body. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Favola*

**[F] SB721 Public employees; labor union dues deduction authorization.** Requires consent by public employees authorized to engage in collective bargaining before union or employee association dues are deducted from the employees' pay directly by their employers. The bill allows public employees to stop paying union or employee association dues at any time and gives public employees an annual opportunity to reconfirm that they want to continue union or employee association membership and pay such dues. The bill provides that if an employee does not reconfirm then the dues deduction must cease.

*Patron - Obenshain*

## Carried Over

**[C] HB692 Apprenticeship Council; authority.** Expands the duties of the Apprenticeship Council to include determining standards and regulations for pre-apprenticeship programs and advising the Commissioner of the Department of Labor and Industry on how to innovate and expand apprenticeship-related instruction and opportunities across the Commonwealth.

*Patron - Keam*

## Libraries

### Passed

**[P] HB468 Local and regional libraries; Botetourt County.** Adds Botetourt County to the list of localities that are not required to establish a library board.

*Patron - Austin*

### Failed

**[F] HB13 Libraries; assessment for costs in civil actions; disbursement for law libraries.** Increases from \$4 to \$7 the maximum assessment a county, city, or town may make as part of the costs incident to each civil action filed in the courts located within its boundaries. Such funds are disbursed by a locality's governing body for the establishment, use, and maintenance of its law library.

*Patron - Anderson*

## Military and Emergency Laws

### Passed

**[P] HB158 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. This bill is identical to SB 4. This bill received Governor's recommendations.

*Patron - Byron*

**[P] HB231 Military personnel; leaves of absence.** Increases, from 15 to 21 days, the number of days a member of the armed services, reserves, National Guard, Virginia Defense Force, or National Defense Executive Reserve shall be entitled to paid leave for military duties. The bill applies only to individuals who are employed by the Commonwealth or a political subdivision of the Commonwealth.

*Patron - Orrock*

**[P] SB4 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. This bill incorporates SB 166 and SB 731 and is identical to HB 158. This bill received Governor's recommendations.

*Patron - Suetterlein*

**[P] SB60 Powers and duties of political subdivisions; emergency management assessment.** Provides that all political subdivisions shall provide an annually updated emergency management assessment and data related to emergency sheltering capabilities to the State Coordinator of Emergency Management on or before August 1 of each year. Under current law, such assessment and data is due to the State Coordinator of Emergency Management on or before May 1 of each year.

*Patron - Hackworth*

**[P] SB353 Emergency Shelters Upgrade Assistance Grant Fund.** Allows funds in the Emergency Shelters Upgrade Assistance Grant Fund to be paid to entities outlined in local shelter plans to install, maintain, or repair infrastructure for backup energy generation for emergency shelters, including solar energy generators, and improve the hazard-specific structural integrity of shelter facilities owned by the locality or identified in the shelter plan of the locality. This bill incorporates SB 521.

*Patron - Vogel*

**[P] SB719 Department of Military Affairs; health care insurance premiums for members of Virginia National Guard or Virginia Defense Force.** Provides that the Department of Military Affairs shall have the power to pay the employer portion of health care premiums for any member of the Virginia National Guard or Virginia Defense Force when certain circumstances are met. The bill requires the Department to establish policies, procedures, and protocols to implement and record such payments and to report annually to the Secretary of Veterans and Defense Affairs all such payments made. This bill is identical to HB 642.

*Patron - Cosgrove*

## Failed

**[F] HB57 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 adjournment of the regular session of the General Assembly. The bill contains technical amendments.

*Patron - Anderson*

**[F] HB151 Emergency laws; powers and duties of Governor; executive orders.** Limits the Governor's powers as the Director of Emergency Management by requiring that emergency rules, regulations, and executive orders be objectively necessary and required to control, restrict, allocate, or regulate the use, sale, production, and distribution of food, fuel, clothing and other commodities, materials, goods, services, and resources under any state or federal emergency services programs, rather than necessary in the Governor's judgment. The bill also prohibits an emergency executive order from establishing any moratoriums on the payment of rent to landlords in the Commonwealth unless pursuant to a confirmed order of quarantine or isolation. Finally, the bill limits the duration of any executive order issued by the Governor to no more than 45 days from the date of issuance and 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 - March*

**[F] HB183 Powers and duties of Governor; limitation on duration of executive orders.** Limits the duration of any executive rule, regulation, or order issued by the Governor to the completion of the Governor's term in office. Under current law, once issued, such executive orders are effective until June 30 following the next adjournment of the regular session of the General Assembly. The bill contains technical amendments.

*Patron - Marshall*

**[F] HB302 Emergency Services and Disaster Law; limitation on duration of executive orders.** Provides that no rule, regulation, or order issued declaring a state of emergency may remain effective for more than seven days without approval of at least two-thirds of all members elected to each house of the General Assembly. The bill also provides that a rule, regulation, or order issued declaring a state of emergency may be renewed but not for longer than 30 days without the approval of at least two-thirds of all members elected to each house of the General Assembly. The bill contains technical amendments.

*Patron - Freitas*

**[F] HB570 Emergency Shelters Upgrade Assistance Grant Fund.** Allows funds in the Emergency Shelters Upgrade Assistance Grant Fund to be paid to entities outlined in local shelter plans to install, maintain, or repair infrastructure for backup energy generation for emergency shelters, including solar energy generators, and improve the hazard-spe-

cific structural integrity of shelter facilities owned by a locality or identified in the shelter plan of a locality.

*Patron - Scott, D.L.*

**[F] HB664 Public utilities; delay of termination of service; serious medical condition; report.** Requires the State Corporation Commission to establish by regulation exemptions to termination of service by a public utility that provides electric, gas, water, and wastewater services for certain customers. The bill requires such regulations to require a public utility to delay termination of service for any residential customer (i) who has not filed a serious medical condition form with the public utility for 15 calendar days, upon oral or written notification from the residential customer that such customer or a family member residing with the customer has a serious medical condition; for such customers, the utility shall delay disconnection for at least 60 calendar days upon receiving a serious medical condition form during the 15-day period; (ii) who has filed a serious medical condition form with the public utility; for at least 60 days beyond the expiration of any required notice; (iii) who is experiencing financial hardship and whose serious medical condition will last beyond the 60-calendar-delay period described in clause (ii); for such customers, the utility shall work to establish a payment plan and make all due effort to avoid service termination; or (iv) who certifies to the utility that the customer's household includes primary residents who are not younger than 65 years of age, not older than 12 months of age, or have a disability; for a minimum of 60 calendar days beyond the expiration of any required notice. The bill requires such regulations to permit a residential customer to delay termination of service up to three times within a 12-month period. Each public utility subject to the bill shall report monthly by the fifteenth day of each month information related to serious medical condition forms, exemptions from disconnections granted under the provisions of the bill, and payment plans with customers.

*Patron - Kory*

**[F] HB754 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 60 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 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 adjournment of the regular session of the General Assembly. The bill contains technical amendments.

*Patron - Adams, L.R.*

**[F] HB810 Powers and duties of political subdivisions; emergency management assessment.** Provides that all political subdivisions shall provide an annually updated emergency management assessment and data related to emergency sheltering capabilities to the State Coordinator of Emergency Management on or before August 1 of each year. Under current law, such assessment and data is due to the State Coordinator of Emergency Management on or before May 1 of each year.

*Patron - Price*

**[F] HB835 Emergency Services and Disaster Law; limitation on duration of executive orders.** 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, nonprofit entity, or individual for a period more than 45 days in duration unless the

General Assembly votes by a two-thirds majority to approve a period longer than 45 days. If the General Assembly does not approve such extension, the Governor is prohibited from issuing a rule, regulation, or order for the same 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. The bill contains technical amendments.

*Patron - Wilt*

**[F] HB841 Disaster or emergency; disconnection prohibitions for certain utilities.** Prohibits electric, gas, water, and wastewater utilities from disconnecting service to a residential customer for nonpayment of bills or fees during a declared state of emergency, emergency, major disaster, disaster, resource shortage, or local emergency, as those terms are defined in the Code. The prohibition lasts for 60 days after the state of emergency, emergency, major disaster, disaster, resource shortage, or local emergency has ended or state or local officials determine that the prohibition need no longer be in place.

*Patron - Lopez*

**[F] HB1039 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 30 days from the date of issuance unless the General Assembly votes to approve a period longer than 30 days by a two-thirds majority of all members elected to each house. If a special session is called to address the emergency, it shall take place by electronic means only. Under current law, once issued, such executive orders are effective until June 30 following the next adjournment of the regular session of the General Assembly. The bill contains technical amendments.

*Patron - Scott, P.A.*

**[F] HB1044 Burial fees for military spouses.** Provides that, from such funds as may be appropriated, the Commonwealth shall pay the burial fees for any spouse or surviving spouse of an active duty member or veteran of the United States Armed Forces buried at a veterans cemetery operated by the Department of Veterans Services.

*Patron - Guzman*

**[F] HB1054 Disaster or emergency; weather extremes; disconnection prohibitions for certain utilities; residential customers; report.** Prohibits telecommunications electric, gas, water, and wastewater utilities and broadband companies from disconnecting service to a residential customer for nonpayment of bills or fees during a declared state of emergency, emergency, major disaster, disaster, resource shortage, or local emergency, as those terms are defined in the Code. The bill provides that the prohibition lasts for 60 days after the state of emergency, emergency, major disaster, disaster, resource shortage, or local emergency has ended or state or local officials determine that the prohibition need no longer be in place, whichever occurs first. The bill further prohibits electric, gas, water, or wastewater utilities from disconnecting service to a residential customer for nonpayment of bills or fees during the heating period of each year, during the cooling period of each year, when the forecasted temperature low is below 32 degrees Fahrenheit or the forecasted temperature high is to exceed 95 degrees Fahrenheit, and during, as declared by the National Weather Service, a winter storm watch or warning, winter weather advisory, freeze warning, heat advisory, or excessive heat watch or warning. Prior to disconnecting a residential customer for the nonpayment of bills,

the utility shall apply any available resources to help reduce the customer's debt or enroll the customer in a repayment plan. Disconnections and reconnections based on a residential customer's nonpayment of bills or fees shall not involve extra fees. Under the bill, the State Corporation Commission is required to report annually on disconnections and reconnections for nonpayment of bills, beginning December 1, 2022, and report monthly certain information as described in the bill, beginning December 15, 2022.

*Patron - Shin*

**[F] HB1360 Virginia National Guard; promotion of state-sponsored group term life insurance program.** Directs the Adjutant General to facilitate and coordinate efforts to promote participation in the state-sponsored group term life insurance program offered to members of the Virginia National Guard.

*Patron - Wright*

**[F] SB166 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 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 adjournment of the regular session of the General Assembly. The bill contains technical amendments and is incorporated into SB 4.

*Patron - Peake*

**[F] SB521 Emergency Shelters Upgrade Assistance Grant Fund.** Allows funds in the Emergency Shelters Upgrade Assistance Grant Fund to be paid to entities outlined in local shelter plans to install, maintain, or repair infrastructure for backup energy generation for emergency shelters, including solar energy generators, and improve the hazard-specific structural integrity of shelter facilities owned by the locality or identified in the shelter plan of the locality. This bill is incorporated into SB 353.

*Patron - Lucas*

**[F] SB731 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 60 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 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 adjournment of the regular session of the General Assembly. The bill contains technical amendments and is incorporated into SB 4.

*Patron - Lewis*

# Mines, Minerals, and Energy

## Passed

**[P] HB774 Life cycle of renewable energy facilities; report.** Directs the State Corporation Commission, in consultation with the Department of Energy and the Department of Environmental Quality, to create a task force to analyze the life cycle of renewable energy facilities in the Commonwealth. The State Corporation Commission shall report the findings of the task force to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than May 1, 2023. This bill is identical to SB 499.

*Patron - Hodges*

**[P] HB1225 Energy performance-based contracts; roof replacement.** Allows procurement of a roof replacement as part of a larger energy conservation or operational efficiency measure if such replacement is either necessary for the installation of such measure or if the contracting entity determines that the replacement of more than 20 percent of the roof is necessary to install such measure. The bill requires such procurement to be publicly noticed on the Department of General Services' central electronic procurement website. Such procurement shall be designed by a licensed architect or professional engineer. Current law prohibits the inclusion of a roof replacement project as part of an energy performance-based contract. This bill is identical to SB 13.

*Patron - Bulova*

**[P] SB13 Energy performance-based contracts; roof replacement.** Allows procurement of a roof replacement as part of a larger energy conservation or operational efficiency measure if such replacement is either necessary for the installation of such measure or if the contracting entity determines that the replacement of more than 20 percent of the roof is necessary to install such measure. The bill requires such procurement to be publicly noticed on the Department of General Services' central electronic procurement website. Such procurement shall be designed by a licensed architect or professional engineer. Current law prohibits the inclusion of a roof replacement project as part of an energy performance-based contract. This bill is identical to HB 1225.

*Patron - Favola*

**[P] SB499 Life cycle of renewable energy facilities; report.** Directs the State Corporation Commission, in consultation with the Department of Energy and the Department of Environmental Quality, to create a task force to analyze the life cycle of renewable energy facilities in the Commonwealth. The State Corporation Commission shall report the findings of the task force to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than May 1, 2023. This bill is identical to HB 774.

*Patron - Lewis*

## Failed

**[F] HB250 Mining and processing of certain minerals and elements; study; permitting.** Directs the Secretaries of Natural and Historic Resources, Health and Human Resources, and Commerce and Trade to convene a work group to study the mining and processing of copper, zinc, and lead in the Com-

monwealth and to report its findings to the General Assembly by December 1, 2023. The bill also places a moratorium until July 1, 2024, on the issuance of new permits to operate a mine for gold, copper, zinc, or lead of an area larger than 10 acres.

*Patron - Simonds*

**[F] HB351 Driving Decarbonization Program and Fund.** Establishes the Driving Decarbonization Program and Fund to assist developers with non-utility costs associated with the installation of electric vehicle charging stations. A developer is eligible to receive grants of 50 to 70 percent of the non-utility costs, depending on where the charging station is located in the Commonwealth. The total amount of grants awarded in a fiscal year is capped at \$20 million, with at least \$5 million in grants reserved for charging stations located in historically economically distressed communities.

*Patron - Sullivan*

**[F] HB1171 Commonwealth Clean Energy Financing Authority and Fund; established.** Establishes the Commonwealth Clean Energy Financing Authority and the Commonwealth Clean Energy Financing Authority Fund to increase private investment in clean energy and resiliency projects in the Commonwealth. The bill requires the Authority to ensure that the projects and programs financed complement the goals of the Virginia Energy Plan and programs implemented by the Department of Energy, Department of Housing and Community Development, Department of Conservation and Recreation, and other relevant public and private entities. The bill requires that at least 40 percent of the resources deployed through the Authority are directed to historically economically disadvantaged communities. The bill provides that the Authority will have a total membership of 11 members that consist of nine nonlegislative citizen members and the Director of the Department of Energy and the Director of the Department of Housing and Community Development or their designees as ex officio members. The bill includes general powers and duties of the Authority, including submission of an annual report. The bill also includes various requirements for notes and bonds issued by the Authority.

*Patron - Kory*

**[F] HB1355 Moratorium on fossil fuel projects.** Establishes a moratorium, effective January 1, 2023, 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 a fossil fuel resource; (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 a fossil fuel resource for the purpose of transporting such fuel; and (viii) exploration for any type of fossil fuel, unless preempted by federal law. The bill requires the establishment of transitional assistance for workers in the fossil fuel industry and affected communities.

*Patron - Kory*

**[F] SB625 Low-to-Moderate Income Solar Loan and Rebate Fund and Pilot Program; financial incentives.** Provides that the purpose of the Low-to-Moderate Income Solar Loan and Rebate Fund and the Low-to-Moderate Income Solar Loan and Rebate Pilot Program is to provide financial incentives, which may include grants, loans, rebates, and other inducements, to electric customers who complete solar installations and energy efficiency projects and renames the Fund and Program to the Low-to-Moderate Income Solar Financial

Incentives Fund and Pilot Program to reflect such purpose. Under current law, the Fund and Program may only offer loans and rebates to customers who complete either solar installations or energy efficiency projects. The bill reassigns the duty to accept and review applications to the Program for such financial incentives from the Clean Energy Advisory Board to the Director of the Department of Energy. The bill updates references to the Maryland-DC-Delaware-Virginia Solar Energy Industries Association with the association's new name, the Chesapeake Energy Storage and Solar Association.

*Patron - Favola*

**[F] SB708 Driving Decarbonization Program and Fund.** Establishes the Driving Decarbonization Program and Fund to assist developers with non-utility costs associated with the installation of electric vehicle charging stations. A developer is eligible to receive grants of 50 to 70 percent of the non-utility costs, depending on where the charging station is located in the Commonwealth. The total amount of grants awarded in a fiscal year is capped at \$20 million, with at least \$5 million in grants reserved for charging stations located in historically economically distressed communities.

*Patron - Marsden*

## Motor Vehicles

### Passed

**[P] HB40 Disabled veteran special license plate; surviving spouse.** Authorizes a disabled veteran special license plate issued to a disabled veteran to be transferred, upon his death, to his unmarried surviving spouse.

*Patron - Scott, P.A.*

**[P] HB67 Projecting vehicle loads; flagging.** Requires any commercial motor vehicle transporting a load that extends beyond the sides of the vehicle by more than four inches or beyond the rear of a vehicle by more than four feet to have the extremities of the load marked by one or more red or orange fluorescent warning flags, located as specified in the bill, at least 18 inches both in length and width. The bill has a delayed effective date of July 1, 2023.

*Patron - Edmunds*

**[P] HB88 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 - Wachsmann*

**[P] HB179 Department of Motor Vehicles; permanent farm use placard.** Requires an owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, and decal requirements for a motor vehicle, trailer, or semi-trailer to obtain a nontransferable permanent farm use placard from the Department of Motor Vehicles and to display the farm use placard on the vehicle at all times. The bill requires the applicant to provide specified information about the vehicle and its usage, pay a \$15 fee, and certify that the vehicle is insured. The provisions of the bill requiring the owner or lessee of a farm vehicle to obtain and display a farm use placard have a delayed effective date of July 1, 2023. This bill incorporates HB 33 and is identical to SB 186.

*Patron - Bloxom*

**[P] HB259 Motor vehicle dealers and manufacturers; compensation for recall, warranty, and maintenance obligations.** Provides that manufacturer or distributor compensated parts, service, diagnostic work, and updates to a vehicle accessory or function are subject to compensation related to recall and warranty. The bill excludes certain parts and services from consideration in calculating recall and warranty compensation and clarifies what is required of manufacturers and dealers in compensating motor vehicle dealers for recall and warranty parts and service. This bill is identical to SB 216. This bill received Governor's recommendations.

*Patron - Wyatt*

**[P] HB316 Independent dealer-operator recertification.** Codifies existing Motor Vehicle Dealer Board regulations related to independent dealer-operator recertification and revises the process established by regulation by (i) requiring recertification every 24 months instead of every 36 months; (ii) changing the training requirement from completing a six-hour course to completing a live four-hour instructor-led course and passing an examination, administered in person or virtually; (iii) increasing the permissible course fee from \$250 to \$300; (iv) increasing the recertification application fee from \$25 to \$50; and (v) exempting from the requirements of clause (ii) independent dealer-operators who complete a training program approved by the Executive Director of the Motor Vehicle Dealer Board and administered by a dealer that employs at least 50 licensed salespersons in the Commonwealth.

*Patron - Wyatt*

**[P] HB386 Potomac River Bridge Towing Compact.** Adds the Arland D. Williams, Jr. Memorial Bridge to the Potomac River bridges subject to the Potomac River Bridge Towing Compact to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving the District of Columbia, Maryland, and Virginia appropriate authority anywhere on the bridges. The effective date of this amendment to the Compact is contingent upon enactment of substantially similar legislation by the State of Maryland and the District of Columbia. The bill contains technical amendments. This bill is identical to SB 131.

*Patron - Sullivan*

**[P] HB450 Parking of vehicles; electric vehicle charging spots; civil penalties.** Prohibits a person from parking a vehicle not capable of receiving an electric charge in a space clearly marked as reserved for charging electric vehicles. A violation is subject to a civil penalty of no more than \$50. This bill is identical to SB 278. This bill received Governor's recommendations.

*Patron - Bennett-Parker*

**[P] HB530 Driver training.** Authorizes governmental entities, including comprehensive community colleges in the Virginia Community College System, certified as third party testers to test and train drivers employed by another governmental entity or enrolled in a commercial driver training course offered by a community college. The bill repeals the prohibition on applicants 18 years of age and older retaking skills tests within 15 days. Current law authorizes such reexamination upon payment of a \$2 fee. The bill makes immediate instead of contingent on federal regulations the repeal of certain provisions requiring an applicant to, after failing the behind the wheel examination for a third time, take a course prior to reexamination. The bill clarifies that no law or regulation safeguarding driver testing information shall be construed to prohibit (i) the possession, use, or provision of the Department of Motor Vehicles' driver's license examination questions by or to any person for the purpose of administering a knowledge



examination or (ii) the Department from making sample examination questions available to the public or the public from possessing sample examination questions.

*Patron - Batten*

**P HB540 Driver's license; extension of validity.** Extends (i) from three years to six years the period for which a driver's license extension may be granted to certain persons in service to the United States government and (ii) from one year to two years the period for which a driver's license extension may be granted for good cause shown.

*Patron - Roem*

**P HB553 Secretary of Transportation; commercial driver's licenses.** Directs the Secretary of Transportation, in consultation and working with various agencies of the Commonwealth, to promote and implement various initiatives related to commercial driver's licenses. The bill sunsets on July 1, 2023.

*Patron - O'Quinn*

**P HB632 Exhaust systems; excessive noise.** Makes certain secondary offenses related to loud exhaust systems that are not in good working order primary offenses and exempts local ordinances related to such exhaust systems from the prohibition on law-enforcement officers stopping a vehicle for a violation of a local ordinance unless it is a jailable offense.

*Patron - Carr*

**P HB641 Transportation network companies; cash fares.** Authorizes the collection of cash fares by a transportation network company partner if the ride is arranged through a transit system for an eligible paratransit passenger. The bill sets certain receipt and accounting requirements.

*Patron - Carr*

**P HB693 Vehicle registration; personal property tax relief.** Requires the application for vehicle registration to include any additional information necessary to determine if a vehicle is a qualifying vehicle for the purpose of personal property tax relief. The bill requires vehicles held in a trust to be evaluated in the same manner as vehicles owned by a natural person.

*Patron - Keam*

**P HB703 Special license plates; localities.** Authorizes localities to pay the initial issuance fee costs for the development and issuance of special license plates displaying the seal, symbol, emblem, or logotype of the locality in lieu of collecting 350 paid applications for such license plates.

*Patron - Keam*

**P HB793 Traffic incident management vehicles.** Authorizes traffic incident management vehicles, defined in the bill, operated by persons who complete certain training and recertification requirements to be equipped with flashing red or red and white secondary warning lights. This bill is identical to SB 450.

*Patron - LaRock*

**P HB920 Careless driving; vulnerable road users.** Provides that a person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes the death or serious bodily injury of a vulnerable road user. Current law only imposes the penalty if such careless or distracted operation causes serious bodily injury to the vulnerable road user. The bill also allows a court to suspend the driver's license or restrict the driver's license of a person convicted of

careless driving for up to six months. This bill is identical to SB 247.

*Patron - Kilgore*

**P HB1050 Issuance of original driver's licenses to minors.** Authorizes the chief juvenile and domestic relations district court judge to waive the ceremonial requirements for the issuance within the district of original driver's licenses to minors or order that the licensing ceremony be conducted in an alternative manner. This bill incorporates HB 852 and is identical to SB 139.

*Patron - Leftwich*

**P HB1092 Nonrepairable and rebuilt vehicles; sunset.** Repeals the sunset clause for certain amendments related to definitions of nonrepairable and rebuilt vehicles. As enacted in 2017, the amendments would have expired on July 1, 2021. However, language in Item 436 of Chapter 552 of the Acts of Assembly of 2021, Special Session I (the Appropriation Act), provided that, notwithstanding any other law, the amendments would remain in place until July 1, 2022. The bill makes the amendments permanent.

*Patron - Kilgore*

**P HB1146 Commercial driver's license examinations.** Authorizes governmental entities, including comprehensive community colleges in the Virginia Community College System, certified as third party testers to test and train drivers employed by another governmental entity or enrolled in a commercial driver training course offered by a community college. The bill extends the validity of a skills test certification from 60 days to six months. This bill incorporates HB 628.

*Patron - Bell*

**P SB34 Electronic credentials; fee.** Makes discretionary the amount of the fee, up to \$10 per year, assessed by the Department of Motor Vehicles for each individual issued electronic credentials or granted access to an electronic credential. Under current law, the fee is fixed at \$10 per year. The bill authorizes the Department to issue electronic registration cards to individuals who hold a valid physical registration card and clarifies when a physical registration card is required.

*Patron - Marsden*

**P SB139 Issuance of original driver's licenses to minors.** Authorizes the chief juvenile and domestic relations district court judge to waive the ceremonial requirements for the issuance within the district of original driver's licenses to minors or order that the licensing ceremony be conducted in an alternative manner. This bill is identical to HB 1050.

*Patron - Edwards*

**P SB186 Department of Motor Vehicles; permanent farm use placard.** Requires an owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, and decal requirements for a motor vehicle, trailer, or semi-trailer to obtain a nontransferable permanent farm use placard from the Department of Motor Vehicles and to display the farm use placard on the vehicle at all times. The bill requires the applicant to provide specified information about the vehicle and its usage, pay a \$15 fee, and certify that the vehicle is insured. The provisions of the bill requiring the owner or lessee of a farm vehicle to obtain and display a farm use placard have a delayed effective date of July 1, 2023. This bill is identical to HB 179.

*Patron - Hanger*

**P SB212 Special license plates; United States Navy; Navy-Marine Corps Relief Society Fund.** Authorizes the issuance of revenue-sharing special license plates with a design

that incorporates the emblem of the United States Navy to active members and certain veterans of the United States Navy. The bill provides that unmarried surviving spouses of such service members may also be issued such special license plates. The bill creates the Navy-Marine Corps Relief Society Fund to utilize funds from the license plate fees to support the Navy-Marine Corps Relief Society in Virginia.

*Patron - Kiggans*

**[P] SB215 Electronic vehicle titling and registration.** Permits the Department of Motor Vehicles to expand the existing electronic titling program for new motor vehicles to all applications for original motor vehicle titles, thereby authorizing person-to-person online titling. The bill authorizes the Department to charge certain fees. The bill also allows for the online registration of such motor vehicles, allows for the issuance of a temporary certificate of registration valid for no more than 30 days, and makes discretionary the current requirement to search a nationally recognized motor vehicle title database prior to transfer of vehicle ownership.

*Patron - McPike*

**[P] SB216 Motor vehicle dealers and manufacturers; compensation for recall, warranty, and maintenance obligations.** Provides that manufacturer or distributor compensated parts, service, diagnostic work, and updates to a vehicle accessory or function are subject to compensation related to recall and warranty. The bill excludes certain parts and services from consideration in calculating recall and warranty compensation and clarifies what is required of manufacturers and dealers in compensating motor vehicle dealers for recall and warranty parts and service. This bill is identical to HB 259. This bill received Governor's recommendations.

*Patron - McPike*

**[P] SB237 Department of Motor Vehicles; mileage-based user fee program; protection of data.** Prohibits the disclosure of certain data necessary for the administration of the mileage-based user fee program and authorizes participants in the mileage-based user fee program to participate without location tracking.

*Patron - McPike*

**[P] SB247 Careless driving; vulnerable road users.** Provides that a person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes the death or serious bodily injury of a vulnerable road user. Current law only imposes the penalty if such careless or distracted operation causes serious bodily injury to the vulnerable road user. The bill also allows a court to suspend the driver's license or restrict the driver's license of a person convicted of careless driving for up to six months. This bill is identical to HB 920.

*Patron - Surovell*

**[P] SB278 Parking of vehicles; electric vehicle charging spots; civil penalties.** Prohibits a person from parking a vehicle not capable of receiving an electric charge in a space clearly marked as reserved for charging electric vehicles. A violation is subject to a civil penalty of no more than \$50. This bill is identical to HB 450. This bill was vetoed by the Governor.

*Patron - Ebbin*

**[P] SB281 Transit buses.** Exempts a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of transit buses from the requirements of obtaining a license from the Department of Motor Vehicles to engage in business. The bill also exempts transit buses from dealer's

license plate and temporary license plate requirements. This bill received Governor's recommendations.

*Patron - Ebbin*

**[P] SB301 Commercial driver's license examinations.** Authorizes governmental entities, including comprehensive community colleges in the Virginia Community College System, certified as third party testers to test and train drivers employed by another governmental entity or enrolled in a commercial driver training course offered by a community college. The bill repeals the prohibition on applicants 18 years of age and older retaking skills tests within 15 days. Current law authorizes such reexamination upon payment of a \$2 fee.

*Patron - Deeds*

**[P] SB345 Department of Motor Vehicles documents; blood type.** Directs the Department of Motor Vehicles to establish a method by which an applicant for a driver's license or identification card may indicate his blood type to be noted on his license or card for the purpose of providing emergency medical support by emergency medical services agencies. The bill prohibits the disclosure of such data and provides that the Department is not liable for the accuracy of such data. The bill has a delayed effective date of July 1, 2023. This bill received Governor's recommendations.

*Patron - Barker*

**[P] SB362 Bicycles and certain other vehicles; riding two abreast.** Prohibits persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters two abreast from impeding the normal and reasonable movement of traffic and requires such persons to move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle.

*Patron - Stuart*

**[P] SB450 Traffic incident management vehicles.** Authorizes traffic incident management vehicles, defined in the bill, operated by persons who complete certain training and recertification requirements to be equipped with flashing red or red and white secondary warning lights. This bill is identical to HB 793.

*Patron - Boysko*

**[P] SB612 Highway use fee, mileage-based user fee program; program clarifications developed by the working group.** Directs the Commissioner of the Department of Motor Vehicles to establish a process for issuing prorated refunds of mileage-based user fees to certain participants. The bill prohibits the disclosure of certain data necessary for the administration of the mileage-based user fee program and authorizes participants in the mileage-based user fee program to participate without location tracking.

*Patron - Boysko*

**[P] SB705 Towing; civil penalty.** Requires a towing and recovery operator to include the contact information of the Division of Consumer Counsel within the Office of the Attorney General on any invoice charging \$10,000 or more for towing and recovery services rendered pursuant to a lawful request for towing by a law-enforcement officer for the towing and recovery of a vehicle with a gross vehicle weight rating of greater than 26,000 pounds. The bill subjects towing and recovery operators in violation of the bill's provisions to a civil penalty of \$1,000 per violation.

*Patron - Marsden*

**[P] SB706 Heavy trucks; operation in certain weather conditions.** Prohibits operators of heavy trucks, as defined in

the bill, from using cruise control or compression release engine brakes when driving in active snow, sleet, or freezing rain. This bill was vetoed by the Governor.

*Patron - Marsden*

**[P] SB722 Improper parking.** Authorizes localities in Planning District 8 to prohibit parking a motor vehicle with its wheels fully on the curb or with its wheels straddling the curb and provides that any motor vehicle parked on a curb is subject to a fine and may be removed by or under the direction of a law-enforcement officer or parking enforcement officer. This bill was vetoed by the Governor.

*Patron - Marsden*

**[P] SB733 Exempted vehicles; insurance.** Requires motor vehicles, trailers, and semi-trailers exempted from the registration requirement to be covered by motor vehicle insurance or an umbrella or excess insurance policy. The bill requires the owner of any such motor vehicle, trailer, or semi-trailer to provide proof of insurance within 30 days when requested by a law-enforcement officer and provides that failure to do so is punishable as a traffic infraction by a fine of \$600 to be paid into the Uninsured Motorists Fund. This bill received Governor's recommendations.

*Patron - Ruff*

**[P] SB749 Antique motor vehicles and antique trailers; license plates.** Requires the Department of Motor Vehicles to accept multiple requests for the same license plate number for antique motor vehicles and antique trailers if the number combination is not currently registered on license plates embossed with the year matching the plate being requested and only one license plate with the same number combination has been issued for use after 1973 or, if the plate requested is for a motorcycle, 1976.

*Patron - McDougle*

**[P] SB753 Special license plates; THE RICHMOND PLANET.** Authorizes the issuance of special license plates commemorating the Richmond Planet newspaper bearing the legend THE RICHMOND PLANET.

*Patron - Morrissey*

**[P] SB777 Front and rear bumper height limits; emergency.** Provides that no passenger car or pickup or panel truck shall be operated on a public highway if the suspension, frame, or chassis has been modified by any means so as to cause the height of the front bumper to be four or more inches greater than the height of the rear bumper. The bill contains an emergency clause.

*Patron - Peake*

## Failed

**[F] HB33 Department of Motor Vehicles; permanent farm use placard.** Requires an owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, and decal requirements for a vehicle, trailer, or semitrailer to obtain a permanent farm use placard from the Department of Motor Vehicles. The applicant is required to show proof of insurance and a copy of the applicant's Federal Schedule F Tax Form. The Department shall not charge a fee for a farm use placard. This bill is incorporated into HB 179.

*Patron - Campbell, R.R.*

**[F] HB42 Improper driving.** Provides that a person may be charged with the offense of improper driving when his conduct is of the kind that constitutes reckless driving but when his degree of culpability is slight. Currently, a law-enforcement

officer is not able to charge a person with improper driving, but a charge of reckless driving may be reduced to improper driving by the court or the attorney for the Commonwealth.

*Patron - Anderson*

**[F] HB66 Use of utility vehicles on secondary roads.** Provides that a person with a valid driver's license and insurance may operate a utility vehicle equipped with certain equipment on secondary roads located in counties with a population of 100,000 or less.

*Patron - Edmunds*

**[F] HB79 Issuing citations; certain traffic offenses.** Removes the provisions that provide that no law-enforcement officer may 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, and the accompanying the exclusionary provisions.

*Patron - Campbell, R.R.*

**[F] HB122 Issuing citations; certain traffic offenses; exclusion of evidence.** Removes the provisions stating that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) with an expired registration sticker prior to the first day of the fourth month after the original expiration date; (ii) with defective and unsafe equipment; (iii) without tail lights or brake lights; (iv) without an exhaust system in good working order; (v) with certain signs, posters, stickers or decals; (vi) with objects or other equipment suspended so as to obstruct the driver's view; or (vii) with an expired inspection prior to the first day of the fourth month after the original expiration date, as well as the accompanying exclusionary provisions.

*Patron - Wyatt*

**[F] HB168 Special license plates; United States Air Force.** Authorizes the issuance of special license plates with a design that incorporates the emblem of the United States Air Force to active members and certain veterans of the United States Air Force. The bill provides that unremarried surviving spouses of such service members may also be issued such special license plates.

*Patron - Marshall*

**[F] HB261 Reduction of speed limits; local authority.** Authorizes localities to reduce the speed limit by up to 10 miles per hour on any highway within its boundaries if indicated by lawfully placed signs and based on a traffic engineering study and analysis. Current law authorizes localities to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district and maintained by the locality.

*Patron - Wyatt*

**[F] HB367 Exhaust systems; excessive noise.** Prohibits any individual from operating a motor vehicle with a gross weight of 10,000 pounds or less with an exhaust system that emits noise equivalent to noise in excess of 85 decibels measured from a distance of 50 feet. The bill also allows the governing body of any county, city, or town located within the Northern Virginia Planning District to provide by ordinance that no person shall operate any motor vehicle on a highway or on public or private property within 500 feet of any residential district unless such motor vehicle is equipped with an exhaust system of a type installed as standard equipment, or compara-

ble to that designed for use on that particular vehicle or device as standard factory equipment, in good working order and in constant operation to prevent excessive noise. The bill also requires the Superintendent of State Police to promulgate regulations for the inspection of motor vehicles to ensure that no motor vehicle is equipped with a gutted muffler, muffler cut-out, or straight exhaust or any mechanical or electronic device that creates or amplifies noise emitted by the motor vehicle that is louder than the noise emitted by such motor vehicle as originally manufactured.

*Patron - Watts*

**[F] HB446 Motor vehicle insurance policies; discrimination prohibited.** Prohibits any policy for motor vehicle insurance that uses any of the following characteristics of a driver as a factor in calculating auto insurance rates or determining eligibility for a policy from being issued in the Commonwealth: education, occupation, employment status, homeownership status, credit score, gender, zip code, census tract, marital status, previous insurer, or previous purchase of insurance.

*Patron - VanValkenburg*

**[F] HB506 Department of Motor Vehicles; electronic credentials.** Requires the Department of Motor Vehicles to issue electronic credentials and to create and operate a verification system for such credentials. Current law authorizes the Department to issue such credentials and operate a verification system but does not require the Department to do so.

*Patron - Mullin*

**[F] HB550 Special license plates; VIRGINIA CREEPER TRAIL CONSERVANCY.** Authorizes the issuance of revenue-sharing special license plates for supporters of the Virginia Creeper Trail Conservancy bearing the legend VIRGINIA CREEPER TRAIL CONSERVANCY.

*Patron - O'Quinn*

**[F] HB625 Vehicle safety inspection; exhaust system.** Prohibits the issuance of a safety inspection approval sticker to a vehicle that is not equipped with an exhaust system in good working order.

*Patron - Hudson*

**[F] HB628 Commercial driver's license examinations.** Authorizes school boards to issue a commercial driver's license skills test certificate to employees of other school boards. This bill is incorporated into HB 1146.

*Patron - Hudson*

**[F] HB630 Photo speed monitoring devices; locality-designated highway segments.** Authorizes localities to, by ordinance, authorize their local law-enforcement agency to place and operate photo-speed monitoring devices in certain locations named in the ordinance, provided that (i) the highway has a posted speed limit of 35 miles per hour or greater; (ii) the ordinance identifies the locality-designated speeding offense to be enforced by the photo speed monitoring device; (iii) speeding, crash, or fatality data support the need for stronger enforcement against speeding; and (iv) in counties and towns whose roads are subject to the control and jurisdiction of the Department of Transportation, the locality-designated highway segment is in the secondary state highway system. The bill directs the locality to also identify the speeding violations that may be enforced by photo speed monitoring device. Current law authorizes the use of photo speed monitoring devices in highway work zones and school crossing zones.

*Patron - Hudson*

**[F] HB633 Reduction of speed limits; local authority.** Expands the current authority of any locality to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district, provided that such reduced speed limit is indicated by lawfully placed signs, to include highways within the state highway system.

*Patron - Carr*

**[F] HB637 Duties of drivers of vehicles approaching stationary vehicles displaying certain warning lights; penalty.** Establishes a minimum fine of \$500 for a violation of the requirement for drivers to make a lane change or proceed with caution when approaching stationary vehicles displaying certain warning lights, commonly known as the "Move Over" law. The bill requires a driver who cannot change lanes safely to pass the stationary vehicle at no more than 10 miles per hour.

*Patron - Carr*

**[F] HB728 Traffic control device violation monitoring systems.** Authorizes the localities in Planning District 23 to establish a traffic control device violation monitoring system imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic control devices at any intersection deemed by the local governing body to be negatively impacted by traffic due to the Hampton Roads Bridge-Tunnel Expansion Project. The bill sunsets on July 1, 2026, or upon certification by the Secretary of Transportation that the Hampton Roads Bridge-Tunnel Expansion Project is complete, whichever is earlier. The bill contains technical amendments.

*Patron - Ward*

**[F] HB747 Photo speed monitoring devices; locality-designated highway segments.** Authorizes localities to, by ordinance, authorize their local law-enforcement agency to place and operate photo speed monitoring devices in certain locations named in the ordinance, provided that (i) the highway has a posted speed limit of 35 miles per hour or greater; (ii) the ordinance identifies the locality-designated speeding offense to be enforced by the photo speed monitoring device; (iii) speeding, crash, or fatality data support the need for stronger enforcement against speeding; (iv) in counties and towns whose roads are subject to the control and jurisdiction of the Department of Transportation, the locality-designated highway segment is in the secondary state highway system; and (v) the Superintendent of State Police, upon request of the chief law-enforcement officer for the locality, annually certifies that the speed limit on the locality-designated highway segment cannot be safely enforced without the use of a photo speed monitoring device. The bill directs the locality to also identify the speeding violations that may be enforced by a photo speed monitoring device. Current law authorizes the use of photo speed monitoring devices in highway work zones and school crossing zones.

*Patron - Bell*

**[F] HB759 Window tinting; vehicle stop.** Removes the prohibition on a law-enforcement officer from stopping a motor vehicle for a violation of provisions related to window tinting and the prohibition of evidence discovered or obtained at such stop from being admissible in court.

*Patron - Adams, L.R.*

**[F] HB838 Lane filtering; motorcycles.** Authorizes the operator of a two-wheeled motorcycle to pass another vehicle that is stopped or traveling at no more than 10 miles per hour in the same lane, provided that there are at least two lanes of travel in each direction, such motorcycle does not exceed a

speed of 20 miles per hour, and the operator executes such passing safely.

*Patron - Wilt*

**[F] HB852 Issuance of original driver's licenses to minors.** Authorizes the chief juvenile and domestic relations district court judge to waive the ceremonial requirements for the issuance within the district of original driver's licenses to minors or order that the licensing ceremony be conducted in an alternative manner. This bill is incorporated into HB 1050.

*Patron - Reid*

**[F] HB867 Private towing; one-hour limitation.** Prohibits private towing from a parking lot or area where there is no fee for parking within one hour of the vehicle's being parked. The bill creates exemptions for vehicles parked in a manner that is otherwise prohibited by law or vehicles parked in residential parking or in spaces reserved for hotel or motel guests. The bill provides that a person in violation of this requirement is civilly liable to the owner of the vehicle or his agent for double the amount of the towing and storage fees incurred. The bill requires local ordinances authorizing private towing to contain the same requirements.

*Patron - Lopez*

**[F] HB872 Electronic toll collection device; notifications.** Requires the Department of Transportation to offer holders of an E-ZPass the option to receive an electronic notification when such device passes through an electronic toll collection system. The bill requires that a customer have the option to opt in and out of such notifications, subject to verification of account privileges, online, by phone, and via the E-ZPass mobile application.

*Patron - Lopez*

**[F] HB958 Towing fees.** Applies the existing fee limitations for towing, storage, and safekeeping of passenger cars removed, towed, or stored from private property without the consent of the owner to all vehicles towed pursuant to a lawful request for towing by a law-enforcement officer or other uniformed employee of a law-enforcement agency who specifically is authorized to make such request. The bill authorizes the hookup and initial towing fee to be up to 2.5 times the amount authorized for other tows when the vehicle being towed is involved in a crash or traffic incident and is located so as to impede the orderly flow of traffic. The bill requires towing and recovery operators responding to a request for towing by a law-enforcement officer to provide to the owner or operator of the vehicle being towed a written explanation of fees charged by the towing and recovery operator. The bill provides that such fee limits shall not apply if a local governing body has established different fee limits by ordinance.

*Patron - Tran*

**[F] HB960 Issuing citations; marijuana and certain traffic offenses; exclusion of evidence.** Removes provisions that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) with an expired safety inspection or registration sticker until the first day of the fourth month after the original expiration date; (ii) with defective and unsafe equipment; (iii) without a light illuminating a license plate; (iv) without brake lights, a high mount stop light, or headlights; or (v) without an exhaust system that prevents excessive or unusual levels of noise, and the accompanying exclusionary provisions. The bill also removes the exclusionary provisions for operating a motor vehicle (a) in violation of certain restrictions on people with a learner's permit, (b) while smoking with a minor present, (c) with certain sun-shading materials and tinting films, (d) with certain objects suspended in the vehicle, and (e) without the required use of seat belts, and for certain

violations involving pedestrians crossing a highway. The bill also removes the exclusionary provision that no law-enforcement officer may lawfully stop, search, or seize any person, place, or thing solely on the basis of the odor of marijuana.

*Patron - Wampler*

**[F] HB986 Dealers; certain DMV transactions.** Provides that any transaction for issuing a certificate of title for a motor vehicle or motorcycle, registering a motor vehicle or motorcycle, or renewing a motor vehicle or motorcycle registration conducted by a licensed dealer shall cost the same as if such transaction were conducted in a branch office of the Department of Motor Vehicles. The bill provides that the dealer will be compensated by the Department as though it were a DMV Select partner for processing the transaction. The bill prohibits a dealer from collecting from the vehicle purchaser the fees charged by an electronic filing systems provider for obtaining a certificate of title or registration.

*Patron - Runion*

**[F] HB1018 Failure to wear a seatbelt; primary offense.** Changes from a secondary offense to a primary offense the failure to wear a seatbelt as required by law. A primary offense is one for which a law-enforcement officer may stop a motor vehicle.

*Patron - Kory*

**[F] HB1030 Issuing citations; marijuana and certain traffic offenses.** Removes the provisions that provide that no law-enforcement officer may 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, and the accompanying exclusionary provisions. The bill also repeals the provision that provides that no law-enforcement officer may lawfully stop, search, or seize any person, place, or thing solely on the basis of the odor of marijuana and that no evidence discovered or obtained as a result of such unlawful search or seizure shall be admissible in any trial, hearing, or other proceeding.

*Patron - Austin*

**[F] HB1072 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 also 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] HB1148 Driver's license and learner's permit renewal; certain older applicants.** Lowers from 75 years old to 70 years old the age at which a person shall not be issued a driver's license for a period of more than five years and at which an applicant for a driver's license or learner's permit renewal is required to appear in person and pass a vision examination or present a report of a vision examination. The bill requires applicants for a driver's license or learner's permit renewal that are 70 years of age or older to provide a certification by a physician that the applicant is mentally and physically capable of operating a motor vehicle. The bill authorizes the Department of Motor Vehicles Commissioner to issue a temporary license or permit to an applicant that does not have the certification but is otherwise eligible for renewal. The bill requires the Commissioner to establish a process whereby an

applicant that is unable to obtain a certificate of fitness to drive may be evaluated to determine his fitness to drive.

*Patron - Mullin*

**[F] HB1183 Operating motor vehicle with accumulated snow or ice; penalty.** Provides that it is a traffic infraction punishable by a fine of \$100 for a person to operate a moving motor vehicle with any amount of accumulated snow or ice on its exposed surfaces where, were the snow or ice to become dislodged from such vehicle, such accumulated snow or ice could interfere with the operation of another motor vehicle or cause injury to persons or property. The bill exempts from the infraction a person operating an emergency vehicle, a vehicle engaged in snow or ice removal and control operations, or a vehicle operated during adverse weather conditions arising after operation of the vehicle began that result in the accumulation of snow or ice on such vehicle.

*Patron - Mullin*

**[F] HB1189 Special license plates; former members of the Virginia General Assembly.** Authorizes the issuance of special license plates for former members of the Virginia General Assembly bearing the legend FORMER VIRGINIA STATE LEGISLATOR.

*Patron - Marshall*

**[F] HB1218 Towing enforcement.** Provides that violations of existing provisions regarding tow truck drivers and towing and recovery operators are subject to the Virginia Consumer Protection Act. The bill repeals the \$150 civil penalty for certain towing violations in Planning District 8.

*Patron - Lopez*

**[F] HB1222 Revocation of driver's licenses; completion of specialty dockets.** Provides that a conviction that resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket shall not be counted as a conviction for the purposes of revoking a person's driver's license for multiple convictions of driving while intoxicated.

*Patron - Durant*

**[F] SB33 Potomac River Bridge Towing Compact.** Adds the Arland D. Williams Jr. Memorial Bridge to the Potomac River bridges subject to the Potomac River Bridge Towing Compact to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving the District of Columbia, Maryland, and Virginia appropriate authority anywhere on the bridges. This amendment to the Compact shall not become effective until a substantially similar amendment is enacted by the State of Maryland and the District of Columbia.

*Patron - Marsden*

**[F] SB116 Bicycle operators; failure to stop at a stop sign.** Imposes a \$500 fine on the operator of a bicycle who fails to stop at a stop sign. The bill also provides that the bicycle shall be impounded for a period of six months.

*Patron - Norment*

**[F] SB180 Exhaust systems; excessive noise.** Prohibits any individual from operating a motor vehicle with a gross weight of 6,500 pounds or less with an exhaust system that emits noise in excess of 85 decibels. The bill also allows the governing body of any county, city, or town located within the Northern Virginia Planning District to provide by ordinance that no person shall operate any motor vehicle on a highway or on public or private property within 500 feet of any residential district unless such motor vehicle is equipped with an exhaust

system of a type installed as standard equipment, or comparable to that designed for use on that particular vehicle or device as standard factory equipment, in good working order and in constant operation to prevent excessive noise.

*Patron - Saslaw*

**[F] SB246 Law-enforcement officer; purpose of traffic stop.** Provides that the operator of a motor vehicle, trailer, or semitrailer that has stopped on the signal of any law-enforcement officer shall exhibit his registration card, learner's permit, or temporary driver's permit for the purpose of establishing his identity upon being advised of the purpose of the stop within a reasonable time by the law-enforcement officer. Current law requires that such materials be exhibited upon the law-enforcement officer's request.

*Patron - Surovell*

**[F] SB320 Mini-trucks; definition; use on certain highways.** Defines a "mini-truck" and classifies it as a utility vehicle. The bill provides that mini-trucks may be operated on any highway in the Commonwealth with a speed limit of 55 miles per hour or less.

*Patron - Vogel*

**[F] SB333 Establishment of speed limits; local authority.** Authorizes localities to reduce speed limits on any highway in the locality, provided that such speed limit is indicated by lawfully placed signs. Current law authorizes localities to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district, provided that such reduced speed limit is indicated by lawfully placed signs.

*Patron - Bell*

**[F] SB334 Photo speed monitoring devices; localities; locations.** Authorizes towns that have not established their own police department to authorize the placement and operation of a photo speed monitoring device to record speed limit violations. Current law authorizes state and local law-enforcement agencies to place and operate such devices. The bill requires any such town to provide all data collected from the device to the chief law-enforcement office for the town or of the county in which the town is located. The bill removes the limitation that such devices only be used in highway work zones and school crossing zones.

*Patron - Bell*

**[F] SB545 Registration fees for motor vehicles; state park access fee.** Imposes a \$5 state park access fee to be collected at the time other vehicle registration fees are paid and to be deposited into the State Park Conservation Resources Fund. Under the bill, a person who shows proof of payment of the fee is not required to pay any additional fees for access to a state park.

*Patron - Marsden*

**[F] SB718 Revocation of driver's licenses; completion of specialty dockets.** Provides that a conviction that resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket shall not be counted as a conviction for the purposes of revoking a person's driver's license for multiple convictions of driving while intoxicated.

*Patron - Reeves*

## Carried Over

**C HB699 Glass replacement in vehicles.** Requires the Superintendent of State Police to promulgate regulations consistent with the standards established by the Auto Glass Safety Council regarding the replacement of glass in any vehicle.

*Patron - Keam*

**C SB277 Department of Motor Vehicles; Virginia Community Policing Act; race and ethnicity data.** Requires the Department of Motor Vehicles to require an applicant for an original driver's license, driver privilege card, special identification card with or without a photograph, and identification privilege card or the renewal or reissue of such license or card to provide his race and ethnicity. The bill prohibits displaying any such data in a readable form on a credential issued by the Department and requires such data to be encoded in the barcode on the back of such license or card. The bill prohibits the release of such data to any entity other than the Department of State Police to be used exclusively for the Virginia Community Policing Act Database.

*Patron - Ebbin*

**C SB368 Vehicle history report companies; notifications.** Requires vehicle history report companies, as defined in the bill, to notify a vehicle owner and lienholder, if any, if his vehicle has been deemed nonrepairable or any comparable term in the records of such company. The bill requires vehicle history report companies to establish and maintain a process for disputing such a designation and, if appropriate, having it corrected in a timely manner. The bill provides that a failure to notify the owner constitutes a violation of the Virginia Consumer Protection Act. The bill authorizes the Department of Motor Vehicles to release the name and address of the vehicle owner and lienholder for the purpose of such notification.

*Patron - Reeves*

## Notaries and Out-of-State Commissioners

### Carried Over

**C SB765 Notaries.** Makes various changes to the laws related to notaries and electronic notaries, including (i) specifying information to be included in an application; (ii) specifying the reasons for which the Secretary of the Commonwealth may deny an application; (iii) requiring applicants to take a course and examination prior to application; (iv) requiring a \$25,000 bond prior to commission; (v) requiring a notary to keep a journal of notarial acts; (vi) specifying the reasons a notary may and may not decline to perform a notarial act; (vii) providing requirements for the use and manufacture of official notary seals; (viii) providing requirements for civil liability of a notary, bond surety, and employer of the notary; and (ix) specifying situations constituting conflicts of interest for a notary.

*Patron - Ebbin*

## Pensions, Benefits, and Retirement

### Passed

**P HB473 Virginia Retirement System; employer contributions.** Separates the employer contribution for Virginia Retirement System (VRS) employers participating in the Hybrid Retirement Plan into defined benefit and defined contribution components. The bill requires the Board of Trustees of VRS to certify to each employer their defined benefit contribution rate and to provide to each employer their estimated defined contribution amounts.

Under current law, VRS is required to determine a single combined employer contribution rate that includes both the defined benefit and defined contribution provisions. Employer contributions are then applied first to the defined contribution component of the hybrid retirement program, with the remainder applied to the defined benefit component.

The substantive provisions of the bill have a delayed effective date of July 1, 2024. However, the bill directs VRS to make the preparations necessary for full implementation of the bill beginning July 1, 2022. This bill is identical to SB 70.

*Patron - Bulova*

**P SB17 Employment of retired law-enforcement officers; exemption from certain training requirements.** Provides that the Director of the Department of Criminal Justice Services shall exempt a law-enforcement officer who has demonstrated sensitivity to cultural diversity issues, had previous experience and training as a law-enforcement officer, is currently receiving or is eligible to receive a service retirement allowance, and has a break in service of no longer than 60 calendar months between retirement and new employment as a law-enforcement officer from the mandatory attendance of all courses that are required for the successful completion of the compulsory minimum training standards established by the Criminal Justice Services Board. This bill received Governor's recommendations.

*Patron - Hackworth*

**P SB70 Virginia Retirement System; employer contributions.** Separates the employer contribution for Virginia Retirement System (VRS) employers participating in the Hybrid Retirement Plan into defined benefit and defined contribution components. The bill requires the Board of Trustees of VRS to certify to each employer their defined benefit contribution rate and to provide to each employer their estimated defined contribution amounts.

Under current law, VRS is required to determine a single combined employer contribution rate that includes both the defined benefit and defined contribution provisions. Employer contributions are then applied first to the defined contribution component of the hybrid retirement program, with the remainder applied to the defined benefit component.

The substantive provisions of the bill have a delayed effective date of July 1, 2024. However, the bill directs VRS to make the preparations necessary for full implementation of the bill beginning July 1, 2022. This bill is identical to HB 473.

*Patron - Newman*

### Failed

**F HB56 Pensions; enhanced retirement benefits for juvenile detention specialists.** Requires each political subdivision participating in the Virginia Retirement System and each



county or city participating in the Virginia Retirement System to provide retirement benefits comparable to the benefits provided to state police officers to juvenile detention specialists.

*Patron - Wiley*

**[F] HB94 Public Guardianship and Conservator Ombudsman Office.** Directs the Commissioner of the Department for Aging and Rehabilitation Services to establish a Public Guardianship and Conservator Ombudsman Office within the Department to (i) assist members of the public in understanding the public guardianship process and make available to the public information regarding public guardianship, including the rights and responsibilities of public guardians and individuals subject to public guardianship; (ii) provide information to the public regarding local and regional public guardian and conservator programs in the Commonwealth; (iii) receive complaints regarding public guardians, provide referrals to public and private agencies and other entities for assistance in resolving the issue giving rise to the complaint, and provide information regarding how to navigate the complaint process; and (iv) collect data regarding the number of inquiries and complaints received, the types of assistance provided, and the disposition of the matter, if known. The bill directs the Department to make information regarding the Office available on its website and to disseminate information regarding the Office to all adults for whom a public guardian is appointed and all adults residing in various congregate care settings.

*Patron - Head*

**[F] HB131 Virginia Retirement System; enhanced retirement benefits for 911 dispatchers.** Adds 911 dispatchers to the list of local employees eligible to receive enhanced retirement benefits for hazardous duty service. Under current law, localities may provide such benefits to first responders, including firefighters and emergency medical technicians, and certain other hazardous duty positions. The bill provides that such benefits would be available only to dispatchers hired starting on or after January 1, 2022.

*Patron - Cherry*

**[F] HB162 Virginia Retirement System; enhanced retirement benefits for animal control officers.** Adds animal control officers to the list of local employees eligible to receive enhanced retirement benefits for hazardous duty service. Under current law, localities may provide such benefits to first responders, including firefighters and emergency medical technicians, and certain other hazardous duty positions.

*Patron - Runion*

**[F] HB593 Pensions; law-enforcement officers; death before retirement.** Provides that when a member of the State Police Officers' Retirement System or the Virginia Law Officers' Retirement System or a local law-enforcement officer who is eligible for similar benefits dies before retirement by suicide or in the line of duty, the retirement allowance payable to his beneficiary shall include any hazardous duty supplement for which the member or local law-enforcement officer was eligible.

*Patron - VanValkenburg*

**[F] HB645 Virginia Retirement System and local retirement systems; fossil fuel divestment; report.** Requires the Virginia Retirement System and local retirement systems to divest from fossil fuel companies by January 1, 2027.

*Patron - Kory*

**[F] HB834 Pensions; hazardous duty pay.** Provides that service in the Fire and Rescue Department of the Virginia Air National Guard shall be treated as service in a hazardous position for purposes of the hazardous duty supplement or

increased retirement multiplier in the State Police Officers' Retirement System, in the Virginia Law Officers' Retirement System, or as a local law-enforcement officer eligible for similar benefits. The bill applies to creditable service earned before July 1, 2022, but only allows additional benefits to be paid prospectively.

*Patron - Wilt*

**[F] HB854 Virginia Retirement System; enhanced retirement benefits for 911 dispatchers.** Adds 911 dispatchers to the list of local employees eligible to receive enhanced retirement benefits for hazardous duty service. Under current law, localities may provide such benefits to first responders, including firefighters and emergency medical technicians, and certain other hazardous duty positions.

*Patron - Reid*

**[F] HB1119 Pensions; loss of benefits for certain felony convictions.** Provides that a law-enforcement officer shall not lose his benefits in any retirement system administered by the Board of Trustees of the Virginia Retirement System upon being convicted of a felony, unless such felony was (i) the result of gross negligence or intentional misconduct by such officer or (ii) resulted in any pecuniary benefit for such officer.

*Patron - Campbell, R.R.*

**[F] SB18 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] SB83 Mandatory judicial retirement age.** Increases the mandatory judicial retirement age from 73 to 75. This increase in mandatory retirement age includes judges subject to mandatory retirement during the 2022 Regular Session of the General Assembly and allows any sitting judge who has attained age 73 and has submitted a notice of retirement but not yet retired to revoke the notice of retirement by written request. The bill requires the revocation of any certification of need to fill the vacancy determined by the Judicial Council or Committee on District Courts based on the original notice of retirement if a written request to revoke the notice of retirement is submitted by the judge. The bill contains an emergency clause.

*Patron - Stanley*

**[F] SB213 Virginia Retirement System and local retirement systems; fossil fuel divestment; report.** Requires the Virginia Retirement System and local retirement systems to divest from fossil fuel companies by January 1, 2027.

*Patron - McPike*

**[F] SB507 Virginia Retirement System; benefits for certain local law-enforcement employees.** Requires localities to use the 1.85 percent multiplier for determining the annual retirement allowance for deputy sheriffs for service earned on or after July 1, 2023.

*Patron - Lewis*

Carried Over

**[C] SB382 Virginia Retirement System; increased retirement allowance for certain judges.** Increases, for the purposes of determining benefits provided under the Judicial

Retirement System, the retirement multiplier from 1 percent to 1.7 percent. The increase would apply only to judges appointed on or after July 1, 2022, who are participants in the hybrid retirement program, and who are at least age 55 at the time of appointment.

*Patron - McDougle*

**[C] SB585 Virginia Retirement System; enhanced retirement benefits for 911 dispatchers.** Adds 911 dispatchers to the list of local employees eligible to receive enhanced retirement benefits for hazardous duty service. Under current law, localities may provide such benefits to first responders, including firefighters and emergency medical technicians, and certain other hazardous duty positions.

*Patron - Reeves*

**[C] SB752 Virginia Law Officers' Retirement System; eligibility.** Adds sworn members of the enforcement division of the Department of Motor Vehicles and conservation officers of the Department of Conservation and Recreation to the membership of the Virginia Law Officers' Retirement System.

*Patron - Stuart*

## Persons with Disabilities

### Passed

**[P] HB96 Public guardian and conservator program; decennial review of staff-to-client ratios; report.** Directs the Department of Aging and Rehabilitative Services (the Department) to decennially review the ideal range of staff-to-client ratios for local and regional public guardian and conservator programs in the Commonwealth and make recommendations as to whether the ratio should be revised to ensure that public guardians are able to meet their obligations to incapacitated persons. The bill requires the Department to report its findings and conclusions to the Governor and the General Assembly by December 1 of each year in which such review is performed and directs the Department to complete the first decennial review and submit its report by December 1, 2022.

*Patron - Head*

**[P] HB917 Aging services; allocation of resources; individuals with the greatest economic need.** Provides that in allocating resources for aging services, the Department for Aging and Rehabilitative Services (i) shall prioritize providing services to those with the greatest economic need and (ii) among individuals with comparable levels of economic need, may prioritize providing services to individuals with the greatest social need.

*Patron - Orrock*

**[P] SB48 Commonwealth Council on Aging; reports.** Requires the Commonwealth Council on Aging to submit to the Governor, General Assembly, and Department for Aging and Rehabilitative Services by October 1 of each year an electronic report regarding the activities and recommendations of the Council.

*Patron - Favola*

### Failed

**[F] HB407 Open captioning at movie theaters.** Requires all movie theaters, including outdoor theaters such as drive-in theaters, that have four or more screens and are open

to the general public to provide open captioning at least twice per week on any film that is regularly shown, provided that open captioning is available for such film. The bill requires such movie theaters to provide notice to the general public regarding the availability of open captioning and schedule at least one viewing during peak viewing time.

*Patron - Watts*

### Carried Over

**[C] HB98 Adult protective services; central registry.** Creates a central registry of substantiated complaints of adult abuse, neglect, and exploitation to be maintained by the Department for Aging and Rehabilitative Services. The bill establishes (i) investigation requirements for local departments of social services related to reports of adult abuse, neglect, and exploitation; (ii) record retention and disclosure requirements for the Department for Aging and Rehabilitative Services and local departments of social services; (iii) notice requirements related to findings by local departments and central registry entries; and (iv) an appeals process to contest the findings of a local department related to substantiated reports of adult abuse, neglect, or exploitation.

*Patron - Head*

## Police (State)

### Passed

**[P] HB342 Virginia State Police communication system.** Removes obsolete language relating to the teletype system formerly used by the Virginia State Police. The bill contains technical amendments. This bill is a recommendation of the Virginia Code Commission.

*Patron - Simon*

**[P] SB49 Receipt of critically missing adult reports; Virginia Critically Missing Adult Alert Program; definition.** Expands the definition of "critically missing adult" to include any missing adult, including an adult who has a developmental disability, intellectual disability, or mental illness, 18 years of age or older for the purpose of receipt of critically missing adult reports by a police or sheriff's department and the Virginia Critically Missing Adult Alert Program administered by the Department of State Police and removes from the Program the eligibility requirement that the adult is believed to have been abducted. This bill is identical to HB 1060.

*Patron - Favola*

### Failed

**[F] HB1142 Virginia Community Policing Act; collection of data and reporting requirements.** Expands the type and detail of information required to be collected by a law-enforcement officer during a motor vehicle stop or other investigatory stop, or when responding to a motor vehicle accident, in order to comply with the Virginia Community Policing Act.

*Patron - Torian*

# Prisons and Other Methods of Correction

## Passed

**[P] HB502 Credit for time spent in confinement while awaiting trial; separate, dismissed, or nolle prosequi charges.** Provides that credit for time spent in confinement while awaiting trial shall include any time spent in pretrial confinement or detention on separate, dismissed, or nolle prosequi charges that are from the same act as the violation for which the person is convicted and sentenced to a term of confinement. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

*Patron - Mullin*

**[P] HB665 State correctional facilities; fees; report.** Directs the Department of Corrections (the Department) to convene a work group to review and make recommendations regarding the reduction or elimination of costs and fees charged to inmates in state correctional facilities. The bill directs the Department to report its findings to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2022. This bill is identical to SB 441.

*Patron - Hope*

**[P] SB108 Correctional facilities; use of restorative housing; report.** Directs the Department of Corrections to convene a work group to study the use of restorative housing within state correctional facilities and juvenile correctional centers. The bill directs the Department to facilitate confidential interviews between work group members and at least 25 persons currently incarcerated in a state correctional facility who are currently or who have within the past 12 months been placed in restorative housing and confidential interviews with existing staff and facility officials as requested by the work group. The bill requires the work group to submit its findings and recommendations, including how to safely reduce or end the use of restorative housing that lasts longer than 14 days, to the General Assembly by December 1, 2022. This bill received Governor's recommendations.

*Patron - Morrissey*

**[P] SB441 State correctional facilities; fees; report.** Directs the Department of Corrections (the Department) to convene a work group to review and make recommendations regarding the reduction or elimination of costs and fees charged to inmates in state correctional facilities. The bill directs the Department to report its findings to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2022. This bill is identical to HB 665.

*Patron - Boysko*

**[P] SB547 Virginia Parole Board; monthly reports.** Requires the Virginia Parole Board (the Board) to publish a statement regarding any action taken by the Board on the parole of a prisoner within 30 days of such action and to include in such statement information regarding the length of sentence and the date such sentence was imposed for each prisoner considered for parole.

*Patron - DeSteph*

**[P] SB581 Local correctional facilities; fees.** Directs the State Board of Local and Regional Jails (the Board) to con-

vene a work group to review and make recommendations regarding the reduction or elimination of costs and fees charged to inmates in local or regional correctional facilities, including fees related to the costs of an inmate's keep, work release, or participation in educational or rehabilitative programs; telephone services; commissaries; and electronic visitation systems. The bill requires the Board to report its findings and recommendations to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by December 1, 2022.

*Patron - Morrissey*

**[P] SB673 Local correctional facilities; entry privileges.** Authorizes the Governor and members of the General Assembly to enter the interior of any local correctional facility.

*Patron - Morrissey*

## Failed

**[F] HB25 Earned sentence credits; possession of child pornography.** Excludes a first offense for the crime of possession of child pornography from the crimes that will be eligible for enhanced sentencing credits effective July 1, 2022.

*Patron - Anderson*

**[F] HB147 Minimum standards for local correctional facilities and lock-ups; individuals in need of behavioral health or developmental services.** Requires the State Board of Local and Regional Jails (the Board) to establish minimum standards for identification and care of individuals with developmental disabilities in local correctional facilities and procedures for enforcing such minimum standards, including requirements for (i) screening of individuals committed to local correctional facilities for developmental disabilities, (ii) referral of individuals committed to local correctional facilities for whom a screening indicates reason to believe the person may have a developmental disability to an appropriate provider for an assessment to determine whether the individual has a developmental disability and is in need of developmental services, and (iii) transfer of an individual determined to have a developmental disability and to be in need of developmental services from a local correctional facility to a facility at which appropriate developmental services are provided within 72 hours of completion of the assessment. The bill also requires the Board to amend standards governing the delivery of behavioral health services in local correctional facilities and lock-ups to provide that if an individual is assessed as being in need of behavioral health services, such individual shall be transferred from the local correctional facility or lock-up to a behavioral health facility within 72 hours of the assessment. Currently, standards governing behavioral health services in local correctional facilities and lock-ups require that if a person is assessed as being in need of behavioral health services, the local correctional facility or lock-up shall provide such services.

*Patron - Wiley*

**[F] HB435 Parole Board; powers and duties.** Provides that the Virginia Parole Board (the Board) shall review and decide the case of each prisoner who is eligible for parole no later than that part of the calendar year in which he becomes eligible and (i) every three years thereafter, until he is released on parole or discharged, provided that there are 10 years or more of life imprisonment remaining on the sentence in each case, or (ii) annually thereafter, until he is released on parole or discharged if there are fewer than 10 years remaining on the sentence in each case. The bill also provides that, as a part of the investigation before the Board decides to grant or deny parole, the Board shall, if applicable, review in its entirety the

transcript from the trial that resulted in the conviction or convictions for which the inmate is currently serving a term of imprisonment.

*Patron - Wright*

**[F] HB543 State Board of Local and Regional Jails; powers and duties; attorney visitation of clients.** Requires the State Board of Local and Regional Jails to develop and establish minimum standards for ensuring that attorneys have sufficient opportunities to have confidential visits with their clients who are held in local, regional, and community correctional facilities, which, considering facility schedules, space, personnel constraints, and inmate disciplinary status, shall include some opportunity for visitation of clients on the week-ends and after 5:00 p.m.

*Patron - Scott, D.L.*

**[F] HB549 Department of Corrections; earned sentence credits; robbery.** Specifies that any person serving a sentence on a Class 2 felony for committing robbery and causing serious bodily injury to or the death of any other person is subject to a maximum 4.5 earned sentence credits for each 30 days served. Consequently, a person serving a sentence on a robbery that is a Class 3, Class 5, or Class 6 felony is not subject to the maximum 4.5 earned sentence credits and may be eligible for the four-level classification system for the awarding and calculation of earned sentence credits to become effective on July 1, 2022. The bill requires the calculation of earned sentence credits to apply retroactively to the entire sentence of any inmate who is confined in a state correctional facility and participating in the earned sentence credit system on July 1, 2022, and was (i) convicted of robbery, as such crime was in effect prior to July 1, 2021, provided that such person, during the commission of such robbery, did not cause serious bodily injury to or the death of another person or (ii) convicted of robbery punishable as a Class 3, Class 5, or Class 6 felony on or after July 1, 2021.

*Patron - Scott, D.L.*

**[F] HB621 Communication systems within state correctional facilities; free telephone calls and communication services.** Requires the Department of Corrections to provide telephone systems and web-based or electronic communications systems free of charge to any person, whether such person is initiating or receiving the communication.

*Patron - Kory*

**[F] HB655 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 (the Department) 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 or Board of Local and Regional Jails facility and requires the submission of an annual report to the Governor, the Attorney General, the Senate Committee on the Judiciary, the House Committee on Public Safety, and the Director of the Department.

*Patron - Hope*

**[F] HB673 Local correctional facilities; fees.** Eliminates certain fees charged to inmates within a local correctional facility, including a fee to defray the costs associated with an inmate's keep, travel and other expenses associated with an inmate's work release employment or participation in an educational or rehabilitative program, and telephone systems. The bill also reduces certain fees charged to inmates within a local correctional facility, providing that the cost of items within a correctional facility's store or commissary shall not exceed 10 percent of the typical market rate for the same goods or services and that the fee associated with electronic visitation and messaging systems shall not exceed the actual costs of establishing and operating such systems. The bill removes provisions that if an inmate is unable to pay in full such fees, the inmate must enter into a deferred or installment payment agreement with the local correctional facility, or that such facility may enter into a contract for collection of such fees with a private entity, a local governing body, or the county or city treasurer. The bill also provides that, upon discharge from a local correctional facility, an inmate shall receive, in the form of a check, electronic transfer, or a debit or other account card, the balance of all accounts maintained by the facility for an inmate's use.

*Patron - Hope*

**[F] HB674 Telephone systems within correctional facilities.** Provides that no records of communications made by inmates from telephone systems within correctional facilities shall be disclosed without a search warrant, except upon the request of an inmate for the inmate's own records to be disclosed to him or his attorney. The bill requires that each correctional facility create and maintain an audit log for each inmate that shall (i) identify each disclosed record and (ii) include a copy of the search warrant issued to obtain such record. The bill provides that any records of communications obtained unlawfully shall not be admissible as evidence in a prosecution or civil action. The bill also removes provisions regarding allowable forms of payment and payment rates for calls to numbers on an approved call list using such telephone systems.

*Patron - Hope*

**[F] HB735 Department of Corrections; earned sentence credits.** Repeals the four-level classification system for the awarding and calculation of earned sentence credits currently set to go into effect on July 1, 2022. Under current law, a

maximum of 4.5 sentence credits may be earned for each 30 days served.

*Patron - Bell*

**[F] HB908 Use of canines in correctional facilities; prohibited acts.** Makes it unlawful for any correctional officer, jail officer, or other employee of a state, local, or juvenile correctional facility to use a canine, except where there is an imminent threat of death or serious bodily injury to any prisoner or detained juvenile or any officer or employee of the facility, to extract a prisoner or detained juvenile from his cell or to intervene in an altercation, fight, or other incident between prisoners or detained juveniles. The bill requires that all incidents involving the use of a canine be reported to a database established by the Department of Corrections or the Department of Juvenile Justice, as applicable, and that such reports be made available to the public and include the name of the facility, the name of the canine, and the name of the canine's handler. The bill also requires that the Department of Corrections or the Department of Juvenile Justice, as applicable, make public any policies relating to the use of canines, training requirements for both canines and handlers, and the supervision of the officers or employees who are permitted to handle such canines.

*Patron - Lopez*

**[F] HB989 Compensation of local jails for cost of incarceration.** Provides that the Department of Corrections shall compensate local jails for the cost of incarceration of convicted felons, calculated from the date of mailing of the final order, at the rate of \$12 per inmate per day for the first 60 days, at the rate of \$40 per inmate per day during the period of more than 60 but not more than 90 days, and for the actual cost of incarceration as calculated in the jail report prepared annually by the Compensation Board for more than 90 days. Currently, such compensation rates are provided for in the general appropriation act.

*Patron - Runion*

**[F] HB1118 Earned sentence credits.** Provides that sentence credits may be earned by any person committed to the custody of the Department of Corrections (the Department), regardless of whether the person is confined in a state or local correctional facility. The bill allows inmates to earn more than 4.5 sentence credits for each 30 days served on a sentence for a conviction of robbery or carjacking, provided that the inmate did not use a weapon or threaten or harm another person during the commission of the offense. The bill allows inmates to earn enhanced sentence credits for consecutive sentences served after the completion of any offense that would otherwise limit the inmate to earning 4.5 sentence credits for each 30 days served. The bill allows an inmate to earn Level I sentence credits if, provided certain other requirements are met, the inmate had no more than one minor correctional infraction and no serious correctional infractions within the previous 12 months. The bill directs the Department to establish a program that allows victims to advocate on behalf of an inmate for reclassification of the inmate's sentence credits. The bill provides that the earned sentence credit provisions of § 53.1-202.3 of the Code of Virginia, which would become effective on July 1, 2022, shall apply retroactively to the entire sentence of any person who is committed to the custody of the Department and is participating in the earned sentence credit program on July 1, 2022. The bill requires the Department, among other things, to provide notice to inmates regarding sentence credit adjustments and an adjusted release date by July 1, 2022, and establish a process through which inmates may appeal the Department's determinations regarding sentence credit adjustments.

*Patron - Scott, D.L.*

**[F] HB1208 Jail authorities; superintendent designating jail officers with internal investigations authority.** Provides that a superintendent of a jail authority may designate jail officers with internal investigations authority to have the same power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of such authority. The bill provides that such designated jail officer shall be subject to any minimum training standards established by the Department of Criminal Justice Services for law-enforcement officers prior to exercising any law-enforcement power granted under the bill.

*Patron - Hayes*

**[F] HB1235 Conditional release of geriatric prisoners.** Expands the list of offenses that would prohibit a person from petitioning the Parole Board for conditional release as a geriatric prisoner if the offense was committed on or after July 1, 2022.

*Patron - Ballard*

**[F] HB1291 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, 2023.

*Patron - Hayes*

**[F] HB1341 Local correctional facilities and lock-ups; transfer of individuals in need of behavioral health or developmental services.** Requires the State Board of Local and Regional Jails (the Board) to establish minimum standards for identification and care of individuals with developmental disabilities in local correctional facilities and procedures for enforcing such minimum standards, including requirements for (i) developmental disabilities screening of individuals committed to local correctional facilities, (ii) referral of individuals committed to local correctional facilities for whom a screening indicates reason to believe the individual may have a developmental disability to an appropriate provider for an assessment to determine whether the individual has a developmental disability and is in need of developmental services, and (iii) transfer of an individual determined to have a developmental disability and to be in need of developmental services from a local correctional facility to a facility at which appropriate developmental services are provided within 72 hours of completion of the assessment. The bill also requires the Board to amend standards governing the delivery of behavioral health services in local correctional facilities and lock-ups to provide that if an individual is assessed as being in need of behavioral health services for severe mental illness, such individual shall be transferred from the local correctional facility or lock-up to a behavioral health facility within 72 hours of the assessment. Currently, standards governing behavioral health services in local correctional facilities and lock-ups require that if a person is assessed as being in need of behavioral health services, the local correctional facility or lock-up shall provide such services.

The bill also provides that the local community services board or behavioral health authority shall arrange for the admission of a person determined to be in need of behavioral health services for severe mental illness or severe developmental disability within 72 hours of receipt of notification by the local correctional facility of the need for such admission.

*Patron - Brewer*

**[F] SB109 Offenders under 21 years of age; parole.** Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was under 21 years of age and who has served at least 20 years of such sentence and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was under 21 years of age and who has served at least 20 years of such sentences shall be eligible for parole. Under current law, such parole provisions apply only to juvenile offenders.  
*Patron - Morrissey*

**[F] SB110 Juvenile offenders; parole eligibility.** Provides that any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served the lesser of at least 20 years of such sentences or 30 percent of the term of imprisonment imposed for such sentences shall be eligible for parole. Under current law, such person must have served at least 20 years before becoming parole eligible.  
*Patron - Morrissey*

**[F] SB578 Department of Corrections; earned sentence credits.** Repeals the four-level classification system for the awarding and calculation of earned sentence credits currently set to go into effect on July 1, 2022. Under current law, a maximum of 4.5 sentence credits may be earned for each 30 days served.  
*Patron - McDougle*

**[F] SB680 Conditional release of geriatric prisoners.** Expands the list of offenses that would prohibit a person from petitioning the Parole Board for conditional release as a geriatric prisoner if the offense was committed on or after July 1, 2022.  
*Patron - Obenshain*

**[F] SB745 Modification of sentence for marijuana-related offenses.** Creates a process by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2021, who remain incarcerated or on community supervision on July 1, 2022, shall receive an automatic hearing to consider modification of such person's sentence. The bill also provides that a person is eligible to be considered for parole if such person was convicted of a felony conviction, except for an act of violence, and had such felony conviction sentence enhanced because of a felony marijuana conviction and such offense was committed on or after January 1, 1995, and the person was committed by a court to the Department of Corrections and remained incarcerated for such offense on July 1, 2022. The bill incorporates SB 518.  
*Patron - Surovell*

## Carried Over

**[C] HB683 Use of canines in correctional facilities; prohibited acts.** Prohibits any correctional officer, jail officer, or other employee of a state, local, or juvenile correctional facility from using a canine to extract a prisoner or juvenile from his cell unless there is a threat of death or serious bodily injury to the prisoner or juvenile, other prisoners or juveniles, or any officer or employee of the facility.  
*Patron - Kory*

**[C] HB1053 Local correctional facilities; fees.** Directs the State Board of Local and Regional Jails (the Board) to convene a work group to study implementation of the reduc-

tion or elimination of certain fees associated with inmates in local correctional facilities. The bill provides that the work group shall consist of two members of the House Committee on Public Safety who are not members of the same political party and two members of the Senate Committee on Rehabilitation and Social Services who are not members of the same political party. Such legislative members shall appoint as members of the work group one formerly incarcerated person, one family member of an incarcerated person, and at least one representative of certain organizations and companies. The bill directs the Board to report its findings to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Public Safety by October 1, 2022.  
*Patron - Shin*

**[C] SB112 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 - Morrissey*

**[C] SB135 Virginia Parole Board; membership; records; report.** Increases from five to 11 the number of members to be appointed to the Virginia Parole Board (the Board). The bill requires the Board to (i) include in its monthly report regarding actions taken by the Board on the parole of prisoners the number of votes in favor of granting or denying parole of each prisoner and (ii) ensure that any records, reports, or other documents used to determine a person's suitability for parole be made available for review by such person or his counsel pursuant to Board regulations. The bill contains technical amendments.  
*Patron - Edwards*

**[C] SB165 Compensation of local jails for cost of incarceration.** Provides for local jails to be compensated for the actual cost of incarcerating convicted felons at the rate calculated in the Compensation Board's annual jail cost report. Current law provides for jails to be compensated for the cost of incarceration of convicted felons as provided for in the general appropriation act.  
*Patron - Peake*

## Professions and Occupations

### Passed

**[P] HB84 Volunteer audiologists.** Permits out-of-state audiologists to volunteer to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported nonprofit organization that sponsors the provision of health care to populations of underserved people if they do so for a period not exceeding three consecutive days and if the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state.  
*Patron - Kilgore*

**[P] HB99 Continuing education; funeral service licensees, funeral directors, and embalmers.** Provides that approved continuing education courses for funeral service licensees, funeral directors, and embalmers shall include either one hour of compliance with laws and regulations governing the profession or one hour of preneed funeral arrangements per

year, provided that at least one hour of continuing education regarding preneed funeral arrangements is completed every three years. Current law requires at least one hour of compliance with laws and regulations governing the profession and at least one hour of preneed funeral arrangements per year. The bill contains technical amendments.

*Patron - Head*

**P HB117 Attorneys; examinations and issuance of licenses; requirements.** Requires, before an applicant is permitted to take the Virginia bar exam, that the applicant furnish to the Board of Bar Examiners satisfactory evidence that he has satisfactorily completed legal studies amounting to at least five semesters, or the equivalent of at least five semesters on a system other than a semester system, of full-time study at a law school approved by the American Bar Association or the Board of Bar Examiners. Under current law, an applicant is required to have completed all degree requirements of such law school.

*Patron - Kilgore*

**P HB145 Practice of physician assistants.** Removes the requirement that physician assistants appointed as medical examiners practice as part of a patient care team. For hospice program licensing, the bill adds physician assistants to the list of hospice personnel who may be part of a medically directed interdisciplinary team. The bill removes a reference to physician assistants in the definition of patient care team podiatrist. Finally, the bill permits physician assistants working in the field of orthopedics as part of a patient care team to utilize fluoroscopy for guidance of diagnostic and therapeutic procedures, provided other requirements are met.

*Patron - Head*

**P HB192 Prescription of opioids; sunset.** Repeals sunset provisions for the requirement that a prescriber registered with the Prescription Monitoring Program request information about a patient from the Program upon initiating a new course of treatment that includes the prescribing of opioids anticipated, at the onset of treatment, to last more than seven consecutive days. This bill received Governor's recommendations.

*Patron - Hodges*

**P HB193 Drug Control Act; Schedule I; Schedule II; Schedule IV; Schedule V.** Adds certain chemicals to the Drug Control Act. The Board of Pharmacy has added these substances 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. This bill is identical to SB 759.

*Patron - Hodges*

**P HB213 Optometrists; laser surgery.** Allows an optometrist who has received a certification to perform laser surgery from the Board of Optometry (the Board) to perform certain types of laser surgery of the eye and directs the Board to issue a certification to perform laser surgery to any optometrist who submits evidence satisfactory to the Board that he (i) is certified by the Board to prescribe for and treat diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents pursuant to Code requirements and (ii) has satisfactorily completed such didactic and clinical training programs provided by an accredited school or college of optometry that includes training in the use of lasers for the medically appropriate and recognized treatment of the human eye as the Board may require.

The bill also requires the Board to adopt regulations (a) establishing criteria for certification of an optometrist to perform permitted laser surgeries and (b) requiring optometrists to register annually with the Board and to report information regard-

ing any disciplinary action, malpractice judgment, or malpractice settlement against the provider and any evidence that indicates the provider may be unable to engage safely in the practice of his profession. The bill also requires optometrists certified to perform laser surgery to report certain information regarding the number and types of laser surgeries performed and the conditions treated, as well as any adverse treatment outcomes associated with the performance of such laser surgeries to the Board, and requires the Board to report such information to the Governor and the Secretary of Health and Human Resources annually. This bill is identical to SB 375.

*Patron - Robinson*

**P HB242 Practice of licensed professional counselors.** Adds licensed professional counselors to the list of eligible providers who can disclose or recommend the withholding of patient records, face a malpractice review panel, and provide recommendations on involuntary temporary detention orders.

*Patron - Adams, D.M.*

**P HB264 Public health emergency; out-of-state licenses; deemed licensure.** Allows a practitioner of a profession regulated by the Board of Medicine who is licensed in another state or the District of Columbia and who is in good standing with the applicable regulatory agency in that state or the District of Columbia to engage in the practice of that profession in the Commonwealth with a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services and (ii) the patient is a current patient of the practitioner with whom the practitioner has previously established a practitioner-patient relationship and the practitioner has performed an in-person examination of the patient within the previous 12 months. The bill also provides that when the Board of Health has issued an emergency order, the Boards of Medicine and Nursing may waive (a) the requirement for submission of a fee for renewal or reinstatement of a license to practice medicine or osteopathic medicine or as a physician assistant or nurse practitioner and (b) the requirement for submission of evidence that a practitioner whose license was allowed to lapse for failure to meet professional activity requirements has satisfied such requirements and is prepared to resume practice in a competent manner for any person who held a valid, unrestricted, active license within the four-year period immediately prior to the application for renewal or reinstatement of such license. This bill is identical to SB 369. This bill received Governor's recommendations.

*Patron - Head*

**P HB282 Department of Professional and Occupational Regulation; effect of criminal convictions on licensure; data to be included in biennial report.** Provides for consideration of certain factors to be made by any regulatory board through an individualized assessment prior to denying an application for licensure, certification, or registration for any occupation or profession regulated by the Department of Professional and Occupational Regulation where such denial was made in whole or in part upon the existence of the applicant's criminal record. The provisions of the bill do not become effective unless reenacted by the 2023 Session of the General Assembly, and the bill requires, beginning July 1, 2025, the Department to include certain data related to the criminal history of applicants to each regulatory board in its biennial report. This bill is identical to SB 409 and contains technical amendments.

*Patron - Coyner*

**P HB284 Real Estate Appraiser Board; continuing education to include fair housing or appraisal bias courses.**



Provides that any regulation of the Real Estate Appraiser Board setting out continuing education requirements for real estate appraiser licensees as a prerequisite of license renewal shall include at least two hours of fair housing or appraisal bias courses if the Board requires continuing education for the renewal of such licenses. The bill directs the Real Estate Appraiser Board to promulgate regulations to implement the provisions of this act that include a course of at least two hours relating to fair housing or appraisal bias and exempts the initial adoption of such regulations from the Administrative Process Act, except that the Board shall provide an opportunity for public comment prior to adoption of the regulations. The bill has a delayed effective date of July 1, 2023.

*Patron - Coyner*

**P HB285 Clinical nurse specialist; practice agreements.** Provides that a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist who does not prescribe controlled substances or devices may practice in the practice category in which he is certified and licensed without a written or electronic practice agreement, provided that he (i) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (ii) consult and collaborate with other health care providers based on the clinical condition of the patient to whom health care is provided, and (iii) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers. The bill also provides that a nurse practitioner licensed by the Boards in the category of clinical nurse specialist who prescribes controlled substances or devices shall practice in consultation with a licensed physician in accordance with a practice agreement between the nurse practitioner and the licensed physician.

*Patron - Adams, D.M.*

**P HB286 Nurse practitioners; declaration of death and cause of death.** Authorizes autonomous nurse practitioners, defined in the bill, to declare death and determine cause of death; allows nurse practitioners who are not autonomous nurse practitioners to pronounce the death of a patient in certain circumstances; and eliminates the requirement for a valid Do Not Resuscitate Order for the deceased patient for declaration of death by a registered nurse, physician assistant, or nurse practitioner who is not an autonomous nurse practitioner.

*Patron - Adams, D.M.*

**P HB474 Board for Contractors; certification of automatic fire sprinkler inspectors; exempts building officials and fire officials.** Exempts building officials enforcing the Uniform Statewide Building Code and fire officials enforcing the Virginia Statewide Fire Prevention Code Act from the certification requirements applicable to automatic fire sprinkler inspectors.

*Patron - Brewer*

**P HB537 Telemedicine; out of state providers; behavioral health services.** Allows certain practitioners of professions regulated by the Boards of Medicine, Counseling, Psychology, and Social Work who provide behavioral health services and who are licensed in another state, the District of Columbia, or a United States territory or possession and in good standing with the applicable regulatory agency to engage in the practice of that profession in the Commonwealth with a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services and (ii) the practitioner has previously established a practitioner-patient relationship with the patient. The bill provides that a practitioner who provides behavioral

health services to a patient located in the Commonwealth through use of telemedicine services may provide such services for a period of no more than one year from the date on which the practitioner began providing such services to such patient.

*Patron - Batten*

**P HB555 Health care providers; transfer of patient records in conjunction with closure, sale, or relocation of practice; electronic notice permitted.** Allows health care providers to notify patients either electronically or by mail prior to the transfer of patient records in conjunction with the closure, sale, or relocation of the health care provider's practice. Current law requires health care providers to provide such notice by mail.

*Patron - Hayes*

**P HB598 Certified surgical technologist; criteria for certification.** Requires the Board of Medicine to certify as a surgical technologist any applicant who has practiced as a surgical technologist or attended a surgical technologist training program at any time prior to October 1, 2022, and registers with the Board by December 31, 2022. Under current law, an applicant who practiced as a surgical technologist at any time in the six months prior to July 1, 2021, and registered by December 31, 2021, is eligible for certification by the Board. The bill also provides that no person shall use the designation "C.S.T." or any variation thereof unless such person (i) is certified by the Board and (ii) has successfully completed an accredited surgical technologist training program and holds a current credential as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting or its successor.

*Patron - Hayes*

**P HB604 Board of Nursing; education programs; oversight.** Gives the Board of Nursing the power and duty to prescribe minimum standards and approve curricula for educational programs preparing persons for registration as a medication aide and to provide periodic surveys of training programs.

*Patron - Sickles*

**P HB745 Respiratory therapists; practice pending licensure.** Provides that a person who has graduated from an accredited respiratory therapy education program may practice with the title "Respiratory Therapist, License Applicant" or "RT-Applicant" until he has received a failing score on any examination required by the Board of Medicine for licensure or six months from the date of graduation, whichever occurs sooner. This bill received Governor's recommendations.

*Patron - Bell*

**P HB896 Nurse practitioner; patient care team provider.** Eliminates the authority of a physician on a patient care team to require a nurse practitioner practicing as part of a patient care team to be covered by a professional liability insurance policy and the requirement that a nurse practitioner practicing without a practice agreement obtain and maintain coverage by or be named insured on a professional liability insurance policy.

*Patron - Adams, D.M.*

**P HB933 Pharmaceutical processors.** Amends the definition of "cannabis oil" by removing the requirement that only oil from industrial hemp be used in the formulation of cannabis oil. The bill removes the Board of Pharmacy patient registration requirement for medical cannabis but maintains the requirement that patients obtain written certification from a health care provider for medical cannabis. The bill directs the Board to promulgate numerous regulations related to pharma-

ceutical processors by September 15, 2022. This bill is identical to SB 671.

*Patron - Robinson*

**[P] HB1187 Out-of-state health care practitioners; temporary authorization to practice; licensure by reciprocity for physicians; emergency.** Allows a health care practitioner licensed in another state or the District of Columbia who has submitted an application for licensure to the appropriate health regulatory board to temporarily practice for a period of 90 days pending licensure, provided that certain conditions are met. The bill directs the Board of Medicine to pursue reciprocity agreements with jurisdictions that surround the Commonwealth to streamline the application process in order to facilitate the practice of medicine. The bill requires the Department of Health Professions to annually report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions the number of out-of-state health care practitioners who have utilized the temporary authorization to practice pending licensure and have not subsequently been issued full licensure. The bill contains an emergency clause and is identical to SB 317.

*Patron - Helmer*

**[P] HB1269 Preneed funeral contracts; emergency.** Removes the requirement that if a life insurance or annuity contract is used to fund a preneed funeral contract, the life insurance or annuity contract must provide either that the face value thereof shall be adjusted annually by a factor equal to the annualized Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor, or a benefit payable at death under such contract that will equal or exceed the sum of all premiums paid for such contract plus interest or dividends, which for the first 15 years shall be compounded annually at a rate of at least five percent. The bill also removes the requirement that interest or dividends continue to be paid after 15 years. The bill provides that for any life insurance or annuity contract that is used to fund a preneed funeral contract, the face amount of any life insurance policy shall not be decreased over the life of such policy except for life insurance policies that have lapsed due to the nonpayment of premiums or have gone to a nonforfeiture option that lowers the amount as allowed for in the provisions of the policy. The bill contains an emergency clause.

*Patron - Head*

**[P] HB1285 Virginia State Bar; Clients' Protection Fund; sunset.** Repeals the sunset provision on the Supreme Court's authority to adopt rules assessing members of the Virginia State Bar an annual fee of up to \$25 to be deposited in the Clients' Protection Fund.

*Patron - Sullivan*

**[P] HB1324 Board of Pharmacy; pharmacy work environment requirements.** Directs the Board of Pharmacy to promulgate regulations related to work environment requirements for pharmacy personnel that protect the health, safety, and welfare of patients. The bill directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill.

*Patron - Hodges*

**[P] HB1359 Health care; consent to services and disclosure of records.** Provides that an authorization for the disclosure of health records shall remain in effect until (i) the authorization is revoked in writing and delivered to the health care entity maintaining the health record subject to the authorization, (ii) any expiration date set forth in the authorization, or (iii) the health care entity maintaining the health record becomes aware of any expiration event described in the authori-

zation, whichever occurs first, and that a revocation shall not be effective to the extent that the health care entity maintaining the health record released health records prior to the delivery of such revocation.

The bill also provides that authorization for the release of health records shall include authorization for the person named in the authorization to assist the person who is the subject of the health record in accessing health care services, including scheduling appointments for the person who is the subject of the health record and attending appointments together with the person who is the subject of the health record.

The bill also provides that every health care provider shall make health records of a patient available to any person designated by a patient in an authorization to release health records and that a health care provider shall allow a spouse, parent, adult child, adult sibling, or other person identified by a patient to make an appointment for medical services on behalf of such patient, regardless of whether such patient has executed an authorization to release health records. This bill received Governor's recommendations.

*Patron - Byron*

**[P] SB14 Board of Pharmacy; prescription drug donation program; work group.** Directs the Board of Pharmacy to convene a work group of interested stakeholders to evaluate any challenges and barriers to participation in the prescription drug donation program and ways to increase program participation, education, and outreach. This bill received Governor's recommendations.

*Patron - Favola*

**[P] SB55 Amending death certificates.** Requires the State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate within 45 days of the filing of a death certificate, to amend such death certificate to reflect the new information and evidence. The bill also requires the State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected demographic information on a death certificate more than 45 days after the filing of a death certificate, to amend such death certificate to reflect the new information and evidence. This bill is identical to HB 1001.

*Patron - Cosgrove*

**[P] SB100 Department of Behavioral Health and Developmental Services licensed programs; cardiopulmonary resuscitation for program participants.** Allows employees of programs licensed by the Department of Behavioral Health and Developmental Services who are certified in cardiopulmonary resuscitation to comply with a program participant's valid written order not to resuscitate in the event of cardiac and respiratory arrest if the valid written order not to resuscitate is included in the program participant's individualized service plan. The bill directs the Department to develop and distribute to providers guidance regarding compliance with a program participant's valid written order not to resuscitate by program employees certified in cardiopulmonary resuscitation. This bill received Governor's recommendations.

*Patron - Hanger*

**[P] SB121 Department of Professional and Occupational Regulation; Board for Contractors; exemption from licensure.** Exempts from the "licensure requirements for contractors" any work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition valued at \$25,000 or less per project on behalf of a properly

licensed contractor. Current law provides this exemption to such work valued at \$5,000 or less per project.

*Patron - Hackworth*

**P SB129 Study; Board of Funeral Directors and Embalmers; alkaline hydrolysis work group; report.** Directs the Board of Funeral Directors and Embalmers to convene a work group to study how to legalize, implement, and regulate the process of alkaline hydrolysis in the Commonwealth. The bill requires the Board to report the results of the study to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on or before November 1, 2022.

*Patron - Morrissey*

**P SB183 Cemetery Board; appointment of receiver upon revocation or surrender of license to operate cemetery in Virginia.** Requires the Cemetery Board to petition a court of record having equity jurisdiction over the licensee or any of the funds held by him if the Board has reason to believe that (i) the licensee is not able to adequately protect the interest of the person involved; (ii) the licensee has had his license suspended, revoked, or surrendered; and (iii) the conduct of the licensee or the operation of the cemetery threatens the interests of the public. Current law allows, but does not require, the Board to file such petition upon a showing of at least one of the three requirements. If a receiver is appointed, the bill provides that the expenses of such receivership and a reasonable fee, as determined by the court, shall be paid from the assets of the cemetery company.

*Patron - Ruff*

**P SB317 Out-of-state health care practitioners; temporary authorization to practice; licensure by reciprocity for physicians; emergency.** Allows a health care practitioner licensed in another state or the District of Columbia who has submitted an application for licensure to the appropriate health regulatory board to temporarily practice for a period of 90 days pending licensure, provided that certain conditions are met. The bill directs the Board of Medicine to pursue reciprocity agreements with jurisdictions that surround the Commonwealth to streamline the application process in order to facilitate the practice of medicine. The bill requires the Department of Health Professions to annually report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions the number of out-of-state health care practitioners who have utilized the temporary authorization to practice pending licensure and have not subsequently been issued full licensure. The bill contains an emergency clause and is identical to HB 1187.

*Patron - Favola*

**P SB369 Public health emergency; out-of-state licenses; deemed licensure.** Allows a practitioner of a profession regulated by the Board of Medicine who is licensed in another state or the District of Columbia and who is in good standing with the applicable regulatory agency in that state or the District of Columbia to engage in the practice of that profession in the Commonwealth with a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services and (ii) the patient is a current patient of the practitioner with whom the practitioner has previously established a practitioner-patient relationship and the practitioner has performed an in-person examination of the patient within the previous 12 months. The bill also provides that when the Board of Health has issued an emergency order, the Boards of Medicine and Nursing may waive (a) the requirement for submission of a fee for renewal or reinstatement of a license to practice medicine or osteopathic medicine or as a physician assistant or

nurse practitioner and (b) the requirement for submission of evidence that a practitioner whose license was allowed to lapse for failure to meet professional activity requirements has satisfied such requirements and is prepared to resume practice in a competent manner for any person who held a valid, unrestricted, active license within the four-year period immediately prior to the application for renewal or reinstatement of such license. This bill is identical to HB 264. This bill received Governor's recommendations.

*Patron - Stuart*

**P SB375 Optometrists; laser surgery.** Allows an optometrist who has received a certification to perform laser surgery from the Board of Optometry (the Board) to perform certain types of laser surgery of the eye and directs the Board to issue a certification to perform laser surgery to any optometrist who submits evidence satisfactory to the Board that he (i) is certified by the Board to prescribe for and treat diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents pursuant to Code requirements and (ii) has satisfactorily completed such didactic and clinical training programs provided by an accredited school or college of optometry that includes training in the use of lasers for the medically appropriate and recognized treatment of the human eye as the Board may require.

The bill also requires the Board to adopt regulations (a) establishing criteria for certification of an optometrist to perform permitted laser surgeries and (b) requiring optometrists to register annually with the Board and to report information regarding any disciplinary action, malpractice judgment, or malpractice settlement against the provider and any evidence that indicates the provider may be unable to engage safely in the practice of his profession. The bill also requires optometrists certified to perform laser surgery to report certain information regarding the number and types of laser surgeries performed and the conditions treated as well as any adverse treatment outcomes associated with the performance of such laser surgeries to the Board, and requires the Board to report such information to the Governor and the Secretary of Health and Human Resources annually. This bill is identical to HB 213.

*Patron - Petersen*

**P SB409 Department of Professional and Occupational Regulation; effect of criminal convictions on licensure; data to be included in biennial report.** Provides for consideration of certain factors to be made by any regulatory board through an individualized assessment prior to denying an application for licensure, certification, or registration for any occupation or profession regulated by the Department of Professional and Occupational Regulation where such denial was made in whole or in part upon the existence of the applicant's criminal record. The provisions of the bill do not become effective unless reenacted by the 2023 Session of the General Assembly, and the bill requires, beginning July 1, 2025, the Department to include certain data related to the criminal history of applicants to each regulatory board in its biennial report. This bill is identical to HB 282 and contains technical amendments.

*Patron - Morrissey*

**P SB414 Nurse practitioners; patient care team physician supervision capacity increased.** Allows a physician to serve as a patient care team physician on a patient care team with up to 10 nurse practitioners licensed in the category of psychiatric-mental health nurse practitioner. The bill retains, in all other cases, the existing provision that a physician may serve as a patient care team physician on a patient care team with no more than six nurse practitioners.

*Patron - Kiggans*

**P SB510 Department of Professional and Occupational Regulation; Real Estate Board; death or disability of a real estate broker.** Requires a licensed real estate broker who is engaged in a sole proprietorship or is the only licensed broker in a business entity to designate, at the time of his application for broker licensure and at the time of his application for renewal of his license, another licensed broker to carry on the business for 180 days for the sole purpose of concluding the business of such designating broker in the event of the designating broker's death or disability. The bill also clarifies that in the event that the original designated licensed broker is unable or unwilling to perform the act of concluding a deceased or disabled broker's business, the Real Estate Board shall grant approval to conclude the affairs of the business to one of a list of individuals. Under current law, the Board must grant such approval to such individuals in a specific order of priority. Finally, the bill provides that in the event that no listed individual is available or suitable to conclude the business affairs of the deceased or disabled broker, the Board is required to appoint any other licensed broker, with such broker's written consent, within 30 days of receiving written notification of a broker's death or disability, to carry on the business of the deceased or disabled broker for the sole purpose of concluding the business within 180 days. The bill requires the Department of Professional and Occupational Regulation to amend the real estate broker license renewal application form to require applicants for real estate broker license renewal to state that there has been no change to the designated licensed broker. This bill received Governor's recommendations.

*Patron - Suetterlein*

**P SB511 Opioid treatment program pharmacy; medication dispensing; registered nurses and licensed practical nurses.** Allows registered nurses and licensed practical nurses practicing at an opioid treatment program pharmacy to perform the duties of a pharmacy technician, provided that all take-home medication doses are verified for accuracy by a pharmacist prior to dispensing.

*Patron - Suetterlein*

**P SB533 Department of Professional and Occupational Regulation; real estate brokers; protection of real estate escrow funds.** Clarifies that, upon the ratification of a contract, an earnest money deposit received by the principal broker or supervising broker, or an agent of such principal broker or supervising broker, that will be held in the firm's escrow account shall be placed in such account by the end of the fifth business banking day following ratification, unless otherwise agreed to in writing by the principals to the transaction. The bill provides that if an earnest money deposit received by the principal broker or supervising broker, or an agent of such principal broker or supervising broker, will not be held in the firm's escrow account, the principal broker or supervising broker shall ensure that the earnest money deposit is delivered to the escrow agent named in the contract by the end of the fifth business banking day following receipt of the deposit, unless otherwise agreed to in writing by the principals to the transaction.

*Patron - Lewis*

**P SB590 License to teach dentistry; foreign dental program graduates.** Allows the Board of Dentistry to grant, without examination, a faculty license to teach dentistry in an accredited dental program to a graduate of a dental school or college or the dental department of an institution of higher education in a foreign country that has been granted a certification letter from the dean or program director of an accredited dental program confirming that the applicant has clinical competency and clinical experience that meet the credentialing standards of

the dental school with which the applicant is to be affiliated. The provisions of the bill expire on July 1, 2025.

*Patron - Pillion*

**P SB594 Medicaid participants; treatment involving the prescription of opioids; payment.** Prohibits licensed providers from requiring payment from Medicaid participants for the prescription of an opioid for the management of pain or the prescription of buprenorphine-containing products, methadone, or other opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration for medication-assisted treatment of opioid addiction, regardless of whether the provider participates in the state plan for medical assistance.

*Patron - Pillion*

**P SB607 Board for Asbestos, Lead, and Home Inspectors; smoke detectors; update regulations.** Requires the Board for Asbestos, Lead, and Homes Inspectors to require that a home inspection and the report on its findings include a determination of whether the home's smoke detectors are in "good working order," as defined by the Board. Under current law, such regulations require that such reports only note the presence or absence of smoke detectors.

*Patron - McPike*

**P SB671 Pharmaceutical processors.** Amends the definition of "cannabis oil" by removing the requirement that only oil from industrial hemp be used in the formulation of cannabis oil. The bill removes the Board of Pharmacy patient registration requirement for medical cannabis but maintains the requirement that patients obtain written certification from a health care provider for medical cannabis. The bill directs the Board to promulgate numerous regulations related to pharmaceutical processors by September 15, 2022. This bill is identical to HB 933.

*Patron - Dunnivant*

**P SB672 Pharmacists and pharmacy technicians; initiation of treatment with and dispensing and administration of vaccines.** Allows pharmacists and pharmacy technicians acting under the supervision of a pharmacist to initiate treatment with and dispense and administer vaccines for COVID-19, nicotine replacement and other tobacco cessation therapies, and tests for COVID-19 and other coronaviruses to persons aged 18 years and older and vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention and vaccines for COVID-19 and tests for COVID-19 and other coronaviruses to persons three years of age or older in accordance with a statewide protocol established by the Board of Medicine in collaboration with the Board of Pharmacy and the Department of Health. The bill also directs the Board of Medicine, in collaboration with the Board of Pharmacy and the Department of Health to develop such statewide protocol by November 1, 2022, and directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill. The bill also provides that when services related to the initiation of treatment with or dispensing or administration of a vaccination by a pharmacist, pharmacy technician, or pharmacy intern provided for by the state plan for medical assistance services are provided in accordance with the provisions of the bill, the Department of Medical Assistance Services shall provide reimbursement for such services. Finally, the bill provides that provisions related to administration of COVID-19 vaccines to and testing for COVID-19 of minors shall become effective upon the expiration of the provisions of the federal Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 related to the administration of COVID-19 vaccines to and testing for COVID-19 of minors.

This bill is identical to HB 1323. This bill received Governor's recommendations.

*Patron - Dunnivant*

**[P] SB679 Board of Funeral Directors and Embalmers; life insurance or annuity preneed funeral contract requirements.** Provides that the face amount of any life insurance policy issued to fund a preneed funeral contract shall not be decreased over the life of the life insurance policy except where such policies have lapsed due to nonpayment of premiums or have gone to a nonforfeiture option that lowers the face amount as allowed for in the provisions of the policy.

*Patron - Spruill*

**[P] SB693 Common interest communities; notice of final adverse decision; allowing audio and video recordings; report.** Directs the Common Interest Community Board (the Board) to review the feasibility of allowing audio and video recordings to be submitted with a notice of final adverse decision. The bill requires the Board to report its findings and any legislative, regulatory, policy, or budgetary recommendations to the Secretary of Labor and the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before November 1, 2022.

*Patron - Petersen*

**[P] SB759 Drug Control Act; Schedule I; Schedule II; Schedule IV; Schedule V.** Adds certain chemicals to the Drug Control Act. The Board of Pharmacy has added these substances 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. This bill is identical to HB 193.

*Patron - Newman*

## Failed

**[F] HB102 Prescriptions; off-label use.** Provides that a prescriber may prescribe, administer, or dispense and a pharmacist may dispense a drug that has been approved for a specific use by the U.S. Food and Drug Administration for an off-label use when the prescriber or pharmacist determines, in his professional judgment, that such off-label use is appropriate for the standard of care and such prescribing, administering, or dispensing is to improve health care outcomes. The bill also prohibits a hospital from denying, revoking, terminating, diminishing, or curtailing in any way any professional or clinical privilege of any licensed health care provider with prescriptive authority or authority to dispense drugs solely on the grounds that such health care provider prescribes, administers, or dispenses a drug that has been approved for a specific use by the U.S. Food and Drug Administration for an off-label use, provided that such prescribing, administering, or dispensing is in accordance with laws of the Commonwealth and is to improve health care outcomes.

*Patron - Greenhalgh*

**[F] HB243 Practitioners of medicine, osteopathy, chiropractic, and podiatric medicine; requirements.** Increases the duration of postgraduate training required issuance of a license to practice medicine, osteopathy, chiropractic, or podiatric medicine from 12 months to 36 months and requires every practitioner licensed to practice medicine, osteopathy, chiropractic, and podiatric medicine to obtain and maintain coverage by or to be named insured on a professional liability insurance policy with limits equal to the current limitation on damages set forth in the Code of Virginia.

*Patron - Adams, D.M.*

**[F] HB353 Unaccompanied homeless youth; consent to medical care.** Provides that except for the purposes of sterilization or abortion, a minor who is 14 years of age or older and who is an unaccompanied homeless youth shall be deemed an adult for the purpose of consenting to surgical or medical examination or treatment, including dental examination and treatment, for himself or his minor child. The bill describes evidence sufficient to determine that a minor is an unaccompanied homeless youth and provides that no health care provider shall be liable for any civil or criminal action for providing surgical or medical treatment to an unaccompanied homeless youth or his minor child without first obtaining the consent of his parent or guardian provided in accordance with the law, with the exception of liability for negligence in the diagnosis or treatment of such unaccompanied homeless youth.

*Patron - Willett*

**[F] HB527 Interstate Medical Licensure Compact.** Creates the Interstate Medical Licensure Compact to create a process for expedited issuance of a license to practice medicine in the Commonwealth for qualifying physicians to enhance the portability of medical licenses while protecting patient safety. The bill establishes requirements for coordination of information systems among member states and procedures for investigation and discipline of physicians alleged to have engaged in unprofessional conduct. The bill creates the Interstate Medical Licensure Compact Commission to administer the compact.

*Patron - Helmer*

**[F] HB864 Professions and occupations; proof of identity.** Replaces the requirement for proof of citizenship to obtain a license, certificate, registration, or other authorization issued by the Commonwealth to engage in a business, trade, profession, or occupation with a requirement to provide proof of identity. The bill contains technical amendments.

*Patron - Lopez*

**[F] HB953 Department of Professional and Occupational Regulation; Common Interest Community Board; enforcement jurisdiction.** Makes the enforcement of regulations for common interest community managers the sole responsibility of the Common Interest Community Board. Current law delegates the enforcement of these regulations to the Real Estate Board for real estate brokers, real estate salespersons, and real estate brokerage firms who are also licensed as common interest community managers.

*Patron - Convirs-Fowler*

**[F] HB976 Prescriptions; unapproved use.** Provides that a licensed health care provider with prescriptive authority may prescribe, administer, or dispense a drug that has been approved for a specific use by the U.S. Food and Drug Administration for an unapproved use when the health care provider determines, in his professional judgement, that such unapproved use is appropriate for the care and treatment of the patient and prohibits a pharmacist from refusing to dispense a drug for unapproved use if a valid prescription is presented.

*Patron - LaRock*

**[F] HB1095 Health care; decision making; end of life; penalties.** Allows an adult diagnosed with a terminal condition to request and an attending health care provider to prescribe a self-administered controlled substance for the purpose of ending the patient's life in a humane and dignified manner. The bill requires that a patient's request for a self-administered controlled substance to end his life must be given orally on two occasions and in writing, signed by the patient and one witness, and that the patient be given an express opportunity to rescind his request at any time. The bill makes it a Class 2 fel-

ony (i) to willfully and deliberately alter, forge, conceal, or destroy a patient's request, or rescission of request, for a self-administered controlled substance to end his life with the intent and effect of causing the patient's death; (ii) to coerce, intimidate, or exert undue influence on a patient to request a self-administered controlled substance for the purpose of ending his life or to destroy the patient's rescission of such request with the intent and effect of causing the patient's death; or (iii) to coerce, intimidate, or exert undue influence on a patient to forgo a self-administered controlled substance for the purpose of ending the patient's life. The bill also grants immunity from civil or criminal liability and professional disciplinary action to any person who complies with the provisions of the bill and allows health care providers to refuse to participate in the provision of a self-administered controlled substance to a patient for the purpose of ending the patient's life.

*Patron - Kory*

**[F] HB1240 Board of Counseling; licensure of professional counselors without examination.**

*Patron - Scott, P.A.*

**[F] SB73 Prescriptions for hydroxychloroquine and ivermectin for treatment of COVID-19.** Provides that licensed health care providers with prescriptive authority may prescribe, administer, or dispense hydroxychloroquine and ivermectin to a patient with a clinical diagnosis of COVID-19. The bill prohibits the Board of Medicine from initiating a disciplinary action against a licensed health care provider solely for prescribing, administering, or dispensing hydroxychloroquine or ivermectin to a patient with a clinical diagnosis of COVID-19, provided such clinical diagnosis and treatment has been documented in the patient's medical record by such licensed health care provider.

*Patron - Chase*

**[F] SB257 Department of Health Professions; Counseling Compact review; report.** Directs the Department of Health Professions to review the merits of the Commonwealth entering into the Counseling Compact, an interstate compact to facilitate the interstate practice of licensed professional counselors. The bill requires the Department to report its findings to the General Assembly no later than September 1, 2022.

*Patron - Hashmi*

**[F] SB461 Department of Professional and Occupational Regulation; contractors; voluntary certification of boiler operators; penalty.** Establishes a regulatory program, to be administered by the Department of Professional and Occupational Regulation's Board for Contractors, for the voluntary certification of any person who has primary responsibility for operating, repairing, maintaining, or adjusting boilers rated between 30 and 499 horsepower, regardless of use.

*Patron - Bell*

**[F] SB539 Department of Professional and Occupational Regulation; Common Interest Community Board; enforcement jurisdiction.** Makes the enforcement of regulations for common interest community managers the sole responsibility of the Common Interest Community Board. Current law delegates the enforcement of these regulations to the Real Estate Board for real estate brokers, real estate salespersons, and real estate brokerage firms who are also licensed as common interest community managers.

*Patron - Peake*

**[F] SB542 Board of Pharmacy; written certification for the use of cannabis products.** Requires the Board of Pharmacy to provide a form for practitioners to issue as written certification for the use of cannabis products. Current law requires

the Office of the Executive Secretary of the Supreme Court to provide the form.

*Patron - Marsden*

**[F] SB544 Department of Professional and Occupational Regulation; training requirement for cosmetologists.** Provides that the Board for Barbers and Cosmetology shall require completion of no more than 1,000 hours of training in the field for initial licensing in cosmetology.

*Patron - Marsden*

**[F] SB638 Board of Medicine; unconscious implicit bias and cultural competency.** Requires all practitioners licensed by the Board of Medicine to complete two hours of continuing education in each biennium on topics related to unconscious implicit bias and cultural competency.

*Patron - Locke*

**[F] SB668 Death with Dignity Act; penalties.** Allows an adult who has been determined by an attending physician and consulting physician to be suffering from a terminal condition to request medication for the purpose of ending his life in a humane and dignified manner. The bill requires that a patient's request for medication to end his life be given orally on two occasions, that such request be in writing, that such request be signed by the patient and two witnesses, and that the patient be given an express opportunity to rescind his request. The bill requires that before a patient is prescribed medication to end his life, the attending physician must (i) confirm that the patient is making an informed decision, (ii) refer the patient to a capacity reviewer if the physician is uncertain as to whether the patient is making an informed decision, (iii) refer the patient to a consulting physician for confirmation or rejection of the attending physician's diagnosis, and (iv) inform the patient that he may rescind the request at any time. The bill provides that neither a patient's request for medication to end his life in a humane and dignified manner nor his act of ingesting such medication shall have any effect upon a life, health, or accident insurance policy or an annuity contract. The bill makes it a Class 2 felony (a) to willfully and deliberately alter, forge, conceal, or destroy a patient's request, or rescission of request, for medication to end his life with the intent and effect of causing the patient's death or (b) to coerce, intimidate, or exert undue influence on a patient to request medication for the purpose of ending his life or to destroy the patient's rescission of such request with the intent and effect of causing the patient's death. Finally, the bill grants immunity from civil or criminal liability and professional disciplinary action to any person who complies with the provisions of the bill and allows health care providers to refuse to participate in the provision of medication to a patient for the purpose of ending the patient's life.

*Patron - Hashmi*

**[F] SB670 Board of Medicine; implicit bias and cultural competency.** Requires all practitioners licensed by the Board of Medicine to complete two hours of continuing education in each biennium on topics related to implicit bias and cultural competency.

*Patron - Hashmi*

**[F] SB711 Prescriptions; off-label use.** Provides that a licensed health care provider with prescriptive authority may prescribe, administer, or dispense a drug that has been approved for a specific use by the U.S. Food and Drug Administration for an off-label use when the health care provider determines, in his professional judgment, that such off-label use is appropriate for the care and treatment of the patient and

prohibits a pharmacist from refusing to dispense a drug for off-label use if a valid prescription is presented.

*Patron - Chase*

**[F] SB772 Board of Pharmacy; cannabis registration.** Eliminates the Board of Pharmacy patient registration requirement for medical cannabis. The bill maintains the requirement that patients obtain a written certification from a health care provider to obtain medical cannabis.

*Patron - Marsden*

## Carried Over

**[C] HB712 Board of Pharmacy; safe sharps disposal.** Directs the Board of Pharmacy to amend its regulations to require all pharmacies to provide and maintain a safe sharps disposal container on the premises of the pharmacy for public use.

*Patron - Keam*

**[C] HB921 Prescribing controlled substances; practitioner-patient relationship; telemedicine.** Provides that a prescriber may establish a practitioner-patient relationship for the purpose of prescribing Schedule II through V controlled substances via synchronous interaction with a patient and for the purpose of prescribing Schedule VI controlled substances via asynchronous interaction. The terms "synchronous interaction" and "asynchronous interaction" are defined in the bill.

*Patron - Orrock*

**[C] HB1105 Board of Medicine; implicit bias and cultural competency.** Requires all practitioners licensed by the Board of Medicine to complete two hours of continuing education in each biennium on topics related to implicit bias and cultural competency.

*Patron - McQuinn*

**[C] HB1245 Nurse practitioners; practice without a practice agreement; repeal sunset.** Repeals the sunset provision on the bill passed in 2021 that 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.

*Patron - Adams, D.M.*

**[C] HB1253 Department of Professional and Occupational Regulation; licensure by apprenticeship.** Requires the regulatory boards within the Department of Professional and Occupational Regulation to grant a license to an applicant for licensure by apprenticeship if the applicant has (i) completed an apprenticeship in an occupation that is regulated by a board, and such board grants licensure to individuals in such occupation or an occupation with a similar scope of practice; (ii) passed all requisite examinations; and (iii) paid all applicable fees, as determined by the board. The bill has a delayed effective date of January 1, 2023.

*Patron - Fowler*

**[C] HB1307 Kratom; prohibited acts; civil penalty.** Provides that no person that sells, prepares, manufactures, distributes, or maintains kratom products, as defined in the bill, or advertises, represents, or holds itself out as selling, preparing, manufacturing, distributing, or maintaining kratom products shall prepare, distribute, sell, or expose for sale (i) any kratom product that includes or is packed with a substance that is not kratom and that affects the quality or strength of the kratom product or that contains any poisonous or otherwise deleterious ingredient; (ii) any kratom product that contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than

two percent of the overall alkaloid composition of the product or any synthetic alkaloids or other synthetically derived compounds of the kratom plant; (iii) any kratom extract that contains levels of residual solvents that are higher than is allowed in Chapter 467 of current edition of the United States Pharmacopeia; or (iv) any kratom product that does not provide labeling directions necessary for safe and effective use by consumers, including a recommended serving size. The bill provides that any person that violates the provisions of the bill shall be subject to a civil penalty in the amount of \$100 for a first violation, a civil penalty in the amount of \$200 for a second violation, and a civil penalty in the amount of \$500 for a third or subsequent violation.

*Patron - Fowler*

**[C] SB456 Board of Medicine; implicit bias and cultural competency.** Requires all practitioners licensed by the Board of Medicine to complete two hours of continuing education in each biennium on topics related to implicit bias and cultural competency.

*Patron - Locke*

**[C] SB676 Licensure and practice of associate physicians.** Authorizes the Board of Medicine to issue a two-year license to practice as an associate physician to an applicant who is 18 years of age or older, is of good moral character, has graduated from an accredited medical school, has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination, and has not completed a medical internship or residency program. The bill requires all associate physicians to practice in accordance with a practice agreement entered into between the associate physician and a physician licensed by the Board and provides for prescriptive authority of associate physicians in accordance with regulations of the Board.

*Patron - DeSteph*

## Property and Conveyances

### Passed

**[P] HB470 Common interest communities; prohibition on refusal to recognize a licensed real estate broker.** Clarifies the prohibition on property owners' associations and unit owners' associations pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.) and the Virginia Condominium Act (§ 55.1-1900 et seq.), as the case may be, refusing to recognize a licensed real estate broker that is designated by the lot owner or unit owner as such lot owner's or unit owner's authorized representative, provided that the property owners' association or unit owners' association is given a written authorization signed by the lot owner or unit owner designating such licensed individual as his authorized representative and containing certain information for such designated representative. The bill also expands the list of authorized persons to whom a seller or seller's authorized agent may provide a written request for the delivery of the association disclosure packet or resale certificate. The bill contains a technical amendment. This bill is identical to SB 197.

*Patron - Bulova*

**[P] HB702 Residential Property Disclosure Act; required disclosures for buyer to beware; buyer to exercise necessary due diligence; lot coverage.** Requires that the owner of residential real property include in the residential property disclosure statement provided to a potential purchaser of such residential real property a statement that the owner



makes no representation with respect to current lot lines or the ability to expand, improve, or add any structures on the property and that the potential purchaser is advised to exercise necessary due diligence, including obtaining a property survey and contacting the locality to determine zoning ordinances or lot coverage, height, or setback requirements on the property.

*Patron - Keam*

**[P] HB802 Virginia Residential Landlord and Tenant Act; enforcement by localities.** Provides that if a condition exists in a rental dwelling unit that constitutes a material non-compliance by the landlord with the rental agreement or with any provision of law that, if not promptly corrected, constitutes a fire hazard or serious threat to the life, health, or safety of tenants or occupants of the premises, a locality may bring an action to enforce the landlord's duty to maintain the rental dwelling in a fit and habitable condition, provided that (i) the property where the violations occurred is within the jurisdictional boundaries of the locality; (ii) the locality has notified the landlord who owns the property directly or through the managing agent of the nature of the violations and the landlord has not remedied the violations within a reasonable time after receiving such notice to the satisfaction of the locality; and (iii) such enforcement action may include seeking an injunction, damages, or both. This bill was vetoed by the Governor.

*Patron - Price*

**[P] HB1065 Department of Housing and Community Development; manufactured home parks; sample documents.** Directs the Department of Housing and Community Development to convene a work group consisting of representatives from the Virginia Housing Development Authority, manufactured home park owners and residents, attorneys with relevant expertise, and other relevant stakeholders for the purposes of developing a sample manufactured home lot rental agreement and sample manufactured home park notices regarding an intent to sell.

*Patron - Krizek*

**[P] HB1364 Real estate settlement agents; emergency.** Clarifies that a seller shall not be prohibited from retaining a licensed attorney to represent his interests and provide legal advice pertaining to escrow, closing, or settlement services. This bill is declarative of existing law. The bill contains an emergency clause and is identical to SB 775.

*Patron - Leftwich*

**[P] SB69 Virginia Residential Landlord and Tenant Act; child care services provisions in rental agreements.** Allows a rental agreement to contain provisions allowing for the tenant's operation of properly licensed and authorized child care services.

*Patron - Favola*

**[P] SB197 Common interest communities; prohibition on refusal to recognize a licensed real estate broker.** Clarifies the prohibition on property owners' associations and unit owners' associations pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.) and the Virginia Condominium Act (§ 55.1-1900 et seq.), as the case may be, refusing to recognize a licensed real estate broker that is designated by the lot owner or unit owner as such lot owner's or unit owner's authorized representative, provided that the property owners' association or unit owners' association is given a written authorization signed by the lot owner or unit owner designating such licensed individual as his authorized representative and containing certain information for such designated representative. The bill also expands the list of authorized persons to whom a seller or seller's authorized agent may provide a written request for the delivery of the association disclosure packet or resale

certificate. The bill contains a technical amendment. This bill is identical to HB 470.

*Patron - Mason*

**[P] SB199 Public auction of personal property to satisfy lien; advertisement requirement alternative contact.** Removes the provisions regarding the content of and publishing requirements for an advertisement for a public auction of personal property for the purposes of satisfying a lien. The bill also requires a rental agreement for an individual storage space in a self-service storage facility to provide the occupant with the option to designate an alternative contact to receive any notices required by law, and provides that no alternative contact shall have any right to access the leased space or any personal property stored within unless expressly stated otherwise in the rental agreement. This bill received Governor's recommendations.

*Patron - Mason*

**[P] SB286 Required disclosure for buyer to beware; buyer due diligence; historic districts.** Adds a survey of the property to the list of materials that a purchaser of the property can review as part of exercising whatever due diligence the particular purchaser deems necessary with respect to a historic district designated by the locality. This bill was vetoed by the Governor.

*Patron - Ebbin*

**[P] SB311 Real property; duty to disclose ownership interest and lis pendens.** Provides that a real estate licensee has an affirmative duty, upon having substantive discussions about specific real property, to disclose in writing to the purchaser, seller, lessor, or lessee of the property if he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest has or will have an ownership interest as a party to the transaction and must also disclose in writing that he is a licensee. The bill requires that an owner of a residential dwelling unit who has actual knowledge of a lis pendens filed against the dwelling unit must provide to a prospective purchaser a written disclosure of such fact on a form provided by the Real Estate Board on its website. This bill is identical to HB 281. This bill was vetoed by the Governor.

*Patron - Ebbin*

**[P] SB740 Department of Professional and Occupational Regulation; common interest communities; standards for structural integrity and reserves for capital components; work group; report.** Directs the Department of Professional and Occupational Regulation (the Department) to establish a work group to study the adequacy of current laws addressing standards for structural integrity and for maintaining reserves to repair, replace, or restore capital components in common interest communities. The bill directs the Department to report the work group's findings and provide recommendations, including any legislative recommendations, to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology no later than April 1, 2023.

*Patron - Surovell*

**[P] SB775 Real estate settlement agents; emergency.** Clarifies that a seller shall not be prohibited from retaining a licensed attorney to represent his interests and provide legal advice pertaining to escrow, closing, or settlement services. This bill is declarative of existing law. The bill contains an emergency clause and is identical to HB 1364.

*Patron - Lewis*

## Failed

**[F] HB21 Public auction of personal property to satisfy lien; advertisement requirement; website.** Allows an advertisement for the public auction of personal property to satisfy a lien to be published on a publicly accessible website that conducts property sales. Under current law, an advertisement is required to be published in a newspaper of general circulation.

*Patron - Fowler*

**[F] HB160 Virginia Residential Landlord and Tenant Act; landlord obligations; tenant safety.** Requires a landlord who owns more than four rental dwelling units, or more than a 10 percent interest in more than four rental dwelling units, to require all employees and applicants for employment to submit to fingerprinting and provide personal descriptive information to be forwarded along with the employee's or applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee or applicant. The bill allows a landlord to disqualify from employment any person who has been convicted of or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a violent crime committed in any jurisdiction. The bill also provides that a landlord must (i) establish written policies and procedure for the storage and management of, access to, and return of all keys for each rental dwelling unit; (ii) regulate the secure storage of and access to unissued keys; and (iii) maintain a written log for the issuance and return of all keys. Finally, pursuant to the bill, all relevant landlords must submit certain information on a quarterly basis to the Department of Housing and Community Development to prove compliance with the provisions outlined in the bill.

*Patron - Mundon King*

**[F] HB376 Virginia Residential Property Disclosures Act; Real Estate Board; residential property disclosure statement form.** Requires the residential property disclosure statement form developed by the Real Estate Board and maintained on its website to include a statement signed by the parties acknowledging that the purchaser has been advised of the disclosures listed in residential property disclosure statement. Under current law, the form that contains the statement to be signed by the parties is not required to be included with the residential property disclosure statement form.

*Patron - Convirs-Fowler*

**[F] HB382 Property Owners' Association Act; statement of lot owner rights.** Provides that, pursuant to the Property Owners' Association Act, every lot owner who is a member in good standing of a property owners' association shall have (i) the equal right to present use and enjoyment of the property, (ii) the right to serve on the board of directors and to carry out one's specific duties with the same rights and privileges as other board members, and (iii) the right to have notice of any pending or probable litigation involving the association.

*Patron - Convirs-Fowler*

**[F] HB803 Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement.** Increases from five days to 14 days the mandatory waiting period after a landlord serves 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.

*Patron - Price*

**[F] HB804 Virginia Residential Landlord and Tenant Act; nonrefundable application fee; limitations.** Places limitations on when a landlord may charge a nonrefundable application fee in addition to a refundable application deposit. The bill prohibits a landlord with more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units from charging prospective tenants any nonrefundable application fee in excess of the amount necessary to reimburse the landlord for any actual out-of-pocket expenses paid by the landlord to a third party performing a number of pre-occupancy checks on the applicant. The bill allows an applicant to choose to provide certain information to the landlord in the form of a portable tenant screening report in lieu of paying an application fee. When an applicant chooses not to provide such report, a landlord that owns four or fewer rental dwelling units may charge such applicant actual out-of-pocket expenses paid by the landlord to a third party performing certain pre-occupancy checks on the applicant or, in the case of an application for a public housing unit, an application fee of no more than \$32, including any actual out-of-pocket expenses paid to a third party by the landlord performing background, credit, or other pre-occupancy checks on the applicant.

*Patron - Price*

**[F] HB840 Virginia Residential Landlord and Tenant Act; retaliatory conduct; rebuttable presumption.** Establishes a rebuttable presumption of retaliatory conduct pursuant to the provisions of the Virginia Residential Landlord and Tenant Act if a landlord increases rent beyond that which is charged for similar market rentals, decreases services, brings or threatens to bring an action for possession, or terminates the rental agreement within six months of having knowledge of certain actions made by a tenant.

*Patron - Lopez*

**[F] HB868 Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement; warranty of habitability.** Prohibits a landlord from waiving, either orally or in writing, his duty to maintain a fit premises, and requires a landlord to include in every rental agreement the terms and conditions governing such duty.

*Patron - Lopez*

**[F] HB882 Virginia Residential Landlord and Tenant Act; tenant's assertion; condemnation of dwelling unit; remedies.** Provides a rebuttable presumption of a landlord's material noncompliance with the rental agreement if the leased premises was condemned by an appropriate state or local agency due to the landlord's or his agent's refusal or failure to remedy a condition for which he was served a condemnation notice. The bill requires a court, when such rebuttable presumption is established, to award the tenant the amount of three months' rent, any prepaid rent, and any security deposit paid by the tenant.

*Patron - Lopez*

**[F] HB893 Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement; automatic renewal; notice of rent increase.** Requires a landlord that owns more than four rental dwelling units to, in the case of any rental agreement that provides for automatic renewal of such agreement, provide separate written notice to the tenant notifying the tenant of any increase in rent. The bill provides that such notice shall be provided to the tenant no less than 30 days before the automatic renewal takes effect.

*Patron - Maldonado*

**[F] HB909 Virginia Residential Landlord and Tenant Act; prohibited discrimination; national origin.** Provides

that a landlord may not discriminate against any person in the terms, conditions, or privileges with respect to the rental of a dwelling unit, or in the provision of services or facilities in the connection therewith, to any person because of such person's national origin.

*Patron - Lopez*

**[F] HB954 Property Owners' Association Act; use of electronic means for meetings and voting.** Provides that reasonable accommodations shall be made to allow a member of the board of directors of a property owners' association to attend a meeting by telephone or video conference if such member is incapable or otherwise unable to be physically present at such meeting and that such member shall be deemed present for quorum and voting purposes. The bill also requires any guidelines adopted by the board of directors of an association for the use of electronic means for meetings to be applied equally to all board members and lot owners.

*Patron - Convors-Fowler*

**[F] HB955 Property Owners' Association Act; access to association records; electronic participation in association meetings.** Clarifies that all books and records kept by or on behalf of an association shall be made available to a member in good standing or his authorized agent in a manner consistent with the association's routine practices and procedure for the keeping and production of such books and records, to include both physical and electronic methods of production. Current law makes no mention of the electronic production of such books and records. The bill also permits members to participate in any meeting of the association through electronic communication means if doing so has been authorized by the board of directors. Such members shall be deemed present for quorum purposes and may vote at the meeting so long as the board of directors has implemented certain policies regarding access to and participation in the meeting.

*Patron - Convors-Fowler*

**[F] HB1062 Manufactured Home Lot Rental Act; notice; sale of manufactured home park.** Changes from 180 days to 270 days the notice period a landlord has to give to a tenant before the sale of a manufactured home park.

*Patron - Krizek*

**[F] HB1338 Notices required before sale by trustee.** Provides that notice of any proposed sale in execution of a deed of trust shall be given to any personal representative of the deceased's estate whose appointment is recorded at least 75 days prior to the proposed sale and any heirs of the deceased who are listed on the list of heirs recorded at least 75 days prior to the proposed sale. Under current law, there is no time frame within which either such recordation must have been made. The bill further provides that in event of a foreclosure arising from a failure to satisfy periodic payments required by the terms of a deed of trust conveying owner-occupied residential real estate, a notice to the owner shall include the date of the last payment received and the amount received; the total amount of principal, interest, costs, and fees due in arrears; and the remaining total principal balance due on the instrument.

*Patron - Torian*

**[F] SB19 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*

**[F] SB43 Virginia Residential Landlord and Tenant Act; county and city enforcement.** Provides that any county

or city may bring an action to enforce the provisions of the Virginia Residential Landlord and Tenant Act related to health and safety, provided that (i) the property where the violations occurred is within the jurisdictional boundaries of the county or city; (ii) the county or city has notified the landlord who owns the property directly or through the managing agent of the nature of the violations and the landlord has not remedied the violations within a reasonable time after receiving such notice to the satisfaction of the county or city; and (iii) such enforcement action may include seeking an injunction, damages, or both.

*Patron - Favola*

**[F] SB606 Uniform Statewide Building Code; smoke detectors required in new residential dwellings.** Requires battery operated or AC powered smoke alarm devices to be installed in all new residential dwellings. The bill requires battery operated smoke alarm devices to be equipped with a battery capable of lasting at least 10 years. The location and installation of the smoke alarms shall be determined by the Building Code. The owner of such residential dwelling shall be responsible for the maintenance of the smoke alarm device.

*Patron - McPike*

## Carried Over

**[C] SB217 Property Owners' Association Act; access to records; generally accepted accounting principles.** Provides that all financial books and records shall be kept in accordance with generally accepted accounting principles. Current law states that all financial books and records shall be kept in accordance with generally accepted accounting practices.

*Patron - McPike*

**[C] SB284 Virginia Residential Landlord and Tenant Act; landlord's noncompliance as defense to action for possession for nonpayment of rent.** Removes the requirement that a tenant, if in possession of a dwelling unit, must pay for the court to hold the amount of rent found to be due and unpaid pending the issuance of an order pursuant to an action by the landlord for possession based upon nonpayment of rent where the tenant has asserted a defense that there exists upon the leased premises a condition that constitutes, or will constitute, a fire hazard or a serious threat to the life, health, or safety of the occupant of the dwelling unit. The bill provides that (i) a tenant may assert such a defense if, prior to the commencement of the action for rent or possession, the landlord or his agent had notice of the condition, was given a reasonable opportunity to remedy the condition, and failed to do so and (ii) while the period of time that is deemed to be a unreasonable delay is left to the court, there shall be a rebuttable presumption that a period in excess of 14 days, changed from 30 days in current law, from receipt of the notification by the landlord is reasonable. Finally, the bill clarifies that not only may the court issue an order that reduces rent by an equitable amount in consideration of the existence of an allowable condition asserted by the tenant, but the court may also refer any matter before it to the proper state or local agency for investigation and report and continue the action or complaint pending completion of such investigation and receipt of the report. Current law allows the court to terminate the rental agreement or order the surrender of the premises to the landlord or require the tenant to deposit with the court any rents that will become due during the period of continuance while the state or local agency investigates.

*Patron - Ebbin*

**[C] SB498 Conveyances of property; acceptance by clerk's office for recordation.** Provides that there is a presumption for state and local governmental agency and office

purposes that title to property transfers to the grantee upon acceptance of a deed conveying such property by the clerk of court in the county or city in which the property is located. Such presumption does not apply to matters litigated in the federal or state courts.

*Patron - Lewis*

## Public Service Companies

### Passed

**P HB112 Commercial mobile radio and cellular telephone service providers; Lifeline service.** Grants authority to the State Corporation Commission to designate any commercial mobile radio or cellular telephone service provider as an eligible telecommunications carrier for purposes of providing Lifeline service, in addition to any such provider designated under federal law, without requiring such provider to obtain a certificate otherwise required by the Commission prior to furnishing exchange telephone service in the Commonwealth.

*Patron - Kilgore*

**P HB182 Investor-owned water and water and sewer utilities; ratemaking proceedings.** Requires the State Corporation Commission, in any ratemaking proceeding for an investor-owned utility authorized to furnish water or water and sewer service initiated after January 1, 2022, to evaluate such utility on a stand-alone basis and, for purposes of establishing any revenue requirement and rates, utilize such utility's actual end-of-test period capital structure and cost of capital without regard to the cost of capital, capital structure, or investments of any other entities with which such utility may be affiliated. If the Commission finds that the debt to equity ratio of the actual end-of-test period capital structure of such utility is unreasonable, the bill authorizes the Commission to utilize a debt to equity ratio that it finds to be reasonable. The bill requires the Commission, in all proceedings initiated after January 1, 2022, in which the Commission reviews the rates and associated earnings of an investor-owned utility authorized to furnish water or water and sewer service, to conduct such review utilizing the same cost of capital and capital structure adopted in the utility's most recent rate case in which such rates were set, without regard to any later changes in the cost of capital or capital structure. This bill is identical to SB 500.

*Patron - Bloxom*

**P HB266 Electric cooperatives; net energy metering; power purchase agreements; local facilities usage charges.** Permits any customer, besides a farm or small agricultural generating facility and any customer selling power to the electric cooperative, to interconnect with an electric cooperative and enter an agreement for local facilities usage charges. The bill provides that electric cooperatives can seek approval from the State Corporation Commission at any time for a tariff for local facilities usage charges for the use of cooperative system facilities; however, the terms of an independent agreement for local facilities usage charges shall prevail if inconsistent with the approved tariff amount.

The bill permits the board of directors of an electric cooperative to approve any voluntary tariff and associated cost recovery without filing additional information with the Commission besides an informational notice. Under the bill, the Commission may administratively approve a change in rate, tariff, or term or condition of service without notice or a hearing. The bill removes the limit on raising the cap for electric cooperatives' generating capacity beyond seven percent of system

peak for the purposes of net energy metering. The bill also allows electric cooperatives to permit the use of third-party partial requirements power purchase agreements for eligible customer-generators without separate approval by the Commission; however, the cooperative is required to file a revised net energy metering compliance filing.

Additionally, the bill permits impacted cooperative customers to file a petition with the Commission for redress and review of the local facilities usage charges. This bill is identical to SB 505.

*Patron - Head*

**P HB396 Electric utilities; municipal net energy metering.** Updates provisions related to American Electric Power's participation in a municipal net energy metering pilot program and creates similar requirements for a municipal net energy metering pilot program for Dominion Energy Virginia, with a duration of the pilot program for Dominion Energy Virginia until July 1, 2028. The bill directs the State Corporation Commission to review the municipal net energy metering pilot program for Dominion Energy Virginia in 2024 and every two years thereafter. The bill clarifies that the aggregated capacity of generation facilities subject to a net metering pilot program conducted by any utility shall not be considered part of the aggregate net metering cap established pursuant to the Virginia Clean Economy Act. However, the aggregated capacity of generation facilities under each utility's pilot program that is part of a third-party power purchase agreement shall constitute a portion of the existing limit on pilot programs with third-party power purchase agreements.

*Patron - Sullivan*

**P HB405 Business park electric transmission infrastructure pilot program; location of qualifying projects.** Amends the definition of "business park" by adding that a business park may be established by a locality and by removing the requirement that a business park be located in an area of the Commonwealth designated as an opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service. The bill also removes the requirement that the location of a qualifying project for an existing pilot program to promote economic development in the Commonwealth by allowing Dominion Energy Virginia and Appalachian Power to complete the construction phase of electric transmission infrastructure for up to three business parks prior to the public announcement of a prospective occupant of the business parks be in an opportunity zone and provides that such a qualifying project may be within a business park in Planning District 19.

*Patron - Ballard*

**P HB414 Electric utilities; local reliability data; report.** Directs Dominion Energy Virginia to provide local reliability data within 30 days upon request by a locality located within the service territory of the utility. The State Corporation Commission shall include industry standard reliability metrics for Dominion Energy Virginia and a description of any infrastructure investments made by Dominion Energy Virginia to improve electric service reliability as part of its report on electric generation, transmission, and distribution submitted annually to the General Assembly. This bill is identical to SB 280.

*Patron - Herring*

**P HB558 Natural gas, biogas, and other gas sources of energy; definitions; energy conservation and efficiency; Steps to Advance Virginia's Energy Plan; biogas supply infrastructure projects; work group.** Permits natural gas utilities to include in their fuel portfolios, submitted to the State Corporation Commission to monitor fuel prices and purchases,

supplemental or substitute forms of gas sources, defined in the bill, that meet certain standards and that reduce emissions intensity. The bill amends provisions of the Code related to conservation and energy efficiency programs, removes certain cost-effectiveness requirements for conservation and energy efficiency programs, and adds appliance rebates to the types of programs the Commission may consider. The bill expands conservation and ratemaking efficiency provisions of the Code that currently apply to natural gas consumption specifically to instead apply generally to energy consumption. The bill introduces enhanced leak detection and repair programs, defined in the bill, as a type of eligible infrastructure replacement for a natural gas utility facility. The bill provides that the costs of detecting and repairing leaks may be added to a natural gas utility's plan to identify proposed eligible infrastructure replacement projects and related cost recovery mechanisms, known as the utility's Steps to Advance Virginia's Energy (SAVE) Plan. The bill adds provisions to the Code related to biogas supply infrastructure projects, defined in the bill, and specifies that eligible infrastructure costs for such projects include (i) the investment in such projects, (ii) the return on the investment in such projects, (iii) a revenue conversion factor, (iv) operating and maintenance expenses, (v) depreciation, (vi) property tax and other taxes or government fees, and (vii) carrying costs on the over-recovery or under-recovery of the eligible biogas supply infrastructure costs. Under the bill, natural gas utilities can recover these eligible infrastructure costs on an ongoing basis through the gas component of the utility's rate structure or other recovery mechanism approved by the Commission. The bill provides that the biogas supply investment plan submitted by a natural gas utility may include an option to receive the biogas or sell the biogas at market prices and establishes a timeline for the Commission to approve such plan. The bill requires a natural gas utility with an approved biogas supply investment plan to annually file a report of the investments made, the eligible infrastructure costs incurred and the amount of such costs recovered, the volume of biogas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of biogas delivered to customers and the market cost of biogas during the reporting period. Additionally, the bill directs the Department of Environmental Quality to convene a stakeholder work group to determine the feasibility of setting a statewide methane reduction goal and plan. The recommendations of the work group shall be reported to the General Assembly by July 1, 2023. This bill is identical to SB 565. This bill received Governor's recommendations.

*Patron - O'Quinn*

**P HB657 Department of Energy; waste coal piles; report.** Directs the Department of Energy, in cooperation with public institutions of higher education serving the coalfield region of the Commonwealth, to identify the approximate volume and number of waste coal piles present in the area and options for cleaning up such waste coal piles, including potential use in electricity generation. The Department of Energy shall report its findings and recommendations to the General Assembly by December 1, 2022. The bill also directs the Department of Environmental Quality to convene a working group to evaluate opportunities for the development of public infrastructure projects at current or proposed sites for the storage of coal ash in the Commonwealth. The working group shall report its findings and recommendations to the General Assembly by December 1, 2022. This bill is identical to SB 120. This bill received Governor's recommendations.

*Patron - Wampler*

**P HB894 Generation of electricity and energy development in the Commonwealth.** Requires the Department of Energy, in cooperation with the Virginia Nuclear Energy Con-

sortium Authority, to convene a stakeholder work group to identify strategies and any needed public policies, including statutory or regulatory changes, for promoting the development of advanced small modular reactors in localities in the Commonwealth. The bill requires the Department of Energy to consider the economic development of rural Virginia while minimizing the impact on prime farmland a key priority in updating its Virginia Energy Plan.

The bill requires the Virginia Cooperative Extension to develop and maintain a map or repository of prime farmland in the Commonwealth, in consultation with the Department of Agriculture and Consumer Services, the Department of Forestry, the Department of Conservation and Recreation, and the Department of Energy. An initial report of such map or repository shall be submitted to the Governor and the General Assembly by December 1, 2022.

Finally, the bill requires the State Corporation Commission to develop a program to encourage and expedite infrastructure investments by Dominion Energy Virginia or American Electric Power, in industrial sites determined to be relevant and in high demand by the Virginia Economic Development Partnership. The bill requires such program to be implemented by December 1, 2022, and the Commission is required to submit a report including recommendations for such program by December 15, 2022, to the Governor and General Assembly.

*Patron - Kilgore*

**P HB1204 Renewable energy certificates; priority of procurement.** Requires American Electric Power and Dominion Energy Virginia, for renewable energy portfolio standard (RPS) program compliance years 2023 and 2024, to prioritize procurement of renewable energy certificates (RECs) from renewable energy standard sources (RPS eligible sources) located in the Commonwealth, provided that such RECs are cost-competitive when compared with out-of-state sources at the time of procurement. Additionally, the bill requires each utility to include in its annual filing for RPS program compliance years 2023 and 2024 a plan for prioritizing procurement of RECs from RPS eligible sources that are both (i) cost-competitive and (ii) eligible for the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program.

*Patron - Kilgore*

**P HB1326 Electric utilities; removal of waste coal from previously mined sites; Commission on Electric Utility Regulation; sunset.** Provides that, in furtherance of the need to address the environmental hazards of abandoned coal mines, the removal of waste coal from previously mined sites in the coalfield region of the Commonwealth is in the public interest. The bill extends the sunset date for the Commission on Electric Utility Regulation from July 1, 2022, to July 1, 2024, and provides that the Commission may review information on the approximate volume and number of waste coal piles present in the coalfield region of the Commonwealth and options for cleaning up such waste coal piles.

*Patron - Kilgore*

**P SB120 Department of Energy; waste coal piles; report.** Directs the Department of Energy, in cooperation with public institutions of higher education serving the coalfield region of the Commonwealth, to identify the approximate volume and number of waste coal piles present in the area and options for cleaning up such waste coal piles, including potential use in electricity generation. The Department of Energy shall report its findings and recommendations to the General Assembly by December 1, 2022. The bill also directs the Department of Environmental Quality to convene a working group to evaluate opportunities for the development of public

infrastructure projects at current or proposed sites for the storage of coal ash in the Commonwealth. The working group shall report its findings and recommendations to the General Assembly by December 1, 2022. This bill is identical to HB 657. This bill received Governor's recommendations.

*Patron - Hackworth*

**P SB280 Electric utilities; local reliability data; report.** Directs Dominion Energy Virginia to provide local reliability data within 30 days upon request by a locality located within the service territory of the utility. The State Corporation Commission shall include industry standard reliability metrics for Dominion Energy Virginia and a description of any infrastructure investments made by Dominion Energy Virginia to improve electric service reliability as part of its report on electric generation, transmission, and distribution submitted annually to the General Assembly. This bill is identical to HB 414. This bill was vetoed by the Governor.

*Patron - Ebbin*

**P SB347 Electric utilities; energy efficiency programs.** Requires the State Corporation Commission (the Commission) to establish for Dominion Energy Virginia annual energy efficiency savings targets for customers who are low-income, elderly, disabled, or veterans of military service. The bill requires the Commission, in establishing such targets, to seek to optimize energy efficiency and the health and safety benefits of utility energy efficiency programs. The bill provides that health and safety measures and improvements for the purpose of maximizing both energy savings through low-income energy efficiency programs and reducing the relative energy burden of low-income customers are in the public interest. The bill requires Dominion Energy Virginia to make best efforts to coordinate such energy efficiency programs with any health and safety upgrades provided through energy efficiency programs authorized by provisions of the Code of Virginia, when reasonably feasible to do so and at the utility's sole discretion. The provisions of the bill expire on January 1, 2029. This bill was vetoed by the Governor.

*Patron - Bell*

**P SB500 Investor-owned water and water and sewer utilities; ratemaking proceedings.** Requires the State Corporation Commission, in any ratemaking proceeding for an investor-owned utility authorized to furnish water or water and sewer service initiated after January 1, 2022, to evaluate such utility on a stand-alone basis and, for purposes of establishing any revenue requirement and rates, utilize such utility's actual end-of-test period capital structure and cost of capital without regard to the cost of capital, capital structure, or investments of any other entities with which such utility may be affiliated. If the Commission finds that the debt to equity ratio of the actual end-of-test period capital structure of such utility is unreasonable, the bill authorizes the Commission to utilize a debt to equity ratio that it finds to be reasonable. The bill requires the Commission, in all proceedings initiated after January 1, 2022, in which the Commission reviews the rates and associated earnings of an investor-owned utility authorized to furnish water or water and sewer service, to conduct such review utilizing the same cost of capital and capital structure adopted in the utility's most recent rate case in which such rates were set, without regard to any later changes in the cost of capital or capital structure. This bill is identical to HB 182.

*Patron - Lewis*

**P SB505 Electric cooperatives; net energy metering; power purchase agreements; local facilities usage charges.** Permits any customer, besides a farm or small agricultural generating facility and any customer selling power to the electric cooperative, to interconnect with an electric cooperative and

enter an agreement for local facilities usage charges. The bill provides that electric cooperatives can seek approval from the State Corporation Commission at any time for a tariff for local facilities usage charges for the use of cooperative system facilities; however, the terms of an independent agreement for local facilities usage charges shall prevail if inconsistent with the approved tariff amount.

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

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

Additionally, the bill permits impacted cooperative customers to file a petition with the Commission for redress and review of the local facilities usage charges. This bill is identical to HB 266.

*Patron - Lewis*

**P SB565 Natural gas, biogas, and other gas sources of energy; definitions; energy conservation and efficiency; Steps to Advance Virginia's Energy Plan; biogas supply infrastructure projects; work group.** Permits natural gas utilities to include in their fuel portfolios, submitted to the State Corporation Commission to monitor fuel prices and purchases, supplemental or substitute forms of gas sources, defined in the bill, that meet certain standards and that reduce emissions intensity. The bill amends provisions of the Code related to conservation and energy efficiency programs, removes certain cost-effectiveness requirements for conservation and energy efficiency programs, and adds appliance rebates to the types of programs the Commission may consider. The bill expands conservation and ratemaking efficiency provisions of the Code that currently apply to natural gas consumption specifically to instead apply generally to energy consumption. The bill introduces enhanced leak detection and repair programs, defined in the bill, as a type of eligible infrastructure replacement for a natural gas utility facility. The bill provides that the costs of detecting and repairing leaks may be added to a natural gas utility's plan to identify proposed eligible infrastructure replacement projects and related cost recovery mechanisms, known as the utility's Steps to Advance Virginia's Energy (SAVE) Plan. The bill adds provisions to the Code related to biogas supply infrastructure projects, defined in the bill, and specifies that eligible infrastructure costs for such projects include (i) the investment in such projects, (ii) the return on the investment in such projects, (iii) a revenue conversion factor, (iv) operating and maintenance expenses, (v) depreciation, (vi) property tax and other taxes or government fees, and (vii) carrying costs on the over-recovery or under-recovery of the eligible biogas supply infrastructure costs. Under the bill, natural gas utilities can recover these eligible infrastructure costs on an ongoing basis through the gas component of the utility's rate structure or other recovery mechanism approved by the Commission. The bill provides that the biogas supply investment plan submitted by a natural gas utility may include an option to receive the biogas or sell the biogas at market prices and establishes a timeline for the Commission to approve such plan. The bill requires a natural gas utility with an approved biogas supply investment plan to annually file a report of the investments made, the eligible infrastructure costs incurred and the amount of such costs recovered, the volume of biogas delivered to cus-

tomers or sold to third parties during the 12-month reporting period, and an analysis of the price of biogas delivered to customers and the market cost of biogas during the reporting period. Additionally, the bill directs the Department of Environmental Quality to convene a stakeholder work group to determine the feasibility of setting a statewide methane reduction goal and plan. The recommendations of the work group shall be reported to the General Assembly by July 1, 2023. This bill is identical to HB 558. This bill received Governor's recommendations.

*Patron - Surovell*

**[P] SB660 Shared solar programs for Phase I Utilities and electric cooperatives; workgroup.** Directs the State Corporation Commission to convene a stakeholder workgroup to evaluate shared solar programs for American Electric Power and requires the Commission to report on its findings to the Chairmen of the Senate Commerce and Labor and the House Commerce and Energy Committees by November 30, 2022. Additionally, the bill directs the Virginia, Maryland, and Delaware Association of Electric Cooperatives and the Coalition for Community Solar Access to jointly convene a stakeholder process to evaluate shared solar programs for electric cooperatives, and requires a report on its findings to the Chairmen of the Senate Commerce and Labor and the House Commerce and Energy Committees by November 30, 2022. This bill incorporates SB 659.

*Patron - Hanger*

## Failed

**[F] HB73 Electric utilities; definitions; public interest; aggregate capacity requirements for renewable energy facilities; cost recovery.** Amends certain provisions related to the Air Pollution Control Board's regulation of carbon dioxide emissions. The bill removes certain requirements for energy efficiency pilot programs to be considered in the public interest. The bill removes aggregate capacity requirements for renewable energy generating facilities, including facilities utilizing energy derived from sunlight, onshore wind, and offshore wind. The bill further removes requirements for the State Corporation Commission's methodology in determining the reasonableness and prudence of costs related to a request for cost recovery for an offshore wind facility by a Phase II Utility.

The bill removes the requirement that the State Corporation Commission must wait until a certain report is received by the General Assembly prior to issuing a certificate of public convenience and necessity for any investor-owned utility to own, operate, or construct any electric generating unit that emits carbon as a by-product of combusting fuel to generate electricity.

*Patron - Ware*

**[F] HB74 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 pilot 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. The EITE Pilot Program shall commence no later than January 1, 2023, and shall have an initial aggregate customer load of 2,000 megawatts based on each participating customer's load during the previous calendar year. The State Corporation

Commission shall also submit a report on the status of the EITE Pilot Program by March 31, 2024.

*Patron - Ware*

**[F] HB118 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] HB194 Electric cooperatives; rate adjustment clause; broadband.** Authorizes an electric cooperative to petition the State Corporation Commission for approval of one or more rate adjustment clauses for the timely and current recovery of costs from customers of one or more projects for the provision of broadband. The bill provides that a cooperative may recover the costs of the broadband projects in a rate adjustment clause including the construction work in progress and allowance for funds used during construction, planning, and development of associated infrastructure.

*Patron - Runion*

**[F] HB447 Broadband providers; affordable monthly plan.** Requires each broadband provider operating in the Commonwealth to offer an affordable monthly plan for broadband services that (i) does not exceed \$50 per month and (ii) meets the faster of either (a) the standards for advanced service as defined by the Federal Communications Commission or (b) a minimum broadband speed level of 50 megabits per second for download speed and 25 megabits per second for upload speed.

*Patron - Rasoul*

**[F] HB469 Electric utilities; clean energy mandates; transitioning workers; New Virginia Economy Act.** Establishes a moratorium, effective January 1, 2023, 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 2030 through 2034 be generated from clean energy resources. In calendar year 2035 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 Energy (the Department) 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 further states that the Department shall appoint and convene a state Environmental and Climate Justice Task Force (the Task Force) to provide recommendations about the implementation of the Climate Action Plan.

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 (the 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 Just Transition Fund (the Fund) to be used for state programs, grants and loans, job training and placement programs that support renewable and clean energy development and energy efficiency, and for funding the Transitioning Workers Program, which provides support for workers in the fossil fuel industry and affected communities and provides such workers with job training, relocation support, income and benefit support, and early retirement benefits. 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 be 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 2030 and 100 percent by 2035. The measure increases the incremental energy efficiency savings that each investor-owned incumbent electric utility is required to achieve that start in 2023 at 2.4 percent for American Electric Power and Dominion Energy Virginia of the average annual energy retail sales by that utility in 2021 and increases those savings annually.

*Patron - Rasoul*

**[F] HB490 Public utility ratemaking; contracting with small, women-owned, or minority-owned businesses.** Repeals certain provisions of the Code relating to proceedings in which the State Corporation Commission is required to determine whether costs incurred by a public utility in its delivery or provision of any goods or services are reasonable or prudent. In such proceedings, the incremental portion of costs incurred as a result of contracting with a small, women-owned, or minority-owned business to deliver or provide the goods or services are currently not considered unreasonable or impru-

dently incurred if the costs do not exceed by more than three percent the costs that would have been incurred had the utility used the lowest-cost qualified business; the bill repeals this provision.

*Patron - Freitas*

**[F] HB588 Electric utilities; adjustment of rates.** Provides that if the State Corporation Commission (the Commission) determines that the regulation of rates of investor-owned incumbent electric utilities under certain procedures of the Virginia Electric Utility Regulation Act results in rates that are not just and reasonable, then the Commission may, in any triennial review, adjust such rates to ensure that such rates (i) are just and reasonable and (ii) provide the utility the opportunity to recover its costs and earn its authorized rate of return.

*Patron - Hudson*

**[F] HB723 Electric cooperatives; board of directors; access to meetings; required disclosures.** Requires that each Virginia electric cooperative hold direct elections for its board of directors, either in person or by mail, or by electronic communication means if authorized by its articles of incorporation, and prohibits proxy voting. The bill requires that meetings of the board of directors be open to members of the cooperative, viewable both in person and through online streaming, and that recordings of the meetings be posted on an official website for viewing by members of the cooperative, with certain exceptions for confidential matters.

The bill also requires the board of directors of an electric cooperative to make certain disclosures to its members annually. These disclosures must include the cooperative's position on legislative and regulatory issues, the amount of money spent on lobbying by the cooperative, and the names of lobbying organizations that the cooperative supports and be posted online or distributed through a member publication.

*Patron - Gooditis*

**[F] HB724 Electric cooperatives; net energy metering for agricultural customer-generators; report.** Removes the July 1, 2019, sunset provision of the net energy metering program for agricultural customer-generators interconnected with electric cooperatives. The bill provides that, for the purposes of net metering, an agricultural customer-generator may aggregate energy generated on noncontiguous parcels of land if the parcels are (i) owned and operated by the same agricultural customer-generator and (ii) located within a reasonable distance of the customer's original interconnection site. The bill directs the Secretary of Agriculture and Forestry to convene a workgroup for the purpose of assessing policy concerns related to the implementation of small-scale solar energy projects designed to meet the onsite energy needs of agricultural operations in the Commonwealth, and directs the workgroup to report its recommendations to the House Committee on Agriculture, Chesapeake & Natural Resources and the Senate Committee on Agriculture, Conservation & Natural Resources by December 1, 2022.

*Patron - Gooditis*

**[F] HB832 Electric utilities; shared solar programs.** Expands the current shared solar program to include participation by Phase I Utilities. The bill introduces incentives for shared solar programs that are located on rooftops, brownfields, or landfills, are dual-use agricultural facilities, or meet any other category of incentive that the Department of Energy may establish. The bill authorizes the State Corporation Commission to establish a program cap on the amount of capacity for Phase I Utilities' shared solar programs. Provisions of the bill shall be implemented by the State Corporation Commission by December 31, 2022. The bill permits both jurisdictional and nonjurisdictional customers to participate in a shared

solar program and creates a stakeholder group to address interconnection issues and propose changes via petition to the Commission by January 1, 2023. The bill also allows utilities to recover the costs of incentives established by the bill.

*Patron - Wilt*

**[F] HB913 Underground Utility Damage Prevention Act; duties of operator; liability of excavator.** Requires an operator of residential telecommunications or cable television service, after receiving notification of an interruption in service due to the installation of broadband service at a given premises, to restore telecommunications or cable television service, such that a person at the premises can telephone emergency services by dialing 911, within two days of receiving such notification. The bill prohibits an operator from giving false or misleading information to the notification center and requires the State Corporation Commission to investigate certain claims following an informal complaint. The bill requires an operator to indemnify and hold harmless an excavator when the excavator is installing facilities for purposes of broadband service and damages a utility line used for residential telecommunications or cable television and provides that no excavator is liable for any such damage occurring on or after July 1, 2022.

*Patron - Brewer*

**[F] HB1244 State Corporation Commission; electric vehicle charging infrastructure and rooftop solar energy collection device installation; report.** Directs the State Corporation Commission to evaluate by locality the availability and accessibility of electric vehicle (EV) charging infrastructure and rooftop solar energy collection device installation to residents of the Commonwealth. The Commission shall report the findings of its evaluation and analysis by December 1, 2022, to the Chairmen of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor.

*Patron - Scott, D.L.*

**[F] HB1288 Public utilities; rate review by the State Corporation Commission.** Provides that in any annual rate review of a public utility by the State Corporation Commission, the Commission may find that the rates of a public utility, including an investor-owned incumbent electric utility, are not just and reasonable and may take corrective action. Under the bill, the Commission may conduct an investigation into the rates of any public utility on its own initiative or upon application by an affected party. Additionally, when capped rates of service for investor-owned incumbent electric utilities expire or terminate, the bill permits the Commission to find that the rates are not just and reasonable and take corrective action.

*Patron - Hudson*

**[F] SB267 Electric cooperatives; rate adjustment clause; broadband.** Authorizes an electric cooperative to petition the State Corporation Commission for approval of one or more rate adjustment clauses for the timely and current recovery of costs from customers of one or more projects for the provision of broadband. The bill provides that a cooperative may recover the costs of the broadband projects in a rate adjustment clause, including the construction work in progress and allowance for funds used during construction, planning, and development of associated infrastructure.

*Patron - Bell*

**[F] SB304 Electric utilities; energy storage capacity requirements; certain facilities.** Provides that if Appalachian Power and Dominion Energy Virginia newly acquire the right to energy storage capacity from energy storage facilities located in the Commonwealth that were in operation on January 1, 2021, such energy storage capacity will, to the extent the

utility has not already contracted for access to the newly acquired energy storage facility, count toward the utility's energy storage capacity requirements.

*Patron - Deeds*

**[F] SB659 Shared solar programs for electric utilities; Phase I Utility; pilot.** Allows for participation in shared solar programs by each investor-owned utility in the Commonwealth. Under the bill, the State Corporation Commission (the Commission) shall approve a shared solar program for each electric utility, including a pilot program for participation by customers of Phase I Utilities. For each Phase I Utility, the bill requires the Commission to approve a cap of at least 50 megawatts with a minimum requirement of 30 percent low-income customers for Phase I Utilities. For an electric utility located entirely within Dickenson, Lee, Russell, Scott, and Wise Counties, the Commission shall approve a shared solar program cap of not less than 15 megawatts with a minimum requirement of 30 percent low-income customers. The bill permits electric utilities to recover interconnection costs through rate proceedings with the Commission, although fiber optic upgrades are rebuttably presumed as not cost-justified for the purposes of rate recovery. The bill also includes instructions and a timeline for submission of an interconnection request by an owner of a shared solar project to an electric utility. The bill directs the Commission to review the pilot program every two years, beginning July 1, 2024. The bill provides that the load served by a shared solar facility shall not be considered part of the total electric energy sold by a utility in any calendar year for satisfaction of its renewable energy portfolio standard program. This bill was incorporated into SB 660.

*Patron - Hanger*

**[F] SB761 Electric utilities; recovery of costs; rate adjustment clause proceedings; construction or acquisition of certain facilities.** Provides that in any proceeding regarding petitions for a rate adjustment clause, the State Corporation Commission may, as an alternative to a rate adjustment clause, authorize recovery of any proposed cost through the utility's rates for generation and distribution services, if the Commission, in its discretion, determines that such cost recovery better serves ratepayers while still providing the utility the opportunity to recover its costs and earn a fair rate of return. Additionally, the bill prohibits the Commission from approving the recovery of costs related to the construction or acquisition of generation facilities powered by sunlight or onshore or offshore wind, or energy storage facilities, that are constructed or acquired by a Phase I or Phase II Utility after July 1, 2022, unless the Commission determines that the construction or acquisition of such facilities is (i) necessary to maintain the reliability or security of electric service to customers or meet the renewable energy portfolio standard (RPS) program requirements established in this section and (ii) is the lowest-cost option to maintain the reliability or security of electric service to customers or meet the RPS program requirements.

*Patron - Suetterlein*

**[F] SB762 Electric utilities; retail competition; renewable energy.** Allows individual retail customers of an electric utility to purchase electric energy provided 100 percent from renewable energy from any licensed supplier. The measure eliminates (i) provisions that prohibit such a purchase from a licensed supplier that is an incumbent electric utility that is not the incumbent electric utility serving the exclusive service territory in which the customer is located and (ii) a condition that permits such purchases only if the electric utility serving the applicable exclusive service territory does not offer a tariff for 100 percent renewable energy.

*Patron - Suetterlein*

## Carried Over

**[C] HB839 Electric utilities; recovery of costs; rate adjustment clause proceedings; construction or acquisition of certain facilities.** Provides that in any proceeding regarding petitions for a rate adjustment clause, the State Corporation Commission may, as an alternative to a rate adjustment clause, authorize recovery of any proposed cost through the utility's rates for generation and distribution services, if the Commission, in its discretion, determines that such cost recovery better serves ratepayers while still providing the utility the opportunity to recover its costs and earn a fair rate of return. Additionally, the bill prohibits the Commission from approving the recovery of costs related to the construction or acquisition of generation facilities powered by sunlight or onshore or offshore wind, or energy storage facilities, that are constructed or acquired by a Phase I or Phase II Utility after July 1, 2022, unless the Commission determines that the construction or acquisition of such facilities is (i) necessary to maintain the reliability or security of electric service to customers or meet the renewable energy portfolio standard (RPS) program requirements established in this section and (ii) is the lowest-cost option to maintain the reliability or security of electric service to customers or meet the RPS program requirements.

*Patron - Wilt*

**[C] HB1257 Natural gas utilities; retail supply choice.** Allows every person access to distribution service or retail natural gas from a natural gas company authorized to provide natural gas service to the area where the service will be received. The bill bars public entities from adopting an ordinance, a resolution, or any other requirement that limits or prohibits customers from acquiring natural gas service and supply from both utility and non-utility gas companies. The bill prohibits public entities from denying building permits solely based on a proposed utility provider and directs public entities to ensure that all applicable permits and fees are reasonable, as compared to other utility providers, and do not restrict an applicant's ability to use the services of an authorized utility provider. The bill also requires any public entity to satisfy certain requirements prior to discontinuing natural gas utility services generally or to any class of customers.

*Patron - Kilgore*

**[C] SB160 Electric utilities; energy efficiency programs; definition.** Provides that energy efficiency programs may include electrification, including measures that electrify space heating, water heating, cooling, drying, cooking, industrial processes, and other building and industrial end uses that would otherwise be served by on-site combustion of fossil fuels provided that the electrification measures reduce total on-site energy consumption.

*Patron - Hashmi*

## Religious and Charitable Matters; Cemeteries

### Passed

**[P] HB615 Sale of cemeteries owned by a locality; notice to descendants.** Provides that no cemetery owned by a county or city shall be sold to a private owner unless the county or city has made a good faith effort to ensure, prior to sale, that the ownership of such cemetery is vested in the estate of the last owner of record or that permission for the sale has been

granted by the family members or descendants of such owner. The bill describes a good faith effort as an attempt by the county or city to contact all known family members and descendants of the last owner of record no less than three separate times by phone, mail, or visiting the last known address of record for such family members or descendants. The bill requires a county or city to keep written records of each attempt to contact a family member or descendant.

*Patron - Roem*

### Failed

**[F] HB610 Cemeteries; interment rights; proof of kinship.** Allows a family member or descendant of a deceased person buried in a cemetery that is located on private property to petition the circuit court of the county or city where the property is located for interment rights upon such property. The bill provides that such family member or descendant may prove kinship to the court through official documentation or nonofficial documentation, such as obituaries, family Bibles or other documents with family signatures, journals or letters of the deceased person interred on the private property, family photographs, or other documentation deemed by the court to be reliable. The bill requires, upon satisfactory showing of proof of kinship, a private property owner to allow such family member or descendant access to the property for the purpose of interment.

*Patron - Roem*

**[F] HB775 Religious freedom; applicability of certain executive orders.** Provides that no rule, regulation, or order issued by the Governor or other governmental entity pursuant to the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 applies to the exercise of religion in a church, synagogue, or other place of worship.

*Patron - Williams*

## Taxation

### Passed

**[P] HB3 Sales tax exemption; gold, silver, and platinum bullion.** Extends the sunset date for the sales tax exemption for gold, silver, and platinum bullion and legal tender coins whose sales price exceeds \$1,000 to June 30, 2025. Under current law, the exemption will expire on June 30, 2022.

*Patron - Ware*

**[P] HB148 Certified pollution control equipment; certification by subdivisions.** Provides that for pollution control equipment to be used as part of a political subdivision's water, wastewater, stormwater, or solid waste management facilities or systems, such equipment may be certified by the political subdivision itself instead of by the state certifying authority. This bill is identical to SB 684.

*Patron - Runion*

**[P] HB180 Land use valuation for real estate devoted to forest use; creation of Forest Sustainability Fund.** Creates the Forest Sustainability Fund, to be administered by the State Forester. Localities that have adopted a use value assessment and taxation program for real estate devoted to forest use are eligible to apply for an allocation from the Fund. Awards are proportionally based upon the amount of revenue forgone

in the previous fiscal year by localities due to the use value program.

*Patron - Bloxom*

**P HB199 Land preservation program.** Allows a locality, by ordinance, to provide that a parcel of real property shall not be removed from the land use program for delinquent taxes if such taxes are paid no later than December 31 of the year in which the taxes became delinquent. The bill further provides that no parcel of real property shall be removed from the land use program for delinquent taxes if (i) such taxes become delinquent during a state of emergency declared by the Governor, (ii) the treasurer determines that the emergency has caused hardship for the taxpayer, and (iii) the taxes are paid no later than 90 days after the original deadline.

*Patron - Webert*

**P HB200 Real property tax; exemptions.** Provides that the property of an organization that is tax exempt by classification shall include the property of a single member limited liability company whose sole member is such an organization.

*Patron - Webert*

**P HB224 Corporate income tax returns of affiliated corporations.** Provides that, for taxable years 2023 and 2024, certain affiliated corporations may elect to switch to or from consolidated corporate income tax return filing status under certain conditions, including the requirement that the affiliated group filed on the same basis for the preceding 20 years. The option would be available only to a group with at least one affiliate that is a bank exempt from filing a Virginia corporate income tax return. Current law requires a group of corporations to apply to the Tax Commissioner for permission to change the basis of the type of return filed and to meet certain specified requirements in order for permission to be granted. This bill is identical to SB 386.

*Patron - Coyner*

**P HB226 Appeal of local tax assessments.** Clarifies the procedure by which a taxpayer aggrieved by any local tax assessment may seek relief by providing that (i) the necessary parties in such a proceeding shall be the taxpayer and the locality; (ii) the taxpayer may show that the property was assessed at more or less than its fair market value; and (iii) the county or city attorney or, if none, the attorney for the Commonwealth shall defend the locality in any such proceeding.

*Patron - Coyner*

**P HB238 Land use assessment; forms.** Provides that the forms used for revalidation of applications for land use assessment shall be prepared by the Department of Taxation. Under current law, such forms are prepared by the locality. The bill directs the Department to seek input from localities across the Commonwealth in developing such forms.

*Patron - Orrock*

**P HB267 Local taxes; surplus revenues.** Grants localities permissive authority to return surplus personal property tax revenues to taxpayers. Under current law, localities may return only surplus real property tax revenues. This bill is identical to SB 12.

*Patron - McNamara*

**P HB269 Income tax; major business facility job tax credit; sunset.** Extends the sunset of the major business facility job tax credit from July 1, 2022, to July 1, 2025. This bill is identical to SB 185.

*Patron - Byron*

**P HB298 Delinquent tax lands; disposition.** Authorizes localities to petition the circuit court to appoint a special commissioner to, in lieu of a sale at public auction, convey certain real estate having delinquent taxes or liens to the locality's land bank entity or an existing nonprofit entity designated by the locality to carry out the functions of a land bank entity. Currently, such real estate may be conveyed only to the locality itself. The bill also allows real estate that contains a derelict building and has delinquent taxes and liens exceeding 25 percent of its assessed value to be conveyed via special commissioner, in lieu of a sale at public auction, to the locality, the locality's land bank entity, or such existing nonprofit entity. The bill requires a land bank entity or existing nonprofit entity that receives such parcels to pay any surplusage above the amount of unpaid taxes or liens to the former owners or other parties with an interest in the property. This bill received Governor's recommendations.

*Patron - Rasoul*

**P HB338 Retirement and taxation; obsolete and not set out sections.** Sets out a section in Title 51.1 (Pensions, Benefits, and Retirement) that is currently carried by reference only. The bill also repeals three obsolete sections in Title 58.1 (Taxation). The bill contains technical amendments. This bill is a recommendation of the Virginia Code Commission.

*Patron - Simon*

**P HB348 Tax returns of affiliated corporations; permission to change basis of type of return filed.** Decreases from 20 years to 12 years the time period for which an affiliated group of corporations must file on the same basis before it may apply to the Tax Commissioner for permission to change the basis of the type of return filed (i) from consolidated to separate or (ii) from separate or combined to consolidated.

*Patron - Watts*

**P HB368 Refunds of local taxes; authority of treasurer.** Increases from \$5,000 to \$10,000 the maximum amount that the governing body of a locality may authorize its treasurer to approve and issue for a refund of taxes paid as a result of an erroneous tax assessment.

*Patron - Williams Graves*

**P HB400 Assessment of real property; affordable housing.** Includes the Rental Assistance Demonstration program in the list of federal laws whose restrictions shall be considered in determining the fair market value of real property that is operated as affordable rental housing.

*Patron - Willett*

**P HB402 Tax credit for participating landlords.** Expands the tax credit for participating landlords to all census tracts in Virginia in which less than 10 percent of the residents live below the poverty level. Under current law, the credit is limited to census tracts in the Richmond Metropolitan Statistical Area, the Washington-Arlington-Alexandria Metropolitan Statistical Area, or the Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area in which less than 10 percent of the residents live below the poverty level.

*Patron - Willett*

**P HB453 Income tax; property information and analytics firms.** Allows property information and analytics firms that meet certain job creation and investment criteria to use market-based sourcing for the sale of services. The bill also sets forth numerous reporting requirements for such firms and for the Department of Taxation. The provisions of the bill shall not become effective until a memorandum of understanding is signed by a property information and analytics firm and the

Virginia Economic Development Partnership Authority. This bill is identical to SB 346.

*Patron - Knight*

**P HB462 Sales and use tax exemption; aircraft components.** Extends the sunset date for the sales and use tax exemption for parts, engines, and supplies used for maintaining, repairing, or reconditioning aircraft or any aircraft's avionics system, engine, or component parts from July 1, 2022, to July 1, 2025. The bill also restricts the exemption for manned systems to aircraft with a maximum takeoff weight of at least 2,400 pounds. This bill is identical to SB 701.

*Patron - Austin*

**P HB518 Sales and transient occupancy taxes; accommodations intermediaries.** Changes the process by which sales and transient occupancy taxes are collected from accommodations sales involving accommodations intermediaries. Under current law, accommodations intermediaries remit these taxes to the Department of Taxation or a locality, or a hotel, depending on the circumstances. The bill requires accommodations intermediaries to collect such taxes and remit them to the Department of Taxation or a locality, as applicable. The bill also provides that in a transaction involving multiple parties that may be considered accommodations intermediaries, such parties may agree that one party shall be responsible for collecting and remitting the taxes. In such event, the party agreeing to collect and remit such taxes shall be the sole party liable for the tax. Accommodations intermediaries shall submit to localities certain information on accommodations facilitated by the intermediary on a monthly basis. The bill also broadens the definition of accommodations intermediary.

The bill directs the Department of Taxation to publish guidelines on implementation of the bill by August 1, 2022, and to convene a work group to examine the processes used to collect local transient occupancy taxes and make recommendations for improvements. The substantive provisions of the bill have a delayed effective date of October 1, 2022.

*Patron - Head*

**P HB551 Retail sales and use tax; exemption for medicine and drugs purchased by veterinarians.** Exempts veterinarians from sales and use tax on the purchase of prescription medicines and drugs that are administered or dispensed to patients within a veterinarian-client-patient relationship. The bill repeals provisions of current law that provide that a veterinarian dispensing or selling medicines or drugs on prescription shall be deemed to be the user or consumer of all such medicines and drugs. The bill provides that the exemption shall be in effect from July 1, 2022, until July 1, 2025. This bill is identical to SB 517.

*Patron - Scott, D.L.*

**P HB695 Worker training tax credit.** Extends from 2022 to 2025 the sunset date for the worker training tax credit and expands credits with respect to courses at an Eligible Training Provider List-recognized institution to include courses at any Virginia public institution of higher education.

*Patron - Keam*

**P HB766 Enforcement of illegal gaming laws; Illegal Gaming Enforcement Coordinator established.** Establishes the Office of the Illegal Gaming Enforcement Coordinator in the Department of State Police and charges such Coordinator with coordinating local, state, and federal enforcement of illegal gaming laws, defined as laws regulating gambling, charitable gaming, lottery games, sports betting, casino gaming, fantasy contests, and horse racing and pari-mutuel wagering, and with establishing a tip line for members of the public to

report concerns about illegal gaming. This bill is identical to SB 401. This bill received Governor's recommendations.

*Patron - Krizek*

**P HB791 Property tax; data centers.** Provides that if data center fixtures are taxed as part of the real property where they are located, they shall be valued based on depreciated reproduction or replacement cost, rather than based on the amount of income they generate. This bill is identical to SB 513.

*Patron - McNamara*

**P HB911 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 to a nonprofit organization or to the locality, if such services are approved by the locality. The bill specifies that the credit shall not be applied 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. This bill received Governor's recommendations.

*Patron - Orrock*

**P HB936 Sales tax exemption; gold, silver, and platinum bullion.** Extends from June 30, 2022, to June 30, 2025, the sunset date for the sales tax exemption for gold, silver, and platinum bullion and legal tender coins. The bill eliminates the limitation that only purchases in excess of \$1,000 are eligible for the exemption.

*Patron - Batten*

**P HB951 Real property tax; reassessment cycles.** Authorizes counties to conduct a general reassessment of real estate every three years if determined by majority vote of a county's board of supervisors. Current law requires counties to conduct a general reassessment every four years, with exceptions authorized for specified counties. This bill is identical to SB 77.

*Patron - Hodges*

**P HB957 Classification of real property owned by certain surviving spouses for tax purposes.** Provides that beginning with taxable year 2022, any locality may declare real property owned by a surviving spouse of a member of the Armed Forces of the United States who died in the line of duty with a line of duty determination from the U.S. Department of Defense, where such death was not the result of criminal conduct, and where the spouse occupies the real property as his principal place of residence and does not remarry, a separate class of property for local taxation of real property that may be taxed at a different rate than that imposed on the general class of real property, provided that the rate of tax is greater than zero and does not exceed the rate of tax on the general class of real property.

*Patron - Tran*

**P HB971 Conformity of the Commonwealth's taxation system with the Internal Revenue Code; Rebuild Virginia grants and Paycheck Protection Program loans; emergency.** Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2020, to December 31, 2021. The bill also deconforms from provisions of the (i) federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a loss limitation applicable to taxpayers other than corporations, the limitation on business interest, and certain

loan forgiveness and other business financial assistance and (ii) federal American Rescue Plan Act related to restaurant revitalization grants and emergency injury disaster loans received for taxable years beginning before January 1, 2021. The bill also retroactively allows up to \$100,000 of the individual and corporate income tax deduction or subtraction, as applicable, for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans to certain fiscal filers. The bill also allows full deductibility of expenses paid or incurred with forgiven Paycheck Protection Program loan proceeds and expenses paid or incurred with Economic Injury Disaster Loan program funding for taxable year 2021 and thereafter. The bill contains an emergency clause.

*Patron - Byron*

**P HB996 Land use assessment; parcels with multiple owners.** Allows the owner of a majority interest in an undivided parcel of real estate that is eligible for land use assessment to file the application on behalf of himself and for owners of any minority interest.

*Patron - Webert*

**P HB1006 Virginia taxable income; corporations; deductions; business interest.** Increases from 20 percent to 30 percent the Virginia individual and corporate income tax deduction for business interest disallowed as a deduction under § 163(j) of the Internal Revenue Code for taxable years beginning on and after January 1, 2022. This bill is identical to SB 288.

*Patron - Brewer*

**P HB1010 Real property taxes; notice of proposed increase.** Adjusts the notice requirements for public hearings held to increase property taxes in localities that conduct their reassessment of real estate more than once every four years. The bill requires such localities to provide notice of any such hearing on a different day and in a different notice from any notice published for the annual budget hearing. Under current law, such hearings are required when a locality seeks to raise its property tax rate above a rate that would collect more than 101 percent of the amount of taxes collected for the previous year.

*Patron - Durant*

**P HB1076 Local cigarette tax; unsold inventory.** Requires any locality that increases its cigarette tax rate to allow, for one calendar year after the increase, a person with unsold inventory to pay the tax increase on the unsold inventory by filing a return, rather than requiring the use of a stamp or meter impression. The bill imposes a duty on regional cigarette tax boards to effectuate the policy. This bill is identical to SB 25.

*Patron - McNamara*

**P HB1083 Tax assessments; notices.** Requires the Department of Taxation to identify on bills for omitted tax assessments the date the initial tax return or payment was received by the Department, any payment amounts received from the taxpayer, and an explanation of the taxes, penalties, and interest related to such assessment beginning on January 1, 2023.

*Patron - Leftwich*

**P HB1084 Local license taxes; limitation of authority.** Prohibits a locality from imposing a license tax on a director of a bank or trust company that is subject to the bank franchise tax. This bill is identical to SB 385.

*Patron - Leftwich*

**P HB1087 Local taxation for solar photovoltaic projects five megawatts or less.** Provides that generating equipment of solar photovoltaic projects five megawatts or less shall be taxable by a locality, at a rate determined by such locality, but shall not exceed the real estate rate applicable in that locality, and that the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service. The bill also provides that (i) solar photovoltaic projects five megawatts or less shall not be exempt from the assessment of a revenue share by ordinance of that locality and (ii) nothing in the bill shall be construed to authorize local taxation of generating or storage equipment of solar photovoltaic projects that serve the electricity needs of that property upon which such solar facilities are located. The bill does not apply to projects five megawatts or less that were approved by a locality prior to July 1, 2022.

*Patron - Leftwich*

**P HB1121 Income taxation; pass-through entities.** Permits a qualifying pass-through entity, defined in the bill, to make an annual election in taxable years 2021 through 2025 to pay an elective income tax at a rate of 5.75 percent, created by the bill, at the entity level for the taxable period covered by the return. The bill also (i) creates a corresponding refundable income tax credit for taxable years 2021 through 2025 for any amount of income derived from a pass-through entity having Virginia taxable income if such pass-through entity makes such election and pays the elective income tax imposed at the entity level and (ii) allows an individual to claim a credit for similar taxes paid to other states for taxable years 2021 through 2025. This bill is identical to SB 692.

*Patron - McNamara*

**P HB1155 Sales and use tax; media-related exemptions.** Makes changes to the sales and use tax exemption for amplification, transmission, and distribution equipment used to provide Internet services. Under the bill, the exemption would apply to network equipment used to provide Internet service, regardless of whether the provider of such service is also a telephone common carrier or whether such network is also used to provide services other than Internet services. This bill is identical to SB 683.

*Patron - Byron*

**P HB1199 Tobacco products tax; remote retail sales.** Clarifies the provisions of the tobacco products tax on cigars and pipe tobacco sold by remote retail sellers, defined in the bill, to consumers in the Commonwealth. The bill provides that such remote retail sellers must be licensed to avoid penalties for such sales and requires such remote retail sellers to maintain records and file a monthly report to the Department of Taxation. The bill also provides that the tax may be imposed at the time of retail sale by a retail dealer or distributor. This bill is identical to SB 748. This bill received Governor's recommendations.

*Patron - Ware*

**P HB1231 Tangible personal property taxes; valuation of property.** Provides that in any locality in which the commissioner of revenue or other assessing official adjusts the valuation of automobiles to account for the amount of mileage on a vehicle, such adjustment shall also be provided for motorcycles.

*Patron - Robinson*

**P HB1239 Personal property tax; classification; emergency.** Authorizes localities to classify for rate purposes certain vehicles that, under current law, may be classified only for valuation purposes, including certain automobiles, trucks, motor vehicles for use by the handicapped, motorcycles, mopeds, all-terrain vehicles, off-road motorcycles, campers, and other recreational vehicles. The bill specifies that its provisions shall apply only to taxable years beginning on or after January 1, 2022, but before January 1, 2025. The bill contains an emergency clause and is identical to SB 771.

*Patron - Scott, P.A.*

**P HB1308 Sales and use tax; entitlement to revenues from tourism projects.** Entitles a major tourism project, defined in the bill, to the revenues generated by a two percent state sales and use tax on transactions taking place on its premises, to be used for debt service on gap financing for the project. The entitlement is subject to review and approval by the MEI Project Approval Commission. As defined in the bill, gap financing includes a developer's primary debt financing, as well as any refinancing thereof, if the entitlements to tax revenues are pledged as collateral for such primary debt financing. The bill provides that, to qualify for the revenues, the project must meet a deficiency identified in a local tourism plan approved by the Virginia Tourism Authority and the private developer and the locality in which the project is located must each contribute funds equal to the two percent sales and use tax contribution, which are also to be used for the gap financing payment. Current law allows certain tourism projects to qualify for revenues generated by a one percent state sales and use tax or a 1.5 percent state sales and use tax. The bill provides that a major tourism project is eligible for the increased revenues if it involves a new private capital investment of at least \$500 million; will result in the creation of at least 500 net new jobs; and supports increased hotel occupancy, an increase in out-of-state visitors, and other factors of significant fiscal and economic impact. The bill contains technical amendments.

*Patron - Fowler*

**P SB25 Local cigarette tax; unsold inventory.** Requires any locality that increases its cigarette tax rate to allow, for one calendar year after the increase, a person with unsold inventory to pay the tax increase on the unsold inventory by filing a return, rather than requiring the use of a stamp or meter impression. The bill imposes a duty on regional cigarette tax boards to effectuate the policy. This bill is identical to HB 1076.

*Patron - Ruff*

**P SB26 Sales tax exemption; gold, silver, and platinum bullion.** Extends the sunset date for the sales tax exemption for gold, silver, and platinum bullion and legal tender coins whose sales price exceeds \$1,000 to June 30, 2025. Under current law, the exemption will expire on June 30, 2022.

*Patron - Ruff*

**P SB77 Real property tax; reassessment cycles.** Authorizes counties to conduct a general reassessment of real estate every three years if determined by majority vote of a county's board of supervisors. Current law requires counties to conduct a general reassessment every four years, with exceptions authorized for specified counties. This bill is identical to HB 951.

*Patron - Norment*

**P SB94 Conformity of the Commonwealth's taxation system with the Internal Revenue Code; Rebuild Virginia grants and Paycheck Protection Program loans; emergency.** Advances Virginia's date of conformity with the

Internal Revenue Code from December 31, 2020, to December 31, 2021. The bill also deconforms from provisions of the (i) federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a loss limitation applicable to taxpayers other than corporations, the limitation on business interest, and certain loan forgiveness and other business financial assistance and (ii) federal American Rescue Plan Act related to restaurant revitalization grants and emergency injury disaster loans received for taxable years beginning before January 1, 2021. The bill also retroactively allows up to \$100,000 of the individual and corporate income tax deduction or subtraction, as applicable, for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans to certain fiscal filers. The bill also allows full deductibility of expenses paid or incurred with forgiven Paycheck Protection Program loan proceeds and expenses paid or incurred with Economic Injury Disaster Loan program funding for taxable year 2021 and thereafter. The bill contains an emergency clause.

*Patron - Howell*

**P SB96 Gaming businesses; use of the phrase "Virginia is for Bettors"; civil penalty.** Prohibits gaming businesses, as defined in the bill, from using the phrase "Virginia is for Bettors" in an advertisement in association with their products or services. A violation is subject to a civil penalty of up to \$50,000.

*Patron - Norment*

**P SB101 Retail sales and use tax; media-related exemptions.** Extends from 2022 to 2025 the expiration of the retail sales and use tax exemption for printing purchased by an advertising business from a printer in the Commonwealth, so long as such material is distributed outside of the Commonwealth.

*Patron - Hanger*

**P SB142 Delinquent tax lands; disposition.** Authorizes localities to petition the circuit court to appoint a special commissioner to, in lieu of a sale at public auction, convey certain real estate having delinquent taxes or liens to the locality's land bank entity or an existing nonprofit entity designated by the locality to carry out the functions of a land bank entity. Currently, such real estate may be conveyed only to the locality itself. The bill also allows real estate that contains a derelict building and has delinquent taxes and liens exceeding 10 percent of its assessed value to be conveyed via special commissioner, in lieu of a sale at public auction, to the locality, the locality's land bank entity, or such existing nonprofit entity. The bill requires a land bank entity or existing nonprofit entity that receives such parcels to pay any surplusage above the amount of unpaid taxes or liens to the former owners or other parties with an interest in the property. This bill received Governor's recommendations.

*Patron - Edwards*

**P SB184 Land use valuation for real estate devoted to forest use; creation of Forest Sustainability Fund.** Creates the Forest Sustainability Fund, to be administered by the State Forester. Localities that have adopted a use value assessment and taxation program for real estate devoted to forest use are eligible to apply for an allocation from the Fund. Awards are proportionally based upon the amount of revenue forgone in the previous fiscal year by localities due to the use value program. This bill is identical to HB 180.

*Patron - Ruff*

**P SB185 Income tax; major business facility job tax credit; sunset.** Extends the sunset of the major business facil-



ity job tax credit from July 1, 2022, to July 1, 2025. This bill is identical to HB 269.

*Patron - Ruff*

**[P] SB288 Virginia taxable income; corporations; deductions; business interest.** Increases from 20 percent to 30 percent the Virginia individual and corporate income tax deduction for business interest disallowed as a deduction under § 163(j) of the Internal Revenue Code for taxable years beginning on and after January 1, 2022. This bill is identical to HB 1006. This bill was vetoed by the Governor.

*Patron - Ebbin*

**[P] SB346 Income tax; property information and analytics firms.** Allows property information and analytics firms that meet certain job creation and investment criteria to use market-based sourcing for the sale of services. The bill also sets forth numerous reporting requirements for such firms and for the Department of Taxation. The provisions of the bill shall not become effective until a memorandum of understanding is signed by a property information and analytics firm and the Virginia Economic Development Partnership Authority. This bill is identical to HB 453.

*Patron - Barker*

**[P] SB385 Local license taxes; limitation of authority.** Prohibits a locality from imposing a license tax on a director of a bank or trust company that is subject to the bank franchise tax. This bill is identical to HB 1084.

*Patron - McDougale*

**[P] SB386 Corporate income tax returns of affiliated corporations.** Provides that, for taxable years 2023 and 2024, certain affiliated corporations may elect to switch to or from consolidated corporate income tax return filing status under certain conditions, including the requirement that the affiliated group filed on the same basis for the preceding 20 years. The option would be available only to a group with at least one affiliate that is a bank exempt from filing a Virginia corporate income tax return. Current law requires a group of corporations to apply to the Tax Commissioner for permission to change the basis of the type of return filed and to meet certain specified requirements in order for permission to be granted. This bill is identical to HB 224.

*Patron - McDougale*

**[P] SB432 Sales tax; taxable accommodations.** Provides that, for purposes of the retail sales and use tax on accommodations, the term "accommodations" does not include rooms or space offered by a person in the business of providing conference rooms, meeting space, or event space if the person does not also offer rooms available for overnight sleeping. The substantive provisions of the bill are given retroactive effect to September 1, 2021, but no taxpayer shall be entitled to a refund for any taxes remitted prior to July 1, 2022.

*Patron - Dunnivant*

**[P] SB438 Sales tax; Historic Triangle regional tax; dedication of funds.** Requires the City of Williamsburg, James City County, and York County to appropriate annual amounts to entities promoting tourism and recreation in the Historic Triangle. Under current law, such localities receive state funds from the imposition of an extra one percent sales tax in the Historic Triangle.

The bill establishes the Williamsburg Tourism Council (the Council) as an advisory board in the legislative branch of state government and replaces the Chief Executive Officer of the Virginia Tourism Alliance on the Council with the Chair of the Greater Williamsburg Chamber of Commerce.

*Patron - Norment*

**[P] SB502 Local taxation for solar photovoltaic projects five megawatts or less.** Provides that generating equipment of solar photovoltaic projects five megawatts or less shall be taxable by a locality, at a rate determined by such locality, but shall not exceed the real estate rate applicable in that locality, and that the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service. The bill also provides that (i) solar photovoltaic projects five megawatts or less shall not be exempt from the assessment of a revenue share by ordinance of that locality and (ii) nothing in the bill shall be construed to authorize local taxation of generating or storage equipment of solar photovoltaic projects that serve the electricity needs of that property upon which such solar facilities are located. If a locality assesses a revenue share on such projects, the amount of the exemption shall be 100 percent of the assessed value. The bill does not apply to projects five megawatts or less that were approved by a locality prior to July 1, 2022.

*Patron - Lewis*

**[P] SB513 Property tax; data centers.** Provides that if data center fixtures are taxed as part of the real property where they are located, they shall be valued based on depreciated reproduction or replacement cost, rather than based on the amount of income they generate. This bill is identical to HB 791.

*Patron - McPike*

**[P] SB517 Retail sales and use tax; exemption for medicine and drugs purchased by veterinarians.** Exempts veterinarians from sales and use tax on the purchase of prescription medicines and drugs that are administered or dispensed to patients within a veterinarian-client-patient relationship. The bill repeals provisions of current law that provide that a veterinarian dispensing or selling medicines or drugs on prescription shall be deemed to be the user or consumer of all such medicines and drugs. The bill provides that the exemption shall be in effect from July 1, 2022, until July 1, 2025. This bill is identical to HB 551.

*Patron - Lucas*

**[P] SB519 Casino gaming; sale and consumption of alcoholic beverages in casino gaming establishments; casino employees; wagers, accounting, and games.** Authorizes the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) to issue a mixed beverage casino license. The issuance of such license is limited to a mixed beverage casino licensee owned by a casino operator licensed under Virginia law. The bill provides for the sale and service of alcoholic beverages for on-premises consumption in areas designated by the Board during all hours of operation of the mixed beverage casino licensee and authorizes the licensee to provide gifts of alcoholic beverages to patrons and establish loyalty or reward credit programs under certain conditions. In addition, the bill provides that a mixed beverage restaurant licensee located on the premises of a casino gaming establishment may sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage restaurant licensee and that any alcoholic beverages purchased from a restaurant on the premises of a casino gaming establishment may be taken onto the premises of the mixed beverage casino licensee and possessed and consumed in areas of the establishment as designated by the Board. Under the bill, a mixed beverage restaurant licensee that is located on the premises of and operated by a casino gaming establishment and holds a valid mixed beverage

restaurant license issued by the Board prior to July 1, 2022, is authorized to operate with the privileges of a mixed beverage casino license as created by the bill until the casino gaming establishment at which the restaurant is located is issued a mixed beverage casino license or July 1, 2023, whichever occurs first. The Board may promulgate any regulations that it deems necessary for implementing the provisions of the bill no later than October 1, 2022. The initial adoption of regulations is exempt from the Administrative Process Act, except that the Board shall provide an opportunity for public comment on the regulations prior to adoption. The bill also (i) revises the definition of "gross receipts" to include electronic credits and electronic cash and to exclude the cash value of promotions or credits under certain conditions and uncollectable counter checks; (ii) defines and authorizes the use of counter checks and prepaid access instruments; (iii) authorizes wagers to be conducted using electronic credits and electronic cash; and (iv) excludes conviction of misdemeanor possession of marijuana as a disqualifier for the issuance of a service permit by the Virginia Lottery. This bill is identical to HB 455.

*Patron - Lucas*

**[P] SB648 Real property tax; exemption for the elderly and handicapped.** Provides that any locality may by ordinance accept documentation establishing eligibility for the real property tax exemption for the elderly and handicapped on a rolling basis throughout the year. Current law states that localities shall accept such documentation after January 1 but before April 1 or a later date fixed by ordinance.

*Patron - McPike*

**[P] SB651 Sales and transient occupancy taxes; accommodations intermediaries.** Changes the process by which sales and transient occupancy taxes are collected from accommodations sales involving accommodations intermediaries. Under current law, accommodations intermediaries remit these taxes to the Department of Taxation or a locality, or a hotel, depending on the circumstances. The bill requires accommodations intermediaries to collect such taxes and remit them to the Department of Taxation or a locality, as applicable. The bill also provides that in a transaction involving multiple parties that may be considered accommodations intermediaries, such parties may agree that one party shall be responsible for collecting and remitting the taxes. In such event, the party agreeing to collect and remit such taxes shall be the sole party liable for the tax. Accommodations intermediaries shall submit to localities certain information on accommodations facilitated by the intermediary on a monthly basis. The bill also broadens the definition of accommodations intermediary. The bill directs the Department of Taxation to publish guidelines on implementation of the bill by August 1, 2022, and to convene a work group to examine the processes used to collect local transient occupancy taxes and make recommendations for improvements. The substantive provisions of the bill have a delayed effective date of October 1, 2022.

*Patron - Vogel*

**[P] SB683 Sales and use tax; media-related exemptions.** Makes changes to the sales and use tax exemption for amplification, transmission, and distribution equipment used to provide Internet services. Under the bill, the exemption would apply to network equipment used to provide Internet service, regardless of whether the provider of such service is also a telephone common carrier or whether such network is also used to provide services other than Internet services. This bill is identical to HB 1155.

*Patron - Marsden*

**[P] SB684 Certified pollution control equipment; certification by subdivisions.** Provides that for pollution control

equipment to be used as part of a political subdivision's water, wastewater, stormwater, or solid waste management facilities or systems, such equipment may be certified by the political subdivision itself instead of by the state certifying authority. This bill is identical to HB 148.

*Patron - Mason*

**[P] SB686 Local tax; solar facility exemption.** Provides that any solar facility installed (i) on the roof of a residential dwelling or a structure on an agricultural zoned property in order to serve the electricity needs of the property upon which the facility is located and (ii) pursuant to existing local regulation of solar facilities laws is declared a separate class of property and shall be classified for local taxation separately from other classifications of real or personal property. Such facilities shall be wholly exempt from state and local taxation under the Constitution of Virginia. The exemption applies only to solar facilities with a nameplate generating capacity of not more than 25 kilowatts. The bill has a delayed effective date of January 1, 2023.

*Patron - Mason*

**[P] SB692 Income taxation; pass-through entities.** Permits a qualifying pass-through entity, defined in the bill, to make an annual election in taxable years 2021 through 2025 to pay an elective income tax at a rate of 5.75 percent, created by the bill, at the entity level for the taxable period covered by the return. The bill also (i) creates a corresponding refundable income tax credit for taxable years 2021 through 2025 for any amount of income derived from a pass-through entity having Virginia taxable income if such pass-through entity makes such election and pays the elective income tax imposed at the entity level and (ii) allows an individual to claim a credit for similar taxes paid to other states for taxable years 2021 through 2025. This bill is identical to HB 1121.

*Patron - Petersen*

**[P] SB701 Sales and use tax exemption; aircraft components.** Extends the sunset date for the sales and use tax exemption for parts, engines, and supplies used for maintaining, repairing, or reconditioning aircraft or any aircraft's avionics system, engine, or component parts from July 1, 2022, to July 1, 2025. The bill also restricts the exemption for manned systems to aircraft with a maximum takeoff weight of at least 2,400 pounds. This bill is identical to HB 462.

*Patron - Kiggins*

**[P] SB748 Tobacco products tax; remote retail sales.** Clarifies the provisions of the tobacco products tax on cigars and pipe tobacco sold by remote retail sellers, defined in the bill, to consumers in the Commonwealth. The bill provides that such remote retail sellers must be licensed to avoid penalties for such sales and requires such remote retail sellers to maintain records and file a monthly report to the Department of Taxation. The bill also provides that the tax may be imposed at the time of retail sale by a retail dealer or distributor. This bill is identical to HB 1199. This bill received Governor's recommendations.

*Patron - McDougle*

**[P] SB771 Personal property tax; classification; emergency.** Authorizes localities to classify for rate purposes certain vehicles that, under current law, may be classified only for valuation purposes, including certain automobiles, trucks, motor vehicles for use by the handicapped, motorcycles, mopeds, all-terrain vehicles, off-road motorcycles, campers, and other recreational vehicles. The bill specifies that its provisions shall apply only to taxable years beginning on or after

January 1, 2022, but before January 1, 2025. The bill contains an emergency clause and is identical to HB 1239.

*Patron - Stuart*

## Failed

**[F] HB7 Transient occupancy tax; supporting documentation.** Requires accommodations providers to submit certain supporting documentation, upon request by a locality, when remitting transient occupancy taxes collected.

*Patron - Ware*

**[F] HB63 Additional local sales and use tax to support schools.** Adds Prince Edward 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 - Edmunds*

**[F] HB75 Local taxing authority.** Restricts localities from imposing a transient occupancy tax at a rate that exceeds five percent and provides that any tax revenues from a rate of greater than two percent but less than five percent shall be spent solely for tourism-related and travel-related purposes. The bill also lowers the amount of food and beverage tax that counties can impose from six percent to a total of four percent. Under the bill, a county is able to impose a food and beverage tax at up to two percent without restriction, but that would require approval via a referendum in order to impose the tax at four percent.

*Patron - Ware*

**[F] HB100 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, 2022, but before January 1, 2027, 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] HB106 Income tax; rolling conformity; report.** Provides that, beginning with taxable year 2022, 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 Virginia shall not conform to (i) any changes in a single act of Congress with an impact of more than 0.3 percent on revenues in the year in which the amendment was enacted or any of the next four years and (ii) all changes enacted by Congress during the taxable year if their aggregate impact is more than 0.6 percent on the revenues for that year or any of the next four years.

*Patron - McNamara*

**[F] HB152 Sales and use tax; payment card processing fees.** Provides a sales and use tax exemption for the portion of any transaction that is a payment card processing fee, defined in the bill. The bill also provides such an exemption from local meals taxes.

*Patron - March*

**[F] HB233 Income tax subtraction; National Guard.** Increases from \$3,000 to \$5,000 the income tax subtraction for wages or salaries of a member of the National Guard of the Commonwealth. The bill also expands the military ranks that

qualify for the subtraction from O3 and below to O6 and below.

*Patron - Orrock*

**[F] HB273 Income tax; subtractions and deductions related to Paycheck Protection Program loans and Rebuild Virginia program grants.** Provides that certain income tax subtractions and deductions for business expenses funded by federal Paycheck Protection Program loans and for grant funds received through the Rebuild Virginia program shall be available for taxable year 2019 and shall not be subject to any limit for taxable years 2019 and 2020. Under current law, such subtractions and deductions are available only for taxable year 2020 and are subject to a limit of \$100,000. The effect of making such subtractions and deductions available for taxable year 2019 would be to allow certain taxpayers whose fiscal year does not match the calendar year to claim such subtractions and deductions.

*Patron - McNamara*

**[F] HB274 Sales and transient occupancy taxes; accommodations intermediaries.** Broadens the definition of accommodations intermediary for purposes of collection of sales tax by accommodations intermediaries.

*Patron - McNamara*

**[F] HB289 Income tax; indexing brackets and exemptions.** Starting with taxable year 2022, indexes income tax brackets, the personal exemption, and the additional personal exemption for the blind or the aged. The bill requires the indexing ratio to be based on any increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) compared with 2021 as a reference year; however, the indexing ratio shall not be less than zero and therefore does not function to reduce any bracket or exemption.

*Patron - McNamara*

**[F] HB291 Family caregiver tax credit.** Creates a non-refundable income tax credit for taxable years 2022 through 2026 for expenses incurred by an individual in caring for an eligible family member, defined in the bill, who requires assistance with one or more activities of daily living, also defined in the bill. The credit equals 50 percent of eligible expenditures incurred by the caregiver up to \$1,000. In order to qualify for the credit, the family caregiver must (i) not receive any compensation or reimbursement for the eligible expenditures and (ii) have federal adjusted gross income that is no greater than \$100,000 for an individual or \$200,000 for married persons. The bill requires the Tax Commissioner to establish guidelines for claiming the credit and provides that any unused credit may be carried forward by the taxpayer for five taxable years following the taxable year for which the credit was issued. The bill is a recommendation of the Joint Commission on Health Care.

*Patron - Rasoul*

**[F] HB294 Education improvement scholarship tax credits; eligible students in need of a safer school environment.** Declares eligible for a scholarship from a scholarship foundation that receives an education improvement scholarship tax credit, on the same basis as any other eligible student, eligible students in need of a safer school environment, defined in the bill as any student who, while enrolled in a public elementary or secondary school in kindergarten through grade 12, was the victim of assault, battery, bullying, harassment, hazing, kidnapping, or robbery on school property, on a school bus, or at a school-sponsored activity, as substantiated by an investigation and written report by the school principal. The bill provides that (i) eligible students in need of a safer school environment are permitted to use such scholarships to cover the expenses

associated with attending another public school within or outside of his school division of residence and (ii) there are no family income restrictions on scholarships for eligible students in need of a safer school environment. The bill clarifies that no public elementary or secondary school or local school division is prohibited or precluded from offering various educational alternatives to an eligible student in need of a safer school environment.

*Patron - Freitas*

**[F] HB295 Corporate income tax rate.** Reduces the corporate income tax from its current rate of six percent to five percent in taxable year 2022, four percent in taxable year 2023, three percent in taxable year 2024, and two percent in taxable year 2025 and subsequent years.

*Patron - McNamara*

**[F] HB297 Suspension of regional fuels tax.** Suspends the imposition of any regional fuels tax in the Commonwealth on and after July 1, 2022, but before July 1, 2023.

*Patron - McNamara*

**[F] HB332 Income tax credit; small businesses.** Provides, in taxable year 2022, an individual or corporate income tax credit, as applicable for an eligible small business, defined in the bill as a (i) (a) pass-through entity that employs fewer than 50 employees and that has no more than \$10 million in gross receipts during such taxable year or (b) self-employed individual or (ii) corporation that is at least 51 percent independently owned by one or more United States citizens or legal resident aliens, employs fewer than 50 employees together with affiliates, and has no more than \$10 million in gross receipts during the taxable year, and where the individual business owners must control both the management and daily operations of the business. The individual income tax credit is equal to the amount of Virginia income tax owed on up to \$250,000 of personal income during such taxable year and the credit for a corporation equals the amount of Virginia income tax owed during such taxable year on up to \$250,000 of the amount that is not deductible when computing federal tax due to Virginia's deconformity from certain provisions of the federal Consolidated Appropriations Act of 2020. The credit is subject to an aggregate cap of \$75 million.

*Patron - Head*

**[F] HB352 Virginia taxable income; business interest.** Increases from 20 percent to 50 percent the Virginia individual and corporate income tax deduction for business interest disallowed as a deduction under § 163(j) of the Internal Revenue Code for taxable years beginning on and after January 1, 2022. The bill provides that for any taxpayer filing a separate return or as part of a combined return who is part of a federal consolidated group that does not report an interest expense limitation under § 163(j) of the Internal Revenue Code on its federal consolidated return in the taxable year, the deduction allowed shall be 100 percent.

*Patron - Watts*

**[F] HB380 Local license taxes; elimination of authority to impose.** Prohibits any county, city, or town from imposing any license tax or fee in any taxable year beginning on or after January 1, 2023. The bill does not apply to any severance tax that is levied as a license tax.

*Patron - Freitas*

**[F] HB401 Income taxation; pass-through entities.** Permits a qualifying pass-through entity, defined in the bill, to make an annual election in taxable years 2021 through 2025 to pay an elective income tax at a rate of 5.75 percent, created by the bill, at the entity level for the taxable period covered by the

return. The bill also creates a corresponding individual income tax subtraction for taxable years 2021 through 2025 for any amount of income derived from a pass-through entity having Virginia taxable income if such pass-through entity makes such election and pays the elective income tax imposed at the entity level.

*Patron - Watts*

**[F] HB442 Income tax credit; employers of G3 Program or cybersecurity graduates.** Creates a nonrefundable individual and corporate income tax credit for employers that hire eligible employees who are (i) graduates of the Get Skilled, Get a Job, Give Back Program (G3 Program) or (ii) graduates with a degree in cybersecurity from a Virginia four-year institution of higher education. The credit is available for taxable years 2022 through 2026, is equal to \$1,000 per eligible employee hired during the taxable year who works in a full-time position, and includes an aggregate annual cap of \$5 million.

*Patron - Murphy*

**[F] HB531 Additional local sales and use tax to support schools.** Authorizes all counties and cities 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. Under the bill, the tax can only be imposed if it is initiated by a resolution of the local governing body and approved by the voters in a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed, and revenue from the tax is required to be used solely for capital projects for new construction or major renovation of schools in the locality enacting the tax. Under current law, only Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, Pittsylvania County, and the City of Danville are authorized to impose such a tax.

*Patron - Hudson*

**[F] HB545 Additional local sales and use tax to support schools.** Adds the City of Charlottesville 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 - Hudson*

**[F] HB607 Sales and use tax exemption; aircraft components.** Extends from July 1, 2022, to July 1, 2027, the sunset date for the sales and use tax exemption for parts, engines, and supplies used for maintaining, repairing, or reconditioning aircraft or any aircraft's avionics system, engine, or component parts.

*Patron - Sickles*

**[F] HB656 Coal refuse energy and reclamation tax credit.** Creates a nonrefundable individual and corporate income tax credit for taxable years 2023 through 2027 equal to \$4 per ton of qualified coal refuse used to generate electricity at an eligible facility, defined in the bill, in the Commonwealth by an eligible taxpayer, defined in the bill, during the taxable year. The amount of credits that may be claimed for a single eligible facility shall not exceed \$1,665,000 in taxable year 2023, \$2,220,000 in taxable year 2024, and \$4,440,000 in taxable years 2025, 2026, and 2027. The aggregate credits in each taxable year are capped at \$7.5 million in taxable year 2023, \$10 million in taxable year 2024, and \$20 million in taxable years 2025, 2026, and 2027. The credit may be carried forward for five taxable years.

The credit shall be administered by Department of Taxation, who shall compile and submit an annual report by November 1 of each taxable year with the number of eligible taxpayers applying for and utilizing the credit, the amount of credits approved, and data on the benefits to the Commonwealth of the use of qualified coal refuse to generate electricity at an eligible facility to the Chairmen of the House Committee on Finance, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations.

*Patron - Wampler*

**[F] HB696 Sales and use tax; exemption for essential personal hygiene products.** Provides a sales and use tax exemption for essential personal hygiene products, defined in the bill as (i) nondurable incontinence products such as diapers, disposable undergarments, pads, and bed sheets and (ii) menstrual cups and pads, panty liners, sanitary napkins, tampons, and other products used to absorb or contain menstrual flow. Under current law, such products are taxed at a reduced state sales and use tax rate of 1.5 percent and the standard local rate of one percent. The bill contains technical amendments.

*Patron - Keam*

**[F] HB697 Stormwater management service districts; rate of taxation.** Provides that if a locality located within a stormwater management service district requires, by ordinance, that certain property owners maintain private stormwater management facilities, the rate of tax imposed by such service district on such property owners shall be half of the amount imposed on property owners not required to maintain private stormwater management facilities.

*Patron - Keam*

**[F] HB720 Family caregiver tax credit.** Creates a non-refundable income tax credit for taxable years 2022 through 2026 for expenses incurred by an individual in caring for an eligible family member, defined in the bill, who requires assistance with one or more activities of daily living, also defined in the bill. The credit equals 50 percent of eligible expenditures incurred by the caregiver up to \$1,000. In order to qualify for the credit, the family caregiver must (i) not receive any compensation or reimbursement for the eligible expenditures, (ii) have federal adjusted gross income that is no greater than \$75,000 for an individual or \$150,000 for married persons, and (iii) live in the same primary residence as the eligible family member for no fewer than 183 days during the taxable year. The bill requires the Tax Commissioner to establish guidelines for claiming the credit and provides that any unused credit may be carried forward by the taxpayer for five taxable years following the taxable year for which the credit was issued.

*Patron - Filler-Corn*

**[F] HB784 Home instruction and private school tax credit.** Creates an individual, nonrefundable income tax credit for taxable years 2022 through 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 for two years per child and can be carried forward for five taxable years.

*Patron - LaRock*

**[F] HB788 Education Improvement Scholarships Tax Credits program.** Increases from 65 percent to 75 percent the tax credit for the value of the monetary or marketable securities

donation made by a taxpayer to an eligible scholarship foundation.

*Patron - LaRock*

**[F] HB824 Housing opportunity tax credit; specialty populations.** Expands availability beginning in taxable year 2022 of the nonrefundable 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 qualified specialty population projects, defined in the bill as low-income buildings that are eligible for the federal credit that creates housing for individuals who (i) have been issued an intellectual disability or developmental disability waiver, (ii) require behavioral health treatment or services, or (iii) require treatment or services for substance use and abuse recovery. No more than \$2.5 million in credits shall be granted per calendar year for such qualified specialty population projects.

*Patron - Torian*

**[F] HB843 Income tax; housing opportunity tax credits.** Provides that for award cycles, defined in the bill as the 12-month period during which the Virginia Housing and Development Authority (the Authority) awards tax credits to eligible projects, beginning on and after January 1, 2021, but before July 1, 2025, and upon approving a federal low-income housing tax credit for a qualified project pursuant to the Authority's qualified allocation plan, the Authority shall award a housing opportunity tax credit for the owner of the qualified project so long as doing so will not result in exceeding the award cycle cap, defined as the sum of (i) \$150 million, (ii) the amount, if any, by which the award cycle cap for the preceding award cycle exceeds the tax credits awarded by the Authority in that award cycle, and (iii) the amount of tax credits recaptured or otherwise disallowed in the preceding fiscal year. The bill provides that the housing opportunity tax credit award shall not be less than one-half of the aggregate amount of the federal low-income housing tax credit approved for the qualified project under the Authority's qualified allocation plan for all years of the project's credit period. The bill requires the Authority to send written notice of the award to the owner of the qualified project and provides that a housing opportunity tax credit shall be allowed for such qualified project for each year of the credit period, in an amount equal to the lesser of (a) the amount of federal low-income housing tax credit allocated or allowed by the Authority to such qualified project, except that there shall be no reduction in the tax credit allowable in the first year of the credit period due to the calculation in 26 U.S.C. § 42(f)(2), or (b) one-tenth of the tax credit amount stated in the award notice.

*Patron - Bloxom*

**[F] HB846 Income tax deduction; teaching material expenses.** Provides an income tax deduction beginning in taxable year 2022 for the lesser of \$500 or the actual purchase price of teaching materials purchased by a teacher and used in teaching Virginia public primary or secondary school students. The deduction may not be claimed if the purchases were reimbursed or claimed as a deduction on the teacher's federal income tax return for the taxable year.

*Patron - Lopez*

**[F] HB848 Sales and use tax; exemption for incontinence products.** Provides a sales and use tax exemption for nondurable incontinence products such as diapers, disposable undergarments, pads, and bed sheets. Under current law, such products are taxed at a reduced state sales and use tax rate of 1.5 percent and the standard local rate of one percent.

*Patron - Lopez*

**[F] HB849 Income tax; geothermal tax credit.** Establishes an individual income tax credit for taxable years 2023 through 2027 for qualified expenditures related to a geothermal system placed in service at a residence in a tobacco region locality. The bill provides that the geothermal tax credit amount is the lesser of \$7,500 or 25 percent of qualified expenditures. The aggregate annual limit on such credits is \$1 million. The bill directs the Department of Energy to evaluate whether a person's geothermal system complies with statutory and regulatory standards and to issue a certification for a compliant system to be attached to a person's income tax return in order to claim the geothermal tax credit.

The bill reduces from 50 percent to 25 percent the portion of Master Settlement Agreement funds that accrue to the Tobacco Indemnification and Community Revitalization Fund and allocates 25 percent of such funds to cover the revenue loss attributable to the credit created by the bill. The bill has a delayed effective date of January 1, 2023.

*Patron - Reid*

**[F] HB858 Economic development; incentives to attract knowledge workers.** Provides, for taxable years 2022 through 2027, an income tax deduction for 50 percent of the amount a qualified knowledge worker, defined in the bill, pays for residential high speed internet access or \$600, whichever is less. The bill provides a tax credit for qualified knowledge workers for the purchase of a residential electric vehicle charger, in an amount equal to 50 percent of the former federal tax credit for an electric vehicle charger. The bill also provides an income tax credit for qualified knowledge workers in an amount equal to the sales tax paid for up to \$5,000 of certain computer equipment. For the deduction and both credits, the amounts provided are doubled if the qualified knowledge worker resides in a locality that has lost more than 10 percent of its population since the 2010 census. Qualified knowledge worker is defined in the bill as an individual who establishes new domicile in Virginia and who possesses advanced skills in the field of information technology, including network engineers, software developers, data scientists, and artificial intelligence, machine learning, or quantum computing professionals. The bill provides that no more than \$1 million in credits shall be issued in any taxable year and that such credits shall be allocated evenly between distressed and non-distressed localities.

*Patron - Reid*

**[F] HB874 Tax credit; automated external defibrillator.** Creates a one-time, individual income tax credit of up to \$1,200 for the purchase of an automated external defibrillator that is placed in the taxpayer's vehicle. The credit may be claimed during taxable years 2022 through 2026 and includes an aggregate annual cap of \$500,000.

*Patron - Kory*

**[F] HB965 Virginia taxable income; deductions; Energy Star certified water heater.** Provides a deduction for the purchase of any water heater for residential use that is Energy Star certified equal to the lesser of 20 percent of the actual price paid or \$500, beginning in taxable year 2022. The bill limits to taxable years beginning before January 1, 2022, the current provisions allowing individuals to deduct from their taxable personal income an amount equal to 20 percent of the sales taxes paid, up to \$500, for an electric heat pump hot water heater that yields an energy factor of at least 1.7 and an advanced gas or oil water heater that has an energy factor of at least 0.65.

*Patron - Tran*

**[F] HB978 Distribution of recordation tax to cities and counties.** Reestablishes the distribution of \$20 million of

state recordation tax revenue to counties and cities to be used for transportation or public education purposes. Legislation in 2020 dedicated the \$20 million to the Hampton Roads Regional Transit Program.

*Patron - Durant*

**[F] HB1003 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, 2020, to December 31, 2021. The bill also deconforms from provisions of the (i) federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a loss limitation applicable to taxpayers other than corporations, the limitation on business interest, and certain loan forgiveness and other business financial assistance and (ii) federal American Rescue Plan Act related to restaurant revitalization grants and emergency injury disaster loans received for taxable years beginning before January 1, 2021. The bill contains an emergency clause.

*Patron - Byron*

**[F] HB1008 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products.** Exempts food purchased for human consumption and essential personal hygiene products (the grocery tax) from all state, regional, and local sales taxes.

*Patron - Durant*

**[F] HB1045 Income tax subtraction; veteran retirement compensation.** Provides an individual income tax subtraction for certain amounts of the annual retirement compensation received by a veteran who is at least 65 years old for service as a member of the United States Armed Forces. The subtraction is equal to up to \$10,000 in annual retirement compensation for taxable year 2022, up to \$20,000 in taxable year 2023, up to \$30,000 in taxable year 2024, and up to \$40,000 for taxable year 2025 and thereafter.

*Patron - Guzman*

**[F] HB1059 Suspension of the imposition of taxes on gasoline and diesel fuels; emergency.** Suspends the imposition and collection of the state and regional taxes on gasoline and diesel fuel until July 1, 2023. The bill contains an emergency clause.

*Patron - Cordoza*

**[F] HB1069 Income tax subtraction; veteran retirement compensation.** Provides an individual income tax subtraction for up to \$40,000 of the amount of annual retirement compensation received by a veteran for service as a member of the United States Armed Forces, a reservist in the United States Armed Forces, or a member of the Virginia National Guard.

*Patron - Cordoza*

**[F] HB1103 Sports betting.** Prohibits sports betting operators from excluding bonuses and promotions from taxable revenue after the first 12 months of wagering activity. The bill also eliminates the ability of sports betting permit holders, when calculating taxable revenue, to carry over losses on a monthly basis.

*Patron - Sickles*

**[F] HB1104 Telework expenses tax credit.** Reinstates the telework expenses tax credit for taxable years 2022 through 2031. The previous version of the credit expired on January 1, 2019. The bill removes requirements that were in place under the previous version of the credit, such as requiring the employee and employer to sign a telework agreement. The bill

also eliminates a previous requirement that credit claimants apply for and reserve credits in advance and instead directs the Department of Taxation to develop procedures for claiming the credit.

*Patron - Guzman*

**[F] HB1114 Additional real property tax on commercial and industrial property in certain localities.**

*Patron - LaRock*

**[F] HB1127 Sports betting; Virginia college sports.** Allows betting, with the exception of proposition betting, on Virginia college sports. Under current law, betting other than proposition betting is allowed on all college sports except Virginia college sports.

*Patron - VanValkenburg*

**[F] HB1134 Casino gaming; eligible host cities; limits on local referendums.** Adds Petersburg to the list of cities eligible to host a casino in the Commonwealth. The bill also provides that the governing body of any eligible host city that holds a local referendum on the question of whether casino gaming should be permitted in such city that subsequently fails shall be prohibited from holding another local referendum on the same question for a period of five years from the date of the last referendum.

*Patron - Taylor*

**[F] HB1144 Rate of tax on gasoline and diesel fuel.**

Lowers the rate of tax on gasoline and diesel fuel on July 1, 2022, from 26.2 cents per gallon to 21.2 cents per gallon on gasoline and from 27 cents per gallon to 20.2 cents per gallon on diesel fuel, the rates that were in effect before July 1, 2021. The bill provides that the rate of tax on gasoline and diesel fuel will return to 26.2 and 27 cents per gallon, respectively, on July 1, 2023, and will be indexed based on the change in the United States Average Consumer Price Index for both 2021 and 2022; thereafter, the rate will be indexed annually.

*Patron - Webert*

**[F] HB1152 Sales and use tax; agricultural exemptions.** Provides a sales and use tax exemption for structural construction materials and environmental control systems to be affixed or integrated into a commercial greenhouse structure, so long as such materials and equipment have been specially ordered to meet the specifications of the commercial greenhouse operator. The bill applies to purchases of such materials and equipment made on or after July 1, 2020.

*Patron - Ware*

**[F] HB1154 Retail sales and use tax; exemption; aircraft parts; sunset.** Extends from July 1, 2022, to July 1, 2027, the sunset for the retail sales and use tax exemption on parts, engines, and supplies used for maintaining, repairing, or reconditioning aircraft or any aircraft's avionics system, engine, or component parts.

*Patron - Edmunds*

**[F] HB1167 Tax credits; vested interest.** Creates a vested interest when a taxpayer claims a tax credit, including an interest in any conditions placed upon the credit, and prohibits alteration of such interest by a subsequent action of the General Assembly. The provisions of the bill are retroactive but shall not be construed to extend the time during which a taxpayer may file an amended tax return.

*Patron - Fariss*

**[F] HB1185 Local tax; solar facility exemption.**

*Patron - Bourne*

**[F] HB1202 Conformity with the Internal Revenue Code; cannabis licensees.** Deconforms from federal law, as it applies to Virginia medical and recreational cannabis licensees, the prohibition on a deduction or credit for any amount paid or incurred during the taxable year in carrying on any trade or business if such trade or business consists of trafficking in a controlled substance prohibited by federal law.

*Patron - Campbell, J.L.*

**[F] HB1217 Virginia local journalism sustainability credits.** Creates a nonrefundable income tax credit for eligible local newspaper publishers, defined in the bill, for compensation paid to local news journalists. The credit is equal to (i) for the first taxable year in which the credit is claimed, the lesser of 10 percent of the actual amounts paid in wages to local news journalists during such taxable year or \$5,000 and (ii) in subsequent taxable years, the lesser of five percent of the actual amounts paid in wages to local news journalists during such taxable year or \$2,500. The credit includes an aggregate cap of \$5 million per taxable year.

The bill also creates a nonrefundable income tax credit for eligible small businesses with fewer than 50 employees for certain expenses incurred for local media advertising in a local newspaper, or in a broadcast of a local radio or television station. The credit is equal to (a) for the first taxable year in which the credit is claimed, the lesser of 80 percent of the actual amounts paid or incurred for qualified local media advertising expenses or \$4,000 and (b) the lesser of 50 percent of the actual amounts paid or incurred for qualified local media advertising expenses during such taxable year or \$2,000 for subsequent taxable years. The credit includes an aggregate cap of \$10 million.

Each of the credits may be claimed in taxable years beginning on and after January 1, 2022, but before January 1, 2027.

*Patron - Lopez*

**[F] HB1219 Historic rehabilitation tax credit.**

Increases from \$5 million to \$10 million the maximum amount of the historic rehabilitation tax credit, including amounts carried over from prior taxable years, that may be claimed by a taxpayer in any taxable year beginning in taxable year 2022.

*Patron - Lopez*

**[F] HB1312 Refundable income tax credit for low-income taxpayers.**

Allows low-income individuals and married persons to claim either (i) a nonrefundable income tax credit equal to \$300 for each individual, his spouse, and any dependents or (ii) a refundable income tax credit equal to 20 percent of the federal earned income tax credit claimed that year by the individual or married persons for the same taxable year. Under current law, low-income individuals and married persons may elect either of these amounts; however, both options for claiming the credit are nonrefundable. The provisions of the bill apply to taxable years 2022 through 2028.

*Patron - Price*

**[F] HB1343 Taxation in the Commonwealth.**

Makes numerous changes to the Commonwealth's tax structure. The bill provides that the standard deduction for individual income taxes shall be set permanently at \$4,500 for individuals and \$9,000 for married persons. Under current law, the standard deduction is scheduled to revert to \$3,000 and \$6,000, respectively, beginning with taxable year 2026. Beginning with taxable year 2022, individual income tax brackets, the filing threshold, the amount of the standard deduction, and the amount of personal exemptions shall be adjusted on an annual basis in accordance with the yearly change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U).



The bill imposes the retail sales and use tax on digital personal property, defined in the bill as a digital product delivered electronically that the purchaser owns or has the ability to continually access without having to pay an additional subscription or usage fee to the seller after paying the initial purchase price.

The bill also applies the retail sales and use tax to the following services: admissions; charges for recreation, fitness, or sports facilities; nonmedical personal services or counseling; dry cleaning and laundry services; companion animal care; residential home repair or maintenance, landscaping, or cleaning services when paid for directly by a resident or homeowner; vehicle and engine repair; repairs or alterations to tangible personal property; storage of tangible personal property; delivery or shipping services; travel, event, and aesthetic planning services; and communications services that are not subject to the communications sales and use tax and are not digital personal property.

Certain exemptions are provided to the sales and use tax on services, including health care services that must be performed by a person licensed or certified by the Department of Health Professions, veterinary services, professional services, Internet access services, and services provided by a person who does not receive more than \$2,500 per year in gross receipts for performance of such services. The bill exempts services purchased by a nonprofit organization and services purchased by a homeowners' association or by a landlord for the benefit of his tenant. The bill also repeals the service exemptions currently provided for the sale of custom programs and modification of prewritten programs.

The bill imposes the communications sales and use tax on prepaid calling services and on digital subscription services, defined in the bill as services for which the user pays in order to access and use software, reading materials, or other digital data or applications for a defined period of time, which products the user does not own or have permanent access to outside of such period of time.

The bill provides that a portion of the income tax credit for low-income taxpayers who are residents of the Commonwealth shall be refundable. Under current law, eligible taxpayers may claim either (i) a nonrefundable income tax credit equal to \$300 for each individual, his spouse, and any dependents or (ii) an income tax credit equal to 20 percent of the federal earned income tax credit. For taxpayers claiming the credit referenced in clause (ii), 50 percent of the value of the credit would be refundable in taxable year 2021, and the refundable portion would increase by five percent each year, becoming fully refundable starting in taxable year 2031. Nonresident taxpayers and resident taxpayers claiming the credit referenced in clause (i) shall not be eligible for a refundable credit. The bill also exempts food purchased for human consumption and essential personal hygiene products (the grocery tax) from all state and regional sales taxes and that, beginning July 1, 2022, food purchased for human consumption and essential personal hygiene products are also exempt from the local sales tax, and the grocery tax is eliminated.

*Patron - Watts*

**[F] HB1357 Tobacco products taxes; penalties.**

*Patron - Runion*

**[F] SB16 Income tax; Education Improvement Scholarships Tax Credits.** Increases the aggregate annual cap on the Education Improvement Scholarships Tax Credits from \$25 million to \$50 million, increases the value of the credit from 65 percent to 80 percent, and removes the credit's current sunset of January 1, 2028.

*Patron - Hackworth*

**[F] SB27 Income tax credits; Neighborhood Assistance Program and Education Improvement Scholarships.** Makes several amendments to expand the availability of the Neighborhood Assistance Program (NAP) and Education Improvement Scholarships Tax Credits (EISTC). The bill increases the limit on NAP credits approved by the Department of Education (DOE) from \$9 million to \$12 million and provides that the annual allocation of tax credits among neighborhood organizations shall not rely solely on the amount of credits awarded in the previous year. For the EISTC, the bill increases the value of the credit from 65 percent to 70 percent of the value of a donation and allows certified public accountants to receive tax credits for donations of accounting services to scholarship organizations. The bill also retains requirements and guidelines for eligible students with a disability that under current law were scheduled to expire on December 31, 2023. This bill incorporates SB 709.

*Patron - Ruff*

**[F] SB37 Sales tax; additional local tax for schools.** Adds Isle of Wight County to the list of localities that, under current law, are authorized to impose an extra one percent local sales tax. Revenue from the tax may be used only for constructing or renovating schools.

*Patron - Norment*

**[F] SB107 Marijuana tax; revenue allocations.** Real-locates revenues from the state marijuana tax so that the 30 percent currently allocated to the Cannabis Equity Reinvestment Fund would be reallocated to the general fund.

*Patron - Norment*

**[F] SB203 Casino gaming; eligible host cities; limits on local referendums.** Adds Petersburg to the list of cities eligible to host a casino in the Commonwealth. The bill also provides that the governing body of any eligible host city that holds a local referendum on the question of whether casino gaming should be permitted in such city that subsequently fails shall be prohibited from holding another local referendum on the same question for a period of five years from the date of the last referendum.

*Patron - Morrissey*

**[F] SB298 Additional local sales and use tax to support schools.** Adds the City of Charlottesville 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 - Deeds*

**[F] SB343 Refundable income tax credit for low-income taxpayers.** Allows low-income individuals and married persons to claim either (i) a nonrefundable income tax credit equal to \$300 for each individual, his spouse, and any dependents or (ii) a refundable income tax credit equal to 20 percent of the federal earned income tax credit claimed that year by the individual or married persons for the same taxable year. Under current law, low-income individuals and married persons may elect either of these amounts; however, both options for claiming the credit are nonrefundable. The provisions of the bill apply to taxable years 2022 through 2028.

*Patron - Barker*

**[F] SB363 Distribution of recordation tax to cities and counties.** Reestablishes the distribution of \$20 million of state recordation tax revenue to counties and cities to be used for transportation or public education purposes. Legislation in

2020 dedicated the \$20 million to the Hampton Roads Regional Transit Program.

*Patron - Stuart*

**(F) SB380 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products.** Exempts food purchased for human consumption and essential personal hygiene products (the grocery tax) from all state, regional, and local sales taxes. The bill dedicates state sales tax revenue to provide a supplemental school payment to counties and cities. For fiscal year 2023, the payment is the county or city's fiscal year 2022 distribution of revenue from the grocery tax. For fiscal year 2024 and after, the payment is the previous year's payment multiplied by the county or city's local sales tax index, defined in the bill as the ratio by which sales tax revenues in a county or city for the current year exceed the previous year's revenues.

*Patron - McDougle*

**(F) SB381 Income tax; military retirement income subtraction.** Exempts, beginning with taxable year 2022, up to \$40,000 of military retirement income of a veteran who is at least 55 years old and who was honorably discharged after active duty service in the Armed Forces of the United States, its reserve components, or the National Guard of Virginia or any other state.

*Patron - McDougle*

**(F) SB472 Additional local sales and use tax; use of revenues for construction or renovation of schools.** Allows any county or city to levy a local general retail sales tax and a local use tax at a rate not to exceed one percent as determined by its governing body to provide revenues solely for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, the power to levy such local sales and use taxes for the construction or renovation of schools is limited to the qualifying localities of Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville.

*Patron - McClellan*

**(F) SB512 Distribution of recordation tax to cities and counties.** Reestablishes the distribution of \$20 million of state recordation tax revenue to counties and cities to be used for transportation or public education purposes. Legislation in 2020 dedicated the \$20 million to the Hampton Roads Regional Transit Program.

*Patron - Suetterlein*

**(F) SB515 Refundable income tax credit for low-income taxpayers.** Allows low-income individuals and married persons to claim either (i) a nonrefundable income tax credit equal to \$300 for each individual, his spouse, and any dependents or (ii) a refundable income tax credit equal to 20 percent of the federal earned income tax credit claimed that year by the individual or married persons for the same taxable year. Under current law, low-income individuals and married persons may elect either of these amounts; however, both options for claiming the credit are nonrefundable. The provisions of the bill apply to taxable years beginning on and after January 1, 2023.

*Patron - McPike*

**(F) SB541 Rate of tax on gasoline and diesel fuel.** Lowers the rate of tax on gasoline and diesel fuel on July 1, 2022, from 26.2 cents per gallon to 21.2 cents per gallon on gasoline and from 27 cents per gallon to 20.2 cents per gallon on diesel fuel, the rates that were in effect before July 1, 2021. The bill provides that the rate of tax on gasoline and diesel fuel

will return to 26.2 and 27 cents per gallon, respectively, on July 1, 2023, and will be indexed based on the change in the United States Average Consumer Price Index; thereafter, the rate will be indexed annually.

*Patron - Peake*

**(F) SB553 Sales and transient occupancy taxes; accommodations intermediaries.** Broadens the definition of accommodations intermediary for purposes of collection of sales tax by accommodations intermediaries.

*Patron - Marsden*

**(F) SB571 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products.** Exempts food purchased for human consumption and essential personal hygiene products (the grocery tax) from all state, regional, and local sales taxes.

*Patron - Newman*

**(F) SB576 Sports betting; Virginia college sports.** Allows betting, with the exception of proposition betting, on Virginia college sports. Under current law, betting other than proposition betting is allowed on all college sports except Virginia college sports.

*Patron - Mason*

**(F) SB583 Conformity of the Commonwealth's taxation system with the Internal Revenue Code; Rebuild Virginia grants and Paycheck Protection Program loans; emergency.** Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2020, to December 31, 2021. The bill also deconforms from provisions of the (i) federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a loss limitation applicable to taxpayers other than corporations, the limitation on business interest, and certain loan forgiveness and other business financial assistance and (ii) federal American Rescue Plan Act related to restaurant revitalization grants and emergency injury disaster loans received for taxable years beginning before January 1, 2021. The bill also increases from \$100,000 to \$1 million the maximum individual and corporate income tax deduction or subtraction, as applicable, for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans for taxable year 2020. The bill contains an emergency clause.

*Patron - Newman*

**(F) SB586 Income tax; military benefits subtraction; emergency.** Establishes an income tax subtraction for up to \$20,000 of military benefits in taxable year 2021, up to \$30,000 in taxable year 2022, and up to \$40,000 in taxable year 2023 and each year thereafter. The bill defines military benefits to include military retirement income and benefits paid to the surviving spouse of a veteran. The bill contains an emergency clause.

*Patron - Chase*

**(F) SB609 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products.** Exempts food purchased for human consumption and essential personal hygiene products (the grocery tax) from all state, regional, and local sales taxes.

*Patron - DeSteph*

**(F) SB620 Real property taxes; rate of increase.** Requires the governing body of a locality to hold a referendum before making most increases in their real property tax rate. Under current law, the governing body of a locality is required to limit their real property tax rate to a rate that would collect no more than 101 percent of the amount of real property taxes

collected for the previous year. Increases above this rate may only be imposed if the locality holds a public meeting. The bill replaces the public meeting requirement with a requirement that any such increase be approved in a referendum.

*Patron - Cosgrove*

**[F] SB630 Income tax; rolling conformity; report.** Provides that, beginning with taxable year 2022, 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 Virginia shall not conform to (i) any changes in a single act of Congress with an impact of more than 0.3 percent on revenues in the year in which the amendment was enacted or any of the next four years and (ii) all changes enacted by Congress during the taxable year if their aggregate impact is more than 0.6 percent on the revenues for that year or any of the next four years.

*Patron - Barker*

**[F] SB634 Transient occupancy tax; supporting documentation.** Requires accommodations providers to submit certain supporting documentation, upon request by a locality, when remitting transient occupancy taxes collected.

*Patron - Deeds*

**[F] SB709 Education improvement scholarships tax credits; sunset.** Removes the sunset of taxable years beginning on or after January 1, 2028, for the tax credit for donations to certain scholarship foundations and removes the sunset for changes to the definition of an eligible student with a disability and certain income guidelines that were set to expire beginning with taxable years beginning on or after January 1, 2024. This bill was incorporated into SB 27.

*Patron - DeStefano*

## Carried Over

**[C] HB90 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products.** Exempts food purchased for human consumption and essential personal hygiene products (the grocery tax) from all state, regional, and local sales taxes. The bill dedicates an amount equal to a 0.182 percent sales and use tax to cities and counties as a supplemental school payment. Such payment shall, from July 1, 2022, until July 1, 2024, be distributed based on each city and county's estimated average share of monthly distributions attributable to the tax on such food and hygiene products between February 2020 and December 2021. Beginning July 1, 2024, such payment shall be based upon each city and county's pro rata share of total local sales and use taxes.

*Patron - McNamara*

**[C] HB103 Income tax deduction; eligible educators.** Provides for taxable years 2022 and thereafter an income tax deduction of the lesser of \$500 or the actual amount paid or incurred by an eligible educator, defined in the bill as an individual who for at least 900 hours during the taxable year served as a Virginia licensed teacher, instructor, student counselor, special needs personnel, principal, or student aide for public or private primary and secondary school students in Virginia for qualifying expenses, defined in the bill as expenses incurred from participation in professional development courses and the purchase of books, supplies, computer equipment (including related software and services), other educational equipment, and supplementary materials used directly in service to Virginia students as an eligible educator.

*Patron - Greenhalgh*

**[C] HB222 Installment agreements for payment of taxes.** Requires the Tax Commissioner to offer to enter into an installment agreement with any individual taxpayer under which the taxpayer may satisfy his entire tax liability over a payment term of up to five years. The bill maintains the current law for all other taxes whereby the Tax Commissioner may enter into a written agreement with any taxpayer under which such taxpayer is allowed to satisfy his entire tax liability in installment payments if the Tax Commissioner determines that such agreement will facilitate collection. The bill also removes the power under which the Tax Commissioner may alter, modify, or terminate an installment agreement if it is determined that the financial condition of the taxpayer has significantly changed or if the taxpayer fails to provide a financial condition update upon request.

*Patron - Coyner*

**[C] HB290 Individual and corporate income tax credit; employers of National Guard members and self-employed National Guard members.** Provides for taxable years 2022 through 2026 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 bill provides that the amount of the credit is 25 percent if such member was in a military pay status for 65 days or more during the taxable year or 15 percent if such member was in a military pay status for 45 to 64 days during the taxable year. The credit is not allowed if such member was in a military pay status for fewer than 45 days during the taxable year.

*Patron - Freitas*

**[C] HB472 Income tax; standard deduction.** Increases the standard deduction, starting with taxable year 2022, from \$4,500 to \$9,000 for single filers and from \$9,000 to \$18,000 for married filers (one-half of such amount in the case of a married individual filing a separate return). The increase would remain in effect until taxable year 2026, when the standard deduction is scheduled to be reduced to \$3,000 for single filers and to \$6,000 for married filers.

*Patron - McNamara*

**[C] HB589 Income tax; motion picture production tax credit.** Removes the sunset for the motion picture production tax credit, which currently is set to expire after taxable year 2026. The bill increases the aggregate limit on credits from \$6.5 million to \$15 million starting with fiscal year 2021 and also provides that credits allocated for episodic content, gaming, virtual reality, and augmented reality productions shall not count against the aggregate limit. The bill provides that if the amount of credits actually claimed is less than the aggregate limit for that year, the unclaimed remainder shall be added to the limit for the next year. The bill authorizes credits to be issued for multiyear periods. Under current law, if production continues for more than one year, the taxpayer must file a separate application for each year.

*Patron - Scott, D.L.*

**[C] HB592 Income tax credit; conversion to employee ownership.** Creates a nonrefundable, one-time individual and corporate income tax credit for an eligible business that (i) transfers whole or partial ownership to employees in the form of a worker cooperative, an employee stock ownership plan, an employee ownership trust, an employee equity grant program, or an employee stock purchase plan or (ii) is conducting a feasibility study for a transition to such employee ownership models. The credit is available for taxable years 2022 through 2026, is equal to up to \$5,000 per eligible business that trans-

fers ownership to employees or incurs costs for conducting a feasibility study for transferring ownership to employees during the taxable year, and includes an aggregate annual cap of \$5 million.

*Patron - Clark*

**HB698 License taxes; exemptions.** Authorizes localities to exempt any class of taxpayers from license taxes and fees. The bill provides that such exemption shall be made by general law and shall be uniform upon taxpayers operating in the same line of business or trade and that localities shall have discretion to determine the classes of taxpayers that shall be exempted. The bill does not apply to any severance tax that is levied as a license tax.

*Patron - Keam*

**HB764 Charitable gaming; registration of landlords; Texas Hold'em poker operations.** Provides that the Department of Agriculture and Consumer Services may promulgate regulations that require any landlord that leases to a qualified charitable organization any premises devoted in whole or in part to the conduct of bingo games or any other charitable gaming to register with the Department. The bill also prohibits an organization qualified to conduct Texas Hold'em poker tournaments from conducting any Texas Hold'em poker games where the game has no predetermined end time and the players wager actual money or poker chips that have cash value. The bill contains technical amendments.

*Patron - Krizek*

**HB901 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*

**HB935 Income tax refunds for individuals or married persons filing a joint return.** Provides an income tax refund of up to \$300 for individuals and up to \$600 for married persons filing a joint return for taxable year 2021 on or before November 1, 2022. The bill provides that the refund shall not exceed the taxpayer's tax liability.

*Patron - Robinson*

**HB1128 Income tax; military benefits subtraction; emergency.** Establishes an income tax subtraction for up to \$20,000 of military benefits in taxable year 2022, up to \$30,000 in taxable year 2023, and up to \$40,000 in taxable year 2024 and each year thereafter. The bill defines military benefits to include military retirement income and benefits paid to the surviving spouse of a veteran. The bill contains an emergency clause.

*Patron - McGuire*

**HB1168 Real property tax; exemption for disabled veterans and surviving spouses.** Provides that a person who is eligible for the real property tax exemption for certain disabled veterans and surviving spouses is entitled to a refund, retroactive to his date of eligibility, of taxes paid during the period of exemption, excluding interest or penalties. Under the bill, the refund is exempt from the statute of limitations for applications for correction of an assessment.

*Patron - Watts*

**HB1190 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*

**HB1295 Personal property tax; farm machinery and farm implements.** Provides that a locality may exempt from tangible personal property taxes certain farm machinery and farm implements, which shall include (i) freezer and refrigeration equipment for storage and sale of on-farm-produced meat, produce, and grain and (ii) season-extending vegetable hoop houses used for in-field production of produce.

*Patron - Gooditis*

**HB1319 Beneficial hardwood management practices.** Creates a nonrefundable income tax credit for taxable years 2022 through 2026 for expenses incurred by a taxpayer for the implementation of beneficial hardwood management practices. The credit equals the lesser of the actual expenses or \$1,000. The bill requires the Tax Commissioner, in coordination with the State Forester, to establish guidelines for claiming the credit and provides that any unused credit may be carried forward by the taxpayer for five taxable years following the taxable year for which the credit was issued. The credit is subject to an aggregate annual cap of \$1 million that will be administered by the Department of Forestry on a first-come, first-served basis.

*Patron - Adams, L.R.*

**SB7 Income tax; standard deduction.** Provides that for taxable years beginning on and after January 1, 2022, Virginia's standard deduction shall be in an amount equivalent to the federal standard deduction.

*Patron - Petersen*

**SB11 Income tax; standard deduction.** Increases the standard deduction for taxable years 2022 through 2025 from \$4,500 to \$9,000 for single filers and from \$9,000 to \$18,000 for married filers (one-half of such amount in the case of a married individual filing a separate return). As provided under current law, starting with taxable year 2026, the standard deduction will decrease to \$3,000 for single filers and to \$6,000 for married filers.

*Patron - Suetterlein*

**SB47 Income tax; housing opportunity tax credits.** Removes the \$15 million credit cap imposed on the Virginia Housing Opportunity Tax Credit and allows taxpayers to receive a state-level credit in an amount substantially similar to the amount of federal credit allocated or allowed by the Virginia Housing Development Authority for 10 years. Under current law, the Virginia Housing Development Authority is required to allocate the credit for one year only.

*Patron - Locke*

**SB266 Family caregiver tax credit.** Creates a non-refundable income tax credit for taxable years 2022 through 2026 for expenses incurred by an individual in caring for an eligible family member, defined in the bill, who requires assistance with one or more activities of daily living, also defined in the bill. The credit equals 50 percent of eligible expenditures incurred by the caregiver up to \$1,000. In order to qualify for the credit, the family caregiver must (i) not receive any compensation or reimbursement for the eligible expenditures and (ii) have federal adjusted gross income that is no greater than \$100,000 for an individual or \$200,000 for married persons. The bill requires the Tax Commissioner to establish guidelines for claiming the credit and provides that any unused credit may

be carried forward by the taxpayer for five taxable years following the taxable year for which the credit was issued. The bill is a recommendation of the Joint Commission on Health Care.

*Patron - Hashmi*

**SB360 State subsidy of property tax exemptions for disabled veterans and surviving spouses.** Requires the Commonwealth to subsidize local real estate tax relief for disabled veterans and surviving spouses of members of the United States Armed Forces killed in action when more than one percent of a locality's real estate tax base is lost due to such state-mandated tax relief programs. The Commonwealth would subsidize only that portion of tax-exempt real estate that exceeds the one percent threshold.

The bill requires the Auditor of Public Accounts to establish an application process whereby a locality would demonstrate that more than one percent of its real estate tax base was lost. The Auditor would certify to the Governor and the General Assembly those localities that would be eligible for a subsidy, and the Governor would include in the Budget Bill a proposed appropriation of the amount of the state subsidy to be provided to localities certified as eligible localities.

*Patron - Stuart*

**SB367 Horse racing tax.** Provides that 0.01 percent of the amount that a horse racing licensee retains from wagering on historical horse racing pools shall be deposited in the Problem Gambling Treatment and Support Fund. The bill reduces from 0.75 percent to 0.74 percent the percentage of such retained amount that accrues to the general fund.

*Patron - Reeves*

**SB451 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products.** Provides a state sales and use tax exemption for food purchased for human consumption and essential personal hygiene products. The bill would also provide, beginning February 1, 2023, an allocation of state revenues to fund the distribution to localities for educational funding that would have been distributed to them absent the exemption created by the bill. Under current law, such products are taxed at a reduced state sales and use tax rate of 1.5 percent and the standard local rate of one percent. The bill has a delayed effective date of January 1, 2023.

*Patron - Boysko*

**SB462 Regulating video gaming terminals; penalties.** Authorizes and specifies the licensing requirements for the manufacture, distribution, operation, servicing, hosting, and playing of video gaming terminals (VGTs). The bill provides that VGTs are regulated by the Virginia Lottery Board, which the bill renames as the Virginia Lottery and Gaming Oversight Board. The bill requires employees of such licensees to be registered with the Virginia Lottery, which the bill renames as the Virginia Lottery and Gaming Department. The bill imposes criminal and civil penalties for violations of the law and regulations related to VGTs. The bill imposes a 34 percent tax on all gross profits from the play of VGTs and provides for how the tax proceeds are used; most are deposited into the School Construction Fund, created by the bill.

*Patron - Bell*

**SB520 Income tax; motion picture production tax credit.** Removes the sunset for the motion picture production tax credit, which currently is set to expire after taxable year 2026. The bill increases the aggregate limit on credits from \$6.5 million to \$15 million starting with fiscal year 2021 and also provides that credits allocated for episodic content, gam-

ing, virtual reality, and augmented reality productions shall not count against the aggregate limit. The bill provides that if the amount of credits actually claimed is less than the aggregate limit for that year, the unclaimed remainder shall be added to the limit for the next year. The bill authorizes credits to be issued for multiyear periods. Under current law, if production continues for more than one year, the taxpayer must file a separate application for each year.

*Patron - Lucas*

**SB528 Income tax; military benefits subtraction.** Provides an individual income tax subtraction for up to \$5,000 of military benefits in taxable year 2022, up to \$10,000 in taxable year 2023, up to \$15,000 in taxable year 2024, and up to \$20,000 in taxable year 2025 and each taxable year thereafter. The subtraction is limited to recipients of such military benefits who are age 60 or older.

*Patron - Reeves*

**SB540 Income tax credit; small businesses.** Provides, in taxable year 2022, an individual or corporate income tax credit, as applicable for an eligible small business, defined in the bill as a (i) (a) pass-through entity that employs fewer than 50 employees and that has no more than \$10 million in gross receipts during such taxable year or (b) self-employed individual or (ii) corporation that is at least 51 percent independently owned by one or more United States citizens or legal resident aliens, employs fewer than 50 employees together with affiliates, and has no more than \$10 million in gross receipts during the taxable year, and where the individual business owners must control both the management and daily operations of the business. The individual income tax credit is equal to the amount of Virginia income tax owed on up to \$250,000 of personal income during such taxable year and the credit for a corporation equals the amount of Virginia income tax owed during such taxable year on up to \$250,000 of the amount that is not deductible when computing federal tax due to Virginia's deconformity from certain provisions of the federal Consolidated Appropriations Act of 2020. The credit is subject to an aggregate cap of \$75 million.

*Patron - Peake*

**SB560 Income tax; standard deduction.** Increases the standard deduction, starting with taxable year 2022, from \$4,500 to \$9,000 for single filers and from \$9,000 to \$18,000 for married filers (one-half of such amount in the case of a married individual filing a separate return). The increase would remain in effect for taxable years 2026 and after, when, under current law, the standard deduction is scheduled to be reduced to \$3,000 for single filers and to \$6,000 for married filers.

*Patron - Norment*

**SB632 Family caregiver tax credit.** Creates a non-refundable income tax credit for taxable years 2022 through 2026 for expenses incurred by an individual in caring for an eligible family member, defined in the bill, who requires assistance with one or more activities of daily living, also defined in the bill. The credit equals 50 percent of eligible expenditures incurred by the caregiver up to \$1,000. In order to qualify for the credit, the family caregiver must (i) not receive any compensation or reimbursement for the eligible expenditures, (ii) have federal adjusted gross income that is no greater than \$75,000 for an individual or \$150,000 for married persons, and (iii) live in the same primary residence as the eligible family member for no fewer than 183 days during the taxable year. The bill requires the Tax Commissioner to establish guidelines for claiming the credit and provides that any unused credit may be carried forward by the taxpayer for five taxable years following the taxable year for which the credit was issued.

*Patron - Locke*

**[C] SB736 Sales tax; data center exemption.** Reduces the new job creation requirement from 50 to 25 for the sales tax exemption for data center operators.  
*Patron - Ruff*

## Trade and Commerce

### Passed

**[P] HB78 Automatic renewal or continuous service offer to consumer; cancellation and online opt-out.** Requires that suppliers of automatic renewals or continuous service offers through an online website must make available a conspicuous online option to cancel a recurring purchase of a good or service. The bill provides that failure to make available such option to cancel is a prohibited practice under the Virginia Consumer Protection Act.  
*Patron - Davis*

**[P] HB186 Nitrile Glove Manufacturing Training Program; established.** Establishes the Nitrile Glove Manufacturing Training Program, a funding program of up to \$4,601,000 for the Virginia Economic Development Partnership, through the Virginia Talent Accelerator Program, to support the recruitment and training needs of nitrile glove manufacturing companies located in the Mount Rogers Planning District. The bill also requires companies eligible for such funding to enter into a memorandum of understanding with the Virginia Economic Development Partnership that is subject to terms described in the bill. This bill is identical to SB 595. This bill received Governor's recommendations.  
*Patron - Campbell, J.L.*

**[P] HB324 Shipping and Logistics Headquarters Grant Program.** Updates some provisions of the Shipping and Logistics Headquarters Grant Program to reflect changes in the agreement between the Commonwealth and a qualified company. This bill is identical to SB 103.  
*Patron - Williams Graves*

**[P] HB381 Consumer Data Protection Act; data deletion request.** Provides that a controller that has obtained personal data about a consumer from a third party shall be deemed in compliance with a consumer's request to delete such data if the controller either (i) retains a record of the deletion request and the minimum data necessary for the purpose of ensuring that the consumer's personal data remains deleted and does not use such retained data for any other purpose or (ii) opts the consumer out of the processing of that data for any purpose except those purposes exempted pursuant to the Consumer Data Protection Act. This bill is identical to SB 393.  
*Patron - Davis*

**[P] HB571 Historical horse racing; electronic gaming terminals; age requirement; penalty.** Prohibits any person under 21 years of age from using any electronic gaming terminal or other electronic device in a satellite facility to wager on or conduct any wagering on historical horse racing. This bill is identical to SB 366.  
*Patron - Krizek*

**[P] HB574 Wagering on historical horse racing; licensee retained funds for distribution to Problem Gambling Treatment and Support Fund and localities.** Provides that with respect to the first 3,000 authorized terminals, 0.01 percent of the amount that a horse racing licensee retains from

wagering on historical horse racing pools shall be deposited in the Problem Gambling Treatment and Support Fund. The bill reduces from 0.75 to 0.74 the percentage of such retained amount that accrues to the general fund. The bill also provides that with respect to the 2,000 terminals authorized by the 2020 Session of the General Assembly, a horse racing licensee shall retain 1.6 percent from wagering on historical horse racing pools, to be distributed as follows: 0.95 percent of such retained amount to the Commonwealth as a license tax, 0.01 percent to the Problem Gambling Treatment and Support Fund, and (i) if generated at a racetrack, 0.64 percent to the locality in which the racetrack is located or (ii) if generated at a satellite facility, 0.32 percent to the locality in which the satellite facility is located and 0.32 percent to the Virginia locality in which the racetrack is located.

*Patron - Krizek*

**[P] HB714 Consumer Data Protection Act; enforcement; Consumer Privacy Fund.** Authorizes the Attorney General to pursue actual damages to consumers to the extent they exist if a controller or processor of the personal data of Virginians continues to violate the Consumer Data Protection Act (the Act) following a 30-day cure period offered by the Attorney General or breaches an express written statement provided to the Attorney General. Political organizations and certain § 501(c)(4) organizations are classified as nonprofit organizations and thus exempt from the Act. In addition, the bill abolishes the Consumer Privacy Fund and provides that all civil penalties, expenses, and attorney fees collected from enforcement of the Act shall be deposited into the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund. This bill is identical to SB 534.

*Patron - Hayes*

**[P] HB1130 Purchase of service handguns or other weapons by retired sworn law-enforcement officers.** Removes the requirement that a sworn law-enforcement officer be employed in a full-time capacity at the time of his retirement to purchase his service handgun. This bill is identical to SB 207.

*Patron - Helmer*

**[P] HB1151 Virginia Motor Vehicle Warranty Enforcement Act.** Adds motorcycles to the vehicles protected by the Virginia Motor Vehicle Warranty Enforcement Act, commonly known as the "lemon law." The bill contains technical amendments.

*Patron - Adams, D.M.*

**[P] SB103 Shipping and Logistics Headquarters Grant Program.** Updates some provisions of the Shipping and Logistics Headquarters Grant Program to reflect changes in the agreement between the Commonwealth and a qualified company. This bill is identical to HB 324.

*Patron - Spruill*

**[P] SB207 Purchase of service handguns or other weapons by retired sworn law-enforcement officers.** Removes the requirement that a sworn law-enforcement officer be employed in a full-time capacity at the time of his retirement to purchase his service handgun. This bill is identical to HB 1130.

*Patron - Petersen*

**[P] SB366 Historical horse racing; electronic gaming terminals; age requirement; penalty.** Prohibits any person under 21 years of age from using any electronic gaming terminal or other electronic device in a satellite facility to wager on

or conduct any wagering on historical horse racing. This bill is identical to HB 571.

*Patron - Reeves*

**[P] SB393 Consumer Data Protection Act; data deletion request.** Provides that a controller that has obtained personal data about a consumer from a third party shall be deemed in compliance with a consumer's request to delete such data if the controller either (i) retains a record of the deletion request and the minimum data necessary for the purpose of ensuring that the consumer's personal data remains deleted and does not use such retained data for any other purpose or (ii) opts the consumer out of the processing of that data for any purpose except those purposes exempted pursuant to the Consumer Data Protection Act. This bill is identical to HB 381. This bill was vetoed by the Governor.

*Patron - Ebbin*

**[P] SB534 Consumer Data Protection Act; enforcement; Consumer Privacy Fund.** Authorizes the Attorney General to pursue actual damages to consumers to the extent they exist if a controller or processor of the personal data of Virginians continues to violate the Consumer Data Protection Act (the Act) following a 30-day cure period offered by the Attorney General or breaches an express written statement provided to the Attorney General. Political organizations and certain § 501(c)(4) organizations are classified as nonprofit organizations and thus exempt from the Act. In addition, the bill abolishes the Consumer Privacy Fund and provides that all civil penalties, expenses, and attorney fees collected from enforcement of the Act shall be deposited into the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund. This bill incorporates SB 516 and is identical to HB 714.

*Patron - Marsden*

**[P] SB595 Nitrile Glove Manufacturing Training Program; established.** Establishes the Nitrile Glove Manufacturing Training Program, a funding program of up to \$4,601,000 for the Virginia Economic Development Partnership, through the Virginia Talent Accelerator Program, to support the recruitment and training needs of nitrile glove manufacturing companies located in the Mount Rogers Planning District. The bill also requires companies eligible for such funding to enter into a memorandum of understanding with the Virginia Economic Development Partnership subject to terms described in the bill. This bill is identical to HB 186. This bill received Governor's recommendations.

*Patron - Pillion*

## Failed

**[F] HB143 Heavy Equipment Dealer Act.** Provides that, under the Heavy Equipment Dealer Act, a supplier's refusal to continue with a dealer an agreement that is expiring in accordance with its terms constitutes a refusal to continue or renew the agreement even if the supplier offers to enter into a replacement agreement with such dealer. The bill removes the exception to the Act's notification requirements for agreement amendments for cases where the supplier uniformly amends agreements as to all dealers of the supplier in question in all states in which the supplier is marketing its products. The bill also prohibits a supplier from prohibiting a dealer from purchasing equipment manufactured by another supplier for purposes of rental or resale to the dealer's customers or from directly or indirectly discriminating or taking adverse action against, or otherwise penalizing, any dealer that purchases

equipment or repair parts manufactured by another supplier for purposes of rental or resale to the dealer's customers.

*Patron - Wiley*

**[F] HB460 Food delivery platforms; fee transparency.** Requires each agreement between a restaurant and a food delivery platform to disclose all fees charged by the food delivery platform. Prior to confirming an online order, a food delivery platform must clearly display the baseline cost of the food order and any additional fees associated with the order. However, under the bill, a restaurant operating through an independent ordering system that includes the option of delivery by a food delivery platform may elect to display only the total order cost rather than listing each associated fee.

*Patron - Bennett-Parker*

**[F] HB476 Retail Small Business Grant Program and Fund.** Establishes the Retail Small Business Grant Program and Fund to support existing Virginia small businesses, attract new businesses, increase the Commonwealth's tax base, create new job opportunities for Virginia residents, and enhance commercial activity in Virginia. The bill provides that an eligible Virginia small business, defined in the bill, is eligible for grants of up to \$50,000. The total amount of grants awarded in a fiscal year is capped at \$10 million.

*Patron - Murphy*

**[F] HB552 Consumer Data Protection Act; nonprofit organizations.** Provides, for the purposes of the Consumer Data Protection Act, that the definition for "nonprofit organization" includes certain nonprofit organizations exempt from taxation under § 501 (c)(4) of the Internal Revenue Code.

*Patron - O'Quinn*

**[F] HB601 Automatic renewal or continuous service offer to consumer; cancellation and online opt-out.** Requires that the supplier of automatic renewals or continuous service offers that include a free trial notify the consumer of the automatic renewal seven days prior to expiration of the free trial and obtain the consumer's affirmative consent to the automatic renewal beyond the trial period. The bill also requires that exclusively online termination of the subscription be permitted for automatic renewals or continuous service offers accepted by a consumer online.

*Patron - Hudson*

**[F] HB737 Virginia Consumer Protection Act; certain disclosure in advertising required.** Provides that is a violation of the Virginia Consumer Protection Act for a supplier in connection with a consumer transaction to fail to disclose in any advertisement for goods or services that the provisions of any contract or written agreement associated with the goods or services advertised restrict the consumer's rights in any civil action or right to file a civil action to resolve a dispute that arises in connection with the consumer transaction. The bill provides that such provisions shall be void and unenforceable in any instance where the supplier fails to provide the required notice.

*Patron - Krizek*

**[F] HB888 Online Marketplace Consumer Protection Act; high-volume third-party sellers in an online marketplace; civil penalty.** Establishes requirements for high-volume third-party sellers, defined in the bill as participants in an online marketplace that have entered into at least 200 discrete sales or transactions for 12 continuous months during the past 24 months resulting in accumulation of an aggregate total of \$5,000 or more in gross revenues. The bill requires high-volume third-party sellers to provide identifying information and contact information to the online marketplace and requires the



online marketplace to verify the information upon receipt. The bill requires that high-volume third-party sellers make certain conspicuous disclosures to consumers on their product listing pages, with certain limited exceptions. The bill authorizes the Attorney General to initiate an action in the name of the Commonwealth against an online marketplace or high-volume third-party seller that has violated the provisions of the bill and either failed to cure the violation within a 30-day cure period or failed to comply with an express written statement to the Attorney General that the alleged violations have been cured and no further violations will occur. The Attorney General may seek an injunction to restrain any such violations and civil penalties of up to \$7,500 for each such violation.

*Patron - Kilgore*

**[F] HB1094 Fair Repair Act; access to diagnostics, tools, service documentation, and firmware; penalties.** Requires the original equipment manufacturer (OEM) of digital electronic equipment, or parts for such equipment, to make available to owners of such equipment and to independent repair providers, on fair and reasonable terms, documentation, parts, and tools for purposes of diagnosis, maintenance, or repair of such equipment. The bill requires, for digital electronic equipment that contains an electronic security lock or other security-related function, OEMs to make available to the owner and to independent repair providers, on fair and reasonable terms, any special documentation, tools, and parts needed to disable the lock or function, and to reset it when disabled. A violation is a prohibited practice under the Virginia Consumer Protection Act. The bill has a delayed effective date of January 1, 2023.

*Patron - Greenhalgh*

**[F] HB1259 Consumer Data Protection Act; sensitive data.** Provides that, for purposes of the Consumer Data Protection Act, personal data revealing racial or ethnic origin, religious beliefs, mental or physical diagnosis, sexual orientation, or citizenship or immigration status shall only be considered sensitive data if used to make a decision that results in a legal or similarly significant effect for a consumer.

*Patron - Webert*

**[F] SB309 Consumer Protection Act; prohibited practices; certain restrictive provisions in contract or written agreement.** Provides that it is a violation of the Consumer Protection Act for a supplier in connection with a consumer transaction to use any provision in any contract or written agreement that restricts a consumer's right to file a civil action to resolve a dispute that arises in connection with a consumer transaction that does not involve interstate commerce. The bill provides that such provisions are void and unenforceable.

*Patron - Edwards*

**[F] SB341 Consumer protection; online marketplace; high-volume third-party sellers.** Establishes requirements for high-volume third-party sellers, defined in the bill as participants in an online marketplace that have entered into at least 200 discrete sales or transactions for 12 continuous months during the past 24 months resulting in accumulation of an aggregate total of \$5,000 or more in gross revenues. The bill requires an online marketplace to (i) require high-volume third-party sellers to provide identifying and contact information to the online marketplace; (ii) verify the information provided by a high-volume third-party seller within 10 days of receipt; and (iii) require that high-volume third-party sellers make certain conspicuous disclosures to consumers on their product listing pages, with certain limited exceptions. The bill provides that the Attorney General has the exclusive authority to enforce its provisions and that any violation of its provisions

is a prohibited practice under the Virginia Consumer Protection Act.

*Patron - Barker*

**[F] SB516 Consumer Data Protection Act; nonprofit organizations.** Provides, for the purposes of the Consumer Data Protection Act, that the definition for "nonprofit organization" includes certain nonprofit organizations exempt from taxation under § 501 (c)(4) of the Internal Revenue Code. This bill was incorporated into SB 534.

*Patron - McPike*

**[F] SB584 Consumer Data Protection Act; personal data obtained from source other than the consumer.** Provides that if a controller has obtained personal data about a consumer from a source other than the consumer, the controller may comply with such consumer's request to delete such personal data by opting the consumer out of the processing of such personal data for targeted advertising, sale, or profiling. The provisions of the bill become effective on January 1, 2023.

*Patron - Norment*

## Carried Over

**[C] SB419 Genetic information privacy; civil penalty.** Establishes requirements for direct-to-consumer genetic testing companies, including requirements related to information to be provided to consumers, consent requirements, requirements related to security of and consumer access to genetic information, requirements for contracts between direct-to-consumer genetic testing companies and service providers, and prohibitions on disclosure of genetic information by direct-to-consumer genetic testing companies. The bill also prohibits discrimination against a consumer based on exercise of rights related to genetic information privacy and imposes civil penalties for violations of the provisions of the bill.

*Patron - Ebbin*

## Unemployment Compensation

### Passed

**[P] HB270 Virginia Employment Commission; administrative reforms; reporting requirements; electronic submissions; Unemployment Compensation Ombudsman established.** Requires the Virginia Employment Commission to calculate and report the (i) average unemployment insurance benefit levels, (ii) average income replacement of unemployment insurance benefits, and (iii) reciprocity rate for unemployment insurance benefits in the Commonwealth as part of the Commission's annual balance sheet. The bill also requires the Commission, as part of its biennial strategic plan submitted to the Department of Planning and Budget, to develop and maintain an unemployment insurance Resiliency Plan that describes the specific actions the agency would take, depending on the level of increase in unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of operations to ensure continued efficient and effective administration of the UI program.

The bill creates within the Commission on Unemployment Compensation a subcommittee that shall be responsible for monitoring the Virginia Employment Commission's management of the unemployment insurance program. The subcommittee shall meet at least once each quarter and shall report annually, beginning on December 1, 2022, to the House Com-

mittee on Appropriations, the House Committee on Commerce and Energy, the Senate Committee on Commerce and Labor, and the Senate Committee on Finance and Appropriations. The bill also directs the Commission to convene an advisory committee composed of stakeholders and subject matter experts to review information related to UI claims.

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

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

The bill directs the Virginia Department of Human Resource Management to lead a multiagency work group to discuss strategies for staffing assistance and support for agencies that might need staffing assistance during emergencies. Additionally, the Virginia Employment Commission is directed to task its internal audit division to review and revise documents and online resources related to unemployment compensation. This bill is identical to SB 219. This bill received Governor's recommendations.

*Patron - Byron*

**[P] HB652 Unemployment compensation; benefit eligibility.** Requires the Virginia Employment Commission to conduct an incarceration check and employment identification check prior to awarding benefits to any individual.

*Patron - Wampler*

**[P] SB219 Virginia Employment Commission; administrative reforms; reporting requirements; electronic submissions; Unemployment Compensation Ombudsman established.** Requires the Virginia Employment Commission to calculate and report the (i) average unemployment insurance benefit levels, (ii) average income replacement of unemployment insurance benefits, and (iii) reciprocity rate for unemployment insurance benefits in the Commonwealth as part of the Commission's annual balance sheet. The bill also requires the Commission, as part of its biennial strategic plan submitted to the Department of Planning and Budget, to develop and maintain an unemployment insurance Resiliency Plan that describes the specific actions the agency would take, depending on the level of increase in unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of operations to ensure continued efficient and effective administration of the UI program.

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*Patron - McPike*

**[P] SB655 Unemployment compensation; electronic submission of information.** Requires employers to electronically submit claim-related forms and separation information, as well as other information and electronic tax payments, upon the Virginia Employment Commission's request, unless the employer has received a waiver by the Commission. The bill requires the Commission to develop a plan to conduct a pilot program that would require a sample group of employers that employ 15 or more employees to proactively provide separation information, including the date of and reason for separation, to separated individuals and electronically to the Commission within seven days of the individual's separation from employment and to submit such plan to the Commission on Unemployment Compensation by January 1, 2023. This bill was vetoed by the Governor.

*Patron - Ebbin*

**[P] SB769 Unemployment compensation; program integrity.** Requires the Virginia Employment Commission (the Commission) (i) to conduct all mandatory and recommended program integrity activities as identified by the U.S. Department of Labor Employment and Training Administration and the U.S. Department of Labor Office of Inspector General, (ii) perform a full eligibility review of suspicious or potentially improper unemployment claims, and (iii) recover any improper overpayment of benefits to the fullest extent authorized by state and federal law. The bill authorizes the Commission to enter into a memorandum of understanding with any state agency necessary to implement the provisions of the bill and requires the Commission to report by December 1 of each year to the Commission on Unemployment Compensation, addressing the implementation and enforcement of the provisions of the bill. The bill has a delayed effective date of January 1, 2023. This bill received Governor's recommendations.

*Patron - Reeves*

## Failed

**[F] HB153 Unemployment compensation and workers' compensation; testing for the use of nonprescribed controlled substances.** Requires, for an applicant for unemployment benefits for whom the only suitable work available is in an occupation that regularly requires drug testing, the applicant, as a condition of eligibility, to provide the Virginia Employment Commission with the results of a drug test that is negative for the use of a nonprescribed controlled substance. The bill also requires, under the Workers' Compensation Act, in order to determine the cause of a workplace accident that harmed an employee, an employer to require post-accident drug testing for the use of a nonprescribed controlled substance of any employee whose conduct could have contributed to the accident. The bill also prohibits an insurer from providing premium discounts for a drug-free workplace to an employer unless the employer has policies in place requiring such post-accident drug testing.

*Patron - March*

**[F] HB410 Unemployment insurance; Resiliency Plan.** Requires the Virginia Employment Commission, as part of its biennial strategic plan submitted to the Department of Planning and Budget, to develop and maintain an unemployment insurance Resiliency Plan that describes the specific actions the agency would take, depending on the level of increase in unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of operations to ensure continued efficient and effective administration of the UI program.

*Patron - Willett*

**[F] HB600 Unemployment compensation; continuation of benefits; repayment of overpayments.** Makes permanent provisions of the Code currently set to expire on July 1, 2022, relating to unemployment compensation. The bill 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 also makes permanent provisions of the Code that require 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 receiving benefits and (ii) requiring repayment would be contrary to equity and good conscience. Conditions for when overpayments are considered "without fault on the part of the individual" are outlined in the bill.

The bill further 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. This applies to outstanding overpayments established for claim weeks commencing on or after March 15, 2020. The bill allows the Commission to suspend or forgo referring any overpayment established since March 15, 2020, to the collections process indefinitely. All costs that result from implementing provisions of this bill shall be incurred by the Unemployment Compensation Fund.

*Patron - Hudson*

**[F] HB638 Unemployment insurance; Resiliency Plan.** Requires the Virginia Employment Commission, as part of its biennial strategic plan submitted to the Department of Planning and Budget, to develop and maintain an unemployment insurance Resiliency Plan that describes the specific actions the agency would take, depending on the level of

increase in unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of operations to ensure continued efficient and effective administration of the UI program.

*Patron - Carr*

**[F] HB639 Commission on Unemployment Compensation; unemployment insurance subcommittee established.** Creates within the Commission on Unemployment Compensation a subcommittee that shall be responsible for monitoring the Virginia Employment Commission's management of the unemployment insurance program. The subcommittee shall meet at least once each quarter and shall report annually, beginning on December 1, 2022, to the House Committee on Appropriations, the House Committee on Labor and Commerce, the Senate Committee on Commerce and Labor, and the Senate Committee on Finance and Appropriations.

*Patron - Carr*

**[F] HB640 Unemployment compensation; invalid claims.** Provides that a claim for unemployment benefits that has been determined invalid by the Virginia Employment Commission as a result of the claimant's monetary ineligibility is not eligible for appeal through the Commission's appeals division.

*Patron - Carr*

**[F] HB1201 Unemployment compensation; disqualification for benefits; misconduct does not include refusing COVID-19 vaccine.** Provides that for the purposes of the Virginia Employment Commission determining if an individual was separated or partially separated from employment for misconduct and would be disqualified for unemployment benefits, the term "misconduct" does not include an employee's refusal to receive or receive in part any primary series or booster shot of a vaccine for the prevention of COVID-19.

*Patron - Byron*

**[F] SB646 Unemployment compensation; disqualification for benefits; misconduct does not include refusing COVID-19 vaccine.** Provides that for the purposes of the Virginia Employment Commission determining if an individual was separated or partially separated from employment for misconduct and would be disqualified for unemployment benefits, the term "misconduct" does not include an employee's refusal to receive or receive in part any primary series or booster shot of a vaccine for the prevention of COVID-19.

*Patron - Cosgrove*

## Carried Over

**[C] SB1 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, 2025. 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 2024. 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 - Boysko*

# Waters of the State, Ports and Harbors

## Passed

**[P] HB184 Virginia Stormwater Management Programs; regional industrial facility authorities.** Authorizes a locality that administers a Virginia Stormwater Management Program (VSMP) or a Virginia Erosion and Stormwater Management Program (VESMP) to administer such program of a regional industrial facility authority of which the locality is a member. The bill requires that such administration be conducted in accordance with an agreement entered into with all relevant localities and the existing VSMP or VESMP for the property.

*Patron - Marshall*

**[P] HB771 Publication of local Chesapeake Bay Preservation Act information.** Requires each locality in Tidewater Virginia to publish on its website the criteria and elements adopted by the locality to implement its local plan as required by the Chesapeake Bay Preservation Act.

*Patron - Hodges*

**[P] HB1224 Stormwater management; proprietary best management practices; emergency.** Directs the State Water Control Board to update its regulations providing for the certification and use of a proprietary best management practice (BMP) if another state, regional, or national program has verified its nutrient or sediment removal effectiveness and its having met or exceeded all of such program's established test protocol requirements. Currently, the BMP may only be used if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. The bill also directs the Department of Environmental Quality to prioritize review of any proprietary BMP that was on the Virginia Stormwater BMP Clearinghouse prior to December 31, 2021, and that submits documentation of verification of effectiveness by another state, regional, or national program. The bill contains an emergency clause.

*Patron - Bulova*

**[P] HB1297 Comprehensive water supply planning process.** Directs the State Water Control Board to consider existing interjurisdictional arrangements in designating comprehensive water supply regional planning areas and to provide a mechanism for a locality to request, subject to approval by the Department of Environmental Quality, a change of its designated regional planning area to an adjoining planning area.

*Patron - Webert*

**[P] SB187 Accelerated stream nutrient credit release.** Allows the Department of Environmental Quality to accelerate the release of nutrient credits generated by a stream restoration project based on (i) a determination that the level of risk is low, (ii) the provision of additional financial assurance, and (iii) the experience of the applicant. The provisions of the bill become effective 30 days after the Department of Environmental Quality issues guidance regarding its implementation.

*Patron - Hanger*

**[P] SB188 Nutrient credit stream restoration projects; use of third-party long-term stewards.** Authorizes the Department of Environmental Quality to allow the use of third-

party long-term stewards to hold and manage the long-term management fund to maintain stream restoration projects.

*Patron - Hanger*

**[P] SB357 Virginia Port Authority; Waterway Maintenance Grant Program; qualifications of recipient.** Authorizes the Virginia Port Authority, in awarding grants through the Waterway Maintenance Grant Program, to award a grant to a political subdivision or governing body for the dredging of a waterway channel with a bottom that is privately owned if such political subdivision or governing body holds a lease of such bottom with a term of 25 years or more.

*Patron - Stuart*

## Failed

**[F] HB276 Wetland and stream mitigation banks; use of credits from secondary service area.** Allows any applicant for a Virginia Water Protection Permit to purchase or use credits from the secondary service area of a mitigation service provider.

*Patron - Coyner*

**[F] HB393 Water quality; consideration of economic or social development.** Requires the State Water Control Board to analyze the economic or social impact on residents who and communities that have historically been economically or socially disadvantaged when considering any project or development that would constitute a new or increased discharge of effluent into high quality water.

*Patron - Willett*

**[F] HB448 Department of Environmental Quality; review of local authority regarding certain land disturbances; report.** Directs the Department of Environmental Quality (the Department) to convene a work group to review and make recommendations concerning existing law regarding limits on local authority to review certain land-disturbing activities for stormwater impacts. The Department is required by the bill submit a report of the work group's findings and recommendations to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than November 15, 2022.

*Patron - Bennett-Parker*

**[F] HB479 Wetland and stream mitigation credits; dam removal credits.** Provides the Department of Environmental Quality the authority to allow applicants for permits with stream mitigation requirements to satisfy all or part of the requirements through dam removal credits generated in the same or adjacent stream or watershed basin. A dam removal credit is defined in the bill as a credit generated through the removal of a significant obstruction, which is also defined in the bill. The bill includes certain requirements with which the applicant must comply in order to use dam removal credits from an adjacent river watershed.

*Patron - Bulova*

**[F] HB577 Department of Environmental Quality; inventory of stormwater systems in the Commonwealth; impact of flooding; report.** Directs the Department of Environmental Quality, in cooperation with the Department of Conservation and Recreation and local and regional governments, to (i) inventory and compile a master list of stormwater systems in the Commonwealth and (ii) review and document the impact of flooding on such systems. The bill requires the Department of Environmental Quality to report the master list and the result of its review to the Secretary of Agriculture and

Natural Resources and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by December 1, 2022.

*Patron - Conviars-Fowler*

**[F] HB792 Nutrient credit trading; adjacent hydrologic unit code.** Removes authority for a Virginia Stormwater Management Program or Virginia Erosion and Stormwater Management Program to allow compliance with stormwater nonpoint nutrient runoff water quality criteria through the applicant's acquisition of nutrient credits in the same tributary in an adjacent hydrologic unit code (HUC) or fourth order sub-basin, unless certain existing criteria for purchasing credits outside of the HUC or fourth order subbasin are met, when the credits are in a locality with a population fewer than 20,000 people and geographic area under 200 square miles.

*Patron - LaRock*

**[F] HB845 Virginia Resources Authority; Resilient Virginia Revolving Loan Fund.** Creates the Resilient Virginia Revolving Loan Fund, for which sums are appropriated by the General Assembly, and that is administered and managed by the Virginia Resources Authority, with oversight given to the Soil and Water Conservation Board. The bill provides guidelines for deposits, expenditures, and investments and requires an annual audit of the Authority. The Authority can collect money for the Fund. The bill provides that the Fund be used for loans or to refinance projects for local governments or to give grants to them; that the Fund may be used for loans or grants for individuals; guidelines for the priority of such loans and grants. In addition, the bill provides that the Authority may pledge loans to secure bonds and sell loans.

*Patron - Bloxom*

**[F] HB899 Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund; civil penalties.** Directs the State Water Control Board to regulate aboveground storage tanks that measure more than 250 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, and other requirements of tank owners, and that establish a schedule of registration and renewal fees. The bill authorizes the Board to undertake corrective action in the event of a discharge of a hazardous substance. The bill requires tank owners notify certain parties in the event of a release of a regulated substance. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund, with moneys from the Fund to be used solely for the administration of the bill, and provides for civil penalties for violations of requirements of the bill, with such moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund.

*Patron - Lopez*

**[F] HB947 Virginia Resources Authority; short-term loans.** Authorizes the Virginia Resources Authority to establish a revolving loan fund to make short-term loans to planning district commissions, with interest not to exceed one percent. Under the bill, the loans provide short-term cash flow to planning district commissions that receive state or federal grants that require the expenditure of funds prior to being reimbursed by grant funds.

*Patron - Hodges*

**[F] HB948 Purchase or use of mitigation bank credits; notification to local government.** Requires a permittee that purchases or uses mitigation bank credits to notify, in writing, the chief executive officer and commissioner of the revenue of the locality in which the permitted site is located the

location of the site. Such notice shall be provided at least 100 days in advance of commencement of the project.

*Patron - Hodges*

**[F] HB959 Dissemination of information regarding unpermitted discharges; de minimis impact.** Modifies the current requirement that the Department of Environmental Quality disseminate information about certain unpermitted discharges to require dissemination of all unpermitted discharges unless the discharge is determined to have a de minimis impact on the beneficial uses of state waters. The Department is directed to develop guidance for determining when an impact is de minimis by October 1, 2022.

*Patron - Tran*

**[F] HB1228 Water quality; baseline conditions.** Requires the Department of Environmental Quality to document baseline conditions of any waters of the Commonwealth that may be affected by any discharge authorized by the State Water Control Board.

*Patron - Willett*

**[F] HB1283 Nutrient credits; generation near where used; report.** Provides that any nutrient credit used to comply with certain stormwater runoff water quality criteria shall be generated in the same eight-digit hydrologic unit code (HUC), as defined by the U.S. Geological Survey, as the site of the land-disturbing activity. Current law allows such a credit to be generated in a HUC adjacent to the one in which the land-disturbing activity is located. The bill also directs the Department of Environmental Quality to report to the Governor and the Chairmen of the House Agriculture, Chesapeake and Natural Resources Committee and the Senate Agriculture, Conservation and Natural Resources Committee on the nutrient credit trading program.

*Patron - Gooditis*

**[F] SB354 James River watershed; timeline for compliance with regulations of certain combined sewer overflow outfalls.** Advances the timeline from 2035 to 2030 for work on construction related to any consent special order issued by the State Water Control Board (the Board) for certain combined sewer overflow (CSO) systems east of Charlottesville that discharge into the James River. The bill requires annual reporting about the impact of CSO system funding on ratepayers, particularly economically disadvantaged ratepayers. The bill also requires the Board to extend the compliance deadline if it determines that the CSO system operator has not secured grant funding in an amount sufficient to meet the deadline without an adverse impact on ratepayers, particularly economically disadvantaged ratepayers.

*Patron - Stuart*

**[F] SB503 Virginia Resources Authority; short-term loans to planning district commissions.** Provides that the Virginia Resources Authority (VRA) shall have the power to establish a perpetual and permanent revolving fund with any funds appropriated by the General Assembly to the VRA for the purpose of making short-term loans to any planning district commission. Under the bill, loans are made for the purpose of providing short-term cash flow necessary for state and federal grants that require the expenditure of funds prior to requesting reimbursement by the planning district commission. Such loans shall be deemed in the public interest, and the loan interest rates charged by the VRA shall be set based on guidelines established for the administration of loan funds and based on prevailing short-term interest rates, according to the bill.

*Patron - Lewis*

## Carried Over

**C SB489 Water quality funds; localities in fiscal stress.** Directs that, to the maximum extent practicable, at least 25 percent of the grant agreements entered into by the Department of Conservation and Recreation, at least 25 percent by the Department of Environmental Quality from the Water Quality Improvement Fund, and at least 25 percent of the grants from the Stormwater Local Assistance Fund be for projects in localities with high or above average fiscal stress.

*Patron - McClellan*

**C SB654 Wetland and stream mitigation banks; location of site.** Allows a permit applicant to purchase wetland and stream mitigation credits from the locality in which the site is located if no credits are available to purchase in the primary service area or no credits are available at a price below 200 percent of the current price of credits.

*Patron - McClellan*

## Welfare (Social Services)

### Passed

**P HB484 Virginia Initiative for Education and Work; exemption for postsecondary students.** Exempts from mandatory participation in the Virginia Initiative for Education and Work recipients of Temporary Assistance for Needy Families who are enrolled full time in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia and are taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license.

*Patron - Helmer*

**P HB716 Kinship foster care; notice and appeal.** Requires local boards of social services (local boards), upon receiving a request from a child's relative to become a kinship foster parent, to provide the relative with any forms and materials that must be submitted to become a kinship foster parent within 15 days. The bill requires local boards, upon denying a relative's request to become a kinship foster parent, to provide to the relative (i) a clear and specific explanation of the reasons for denial, (ii) a statement that such denial is appealable, and (iii) information regarding the procedure for filing such appeal. The bill allows relatives to file an appeal regarding such decisions with the Commissioner of Social Services and requires the Board of Social Services to adopt certain regulations regarding the timeline of such appeals. This bill is identical to SB 307.

*Patron - Gooditis*

**P HB717 Unaccompanied homeless youths; services; consent.** Provides that an unaccompanied homeless youth shall be deemed an adult for the purpose of consenting to housing, including emergency shelter, and establishes requirements for providers of housing, including emergency shelter, for unaccompanied homeless youths. The bill directs the Board of Social Services to adopt regulations for implementation of the bill and directs the Department of Social Services to establish a work group to make recommendations to the Board regarding such regulations and to develop recommendations regarding

authorizing unaccompanied homeless youth to consent to medical care. This bill received Governor's recommendations.

*Patron - Filler-Corn*

**P HB733 Juvenile records; identification of children receiving coordinated services.** Provides that, for the purpose of disclosing records, information, and statistical registries of the Department of Social Services, local departments of social services, and all child-welfare agencies concerning social services, a person having a legitimate interest in child-protective services records includes the staff of (i) a court services unit, (ii) the Department of Juvenile Justice, (iii) a local community services board, or (iv) the Department of Behavioral Health and Developmental Services who are providing treatment, services, or care for a child who is the subject of such records for a purpose relevant to the provision of the treatment, services, or care when the local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such children. The bill provides that such formal agreements may allow the local agencies and the Department of Juvenile Justice to immediately identify children who may be receiving or who have received treatment, services, or care from the local agencies and the Department of Juvenile Justice. The bill also provides that the Department of Juvenile Justice shall develop and biennially update a model memorandum of understanding setting forth the respective roles and responsibilities of the Department of Juvenile Justice, the Department of Behavioral Health and Developmental Services, the Department of Social Services, the court service units, the local departments of social services, and the community services boards or behavioral health authorities regarding the sharing of information derived from juvenile records for purposes of identifying juveniles who may be receiving or who have received treatment, services, or care from the local agencies, the Department of Juvenile Justice, or the Department of Behavioral Health and Developmental Services. The bill provides that the model memorandum of understanding developed by the Department of Juvenile Justice may satisfy the requirement for a formal agreement, but it shall be reviewed by the Office of the Attorney General before such agreement takes effect. As introduced, this bill was a recommendation of the Commission on Youth. This bill is identical to SB 316.

*Patron - Bell*

**P HB751 Mandated reporters of suspected abuse.** Adds practitioners of behavior analysis to the list of individuals required to report suspected adult or child abuse or neglect. This bill received Governor's recommendations.

*Patron - Bell*

**P HB869 Adoption.** Allows a circuit court, upon consideration of a petition for adoption, to immediately enter an interlocutory order referring the case to a child-placing agency to conduct a visitation instead of entering an order of reference referring the case to a child-placing agency for investigation and makes other amendments to accommodate for and bolster this change. The bill allows petitions for adoption submitted by the persons listed as the child's parents on his birth certificate to be filed and granted under the provisions governing stepparent adoptions. The bill states that a putative father's registration with the Virginia Birth Father Registry is untimely regarding a child whose adoption has been finalized 180 days or more prior to such registration and in certain other instances set forth in the bill and allows written notice of an adoption plan to be sent to a putative father by express mail with proof of delivery in addition to delivery by personal service or certified mailing as in current law.

*Patron - Brewer*

**P HB1270 SNAP benefits program; inmates of state or local correctional facilities.** Directs the Department of Social Services (the Department) to convene a work group to analyze and develop a proposal to request a waiver from the U.S. Department of Agriculture to allow individuals in the custody of state or local correctional facilities in the Commonwealth to apply for Supplemental Nutrition Assistance Program benefits prior to release from custody. The bill directs the Department to report the work group's findings and recommendations to the Governor and the General Assembly by November 1, 2022. This bill was vetoed by the Governor.

*Patron - Sickles*

**P HB1334 Child abuse and neglect; valid complaint.** Amends the definition of "abused or neglected child" to include a child who is sexually exploited or abused by an intimate partner of the child's parent or caretaker and allows a complaint of child abuse or neglect to be deemed valid by a local department of social services (local department) in such instances. The bill allows a complaint of child abuse or neglect that alleges child trafficking to be deemed valid regardless of who the alleged abuser is or whether the alleged abuser has been identified. The bill requires a local department that receives a complaint or report of child abuse or neglect over which it does not have jurisdiction to forward such complaint or report to the appropriate local department, if the local department that does have jurisdiction is located in the Commonwealth.

*Patron - Murphy*

**P SB40 Assisted living facilities; involuntary discharge.** Requires that regulations of the Board of Social Services regarding involuntary discharges of residents from assisted living facilities provide certain safeguards for residents, including a description of the reasons for which a resident may be involuntarily discharged, certain notice requirements, a requirement that the facility make reasonable efforts to resolve any issues upon which the discharge is based, and the provision of information regarding the resident's right to appeal the facility's decision to discharge the resident. This bill received Governor's recommendations.

*Patron - Spruill*

**P SB307 Kinship foster care; notice and appeal.** Requires local boards of social services (local boards), upon receiving a request from a child's relative to become a kinship foster parent, to provide the relative with any forms and materials that must be submitted to become a kinship foster parent within 15 days. The bill requires local boards, upon denying a relative's request to become a kinship foster parent, to provide to the relative (i) a clear and specific explanation of the reasons for denial, (ii) a statement that such denial is appealable, and (iii) information regarding the procedure for filing such appeal. The bill allows relatives to file an appeal regarding such decisions with the Commissioner of Social Services and requires the Board of Social Services to adopt certain regulations regarding the timeline of such appeals. This bill is identical to HB 716.

*Patron - Mason*

**P SB316 Juvenile records; identification of children receiving coordinated services.** Provides that, for the purpose of disclosing records, information, and statistical registries of the Department of Social Services, local departments of social services, and all child-welfare agencies concerning social services, a person having a legitimate interest in child-protective services records includes the staff of (i) a court services unit, (ii) the Department of Juvenile Justice, (iii) a local community services board, or (iv) the Department of Behavioral Health

and Developmental Services who are providing treatment, services, or care for a child who is the subject of such records for a purpose relevant to the provision of the treatment, services, or care when the local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such children. The bill provides that such formal agreements may allow the local agencies and the Department of Juvenile Justice to immediately identify children who may be receiving or who have received treatment, services, or care from the local agencies and the Department of Juvenile Justice. The bill also provides that the Department of Juvenile Justice shall develop and biennially update a model memorandum of understanding setting forth the respective roles and responsibilities of the Department of Juvenile Justice, the Department of Behavioral Health and Developmental Services, the Department of Social Services, the court service units, the local departments of social services, and the community services boards or behavioral health authorities regarding the sharing of information derived from juvenile records for purposes of identifying juveniles who may be receiving or who have received treatment, services, or care from the local agencies, the Department of Juvenile Justice, or the Department of Behavioral Health and Developmental Services. The bill provides that the model memorandum of understanding developed by the Department of Juvenile Justice may satisfy the requirement for a formal agreement, but it shall be reviewed by the Office of the Attorney General before such agreement takes effect. As introduced, this bill was a recommendation of the Commission on Youth. This bill is identical to HB 733.

*Patron - Marsden*

**P SB689 Foster care; barrier crimes.** Directs the Department of Social Services (the Department), together with relevant stakeholders, to develop recommendations regarding changes to provisions governing criminal history background checks and barrier crimes for applicants to serve as a foster or adoptive home and requires the Department to report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by October 1, 2022.

*Patron - Mason*

## Failed

**F HB690 Assisted living facilities; involuntary discharge of a resident.** Provides that an assisted living facility shall not involuntarily discharge a patient except (i) in cases in which the resident's condition presents an immediate and serious risk to the health, safety, or welfare of the resident or others and emergency discharge is necessary to protect the health, safety, or welfare of the resident or others; (ii) for nonpayment of contracted charges; or (iii) for failure of the resident to substantially comply with the terms and conditions of the lease agreement between the resident and the assisted living facility. The bill requires an assisted living facility to take steps to prevent the involuntary discharge, requires an assisted living facility to provide at least 30 days' notice of the involuntary discharge, and requires the assisted living facility to provide a discharge plan for the resident prior to involuntary discharge. The bill also requires the Department of Social Services to establish a process by which a resident or the resident's representative may appeal the decision of the assisted living facility to involuntarily discharge a resident to the Department and requires the Department to conduct a review to determine whether the assisted living facility has complied with the requirements of the bill.

*Patron - Hope*



**[F] HB755 Anti-Human Trafficking and Survivor Trust Fund.** Creates the Anti-Human Trafficking and Survivor Trust Fund, which shall be administered by a Board of Trustees and used for the support and development of services for the prevention of human trafficking and the treatment and support of human trafficking victims.

*Patron - Krizek*

**[F] HB991 Department of Medical Assistance Services; amend waivers providing services for individuals with developmental disabilities; greater financial flexibility for certain services; report.** Directs the Department of Medical Assistance Services to (i) take steps to amend the Family and Individual Supports, Community Living, and Building Independence waivers to combine the maximum annual allowable amount for assistive technology, electronic home-based support services, and environmental modifications for an individual receiving waiver services, for an annual total of \$15,000, to provide for greater flexibility and better meet the needs of individuals receiving services and (ii) report on its progress to the Governor and the General Assembly by December 1, 2022.

*Patron - Runion*

**[F] HB1058 Interest on child support arrearages.** Provides that no interest shall accrue on arrearages for child support obligations when the order for such support was entered on or after July 1, 2022.

*Patron - Cordoza*

**[F] HB1106 Produce Rx Program established; report.** Directs the Department of Social Services to establish a Produce Rx Program as a three-year pilot 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, as such terms are defined in the bill, and to report to the Governor and the General Assembly by December 1 of each year on the operation of the Program.

*Patron - McQuinn*

**[F] HB1116 Child abuse and neglect; valid complaint.** Removes from the elements of a valid complaint or report of child abuse or neglect the requirement that the alleged abuser be the alleged victim child's parent or caretaker. The bill requires a local department of social services (local department) that receives a complaint or report of child abuse or neglect over which it does not have jurisdiction to forward such complaint or report to the appropriate local department.

*Patron - Mundon King*

**[F] HB1158 Temporary Assistance for Needy Families; Virginia Initiative for Education and Work; sanctions.** Lowers from the full amount of the Temporary Assistance for Needy Families (TANF) grant to a maximum of six percent of the TANF grant the amount a local department of social services can impose as a sanction on a parent for noncompliance with the requirements of the Virginia Initiative for Education and Work.

*Patron - Sickles*

**[F] SB56 Foster Care Prevention program.** Establishes the Foster Care Prevention program to facilitate placements with relatives and ensure that such relatives are provided with the resources necessary to provide care for the child. The bill provides that a child is eligible to participate in the Foster Care Prevention program if the local department of social services (local department) determines that (i) the child is being cared for by a relative; (ii) the child's parent or guardian voluntarily

placed the child with such relative after November 1, 2020; (iii) the child demonstrates a strong attachment to the relative, and the relative has a strong commitment to caring for the child; and (iv) the placement of the child with the relative was necessary to prevent or eliminate the need to place the child in foster care. The bill requires relatives seeking to receive Foster Care Prevention program payments to enter into an agreement with the local department and Department of Social Services that describes the manner in which payments will be provided and establishes the amount of such payments.

*Patron - Favola*

**[F] SB314 Foster care; placement and discharge requirements.** Requires children's residential facilities, child-placing agencies, and qualified residential treatment programs that receive state or federal funds for placement costs to (i) accept any foster child in Virginia who meets the applicable admissions criteria, subject to certain requirements set forth in the bill, and (ii) prioritize the admission of children in foster care in Virginia over out-of-state applicants. The bill prohibits children's residential facilities, child-placing agencies, and qualified residential treatment programs that have entered into a placement agreement with a local department of social services from discharging a child except as provided in the placement agreement. The bill also requires children's residential facilities, child-placing agencies, and qualified residential treatment programs to work with certain parties to secure an alternative placement for a child prior to discharge in the event the child fails to meet certain placement criteria.

*Patron - Favola*

## Carried Over

**[C] HB327 Department of Social Services; child protective services data; report.** Directs the Department of Social Services to identify and report the following data to the Governor and General Assembly by October 1, 2022: (i) the number of reports of child abuse or neglect submitted in the Commonwealth; (ii) the number of reports of child abuse or neglect to which a local department of social services (local department) responded by conducting an investigation or a family assessment; (iii) in cases in which an investigation or a family assessment was conducted, the average number of days that passed between the initiation of such investigation or family assessment and the receipt of the initial report of child abuse or neglect; (iv) the average number of investigations or family assessments to which a single local department employee is assigned; and (v) in cases in which a child was removed from his home and committed to the custody of a local board of social services or licensed child-placing agency, the average length of time the child remained in foster care and the number of such children who ultimately returned home.

*Patron - Freitas*

**[C] HB349 Foster care; housing support for persons between ages 18 and 21.** Directs local departments of social services (local department) to provide housing support to any person who (i) is 18 years of age or older but less than 21 years of age, (ii) was in foster care under the custody of a local department on or after July 1, 2022, (iii) was in foster care under the custody of a local department (a) upon turning 18 years of age or (b) immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency, and (iv) declines to participate in the Fostering Futures program. The bill requires that such housing support shall be equal to the room and board portion of the maintenance payment that such person would otherwise

receive for housing support through participation in the Fostering Futures program.

*Patron - Tata*

**[C] HB359 Termination of parental rights of person who committed sexual assault; clear and convincing evidence standard.** Provides that the parental rights of a person who has been found by a clear and convincing evidence standard to have committed rape, carnal knowledge, or incest, which act resulted in the conception of a child, may be terminated without the need for the person to have been charged with or convicted of such offense. The bill further provides that the consent of a person found to have committed such an offense is not necessary for the validity of an adoption of such a child.

*Patron - Watts*

**[C] HB653 Foster care; local boards of social services; collaborative placement program.** Directs the Department of Social Services to establish and implement a collaborative local board placement program to increase kinship placements and the number of locally approved foster homes. The bill provides that such program shall require local boards of social services (local boards) within each region to work collaboratively to (i) facilitate approval of kinship foster parents through engagement, assessment, and training and (ii) expand the pool of available foster homes within and across the localities of such local boards. The bill also requires local boards, when placing a child, to seek placement with a foster family within the locality of the local board or a nearby locality through the collaborative local board placement program.

*Patron - Wampler*

**[C] HB1086 Death of joint petitioner prior to entry of final order of adoption.** Provides that in cases in which married persons, or persons who were previously married and who are permitted to adopt a child, have jointly petitioned to adopt a child and one of the petitioners dies before entry of a final order of adoption, the adoption may proceed in the name of both petitioners upon request of the surviving petitioner. The bill further provides that, upon entry of a final order, the child shall be, for all intents and purposes, the child of both petitioners.

*Patron - Leftwich*

## Wildlife, Inland Fisheries and Boating

### Passed

**[P] HB65 Live nutria.** Provides that the existing prohibition against possession, sale, or liberation of nutria does not apply to employees of the Department of Wildlife Resources or certain federal agencies, or any persons involved in research or management activities with such agencies.

*Patron - Edmunds*

**[P] HB120 Special hunting and fishing license for certain disabled veterans.** Authorizes resident veterans who have a service-connected disability of at least 30 percent to receive from the Department of Wildlife Resources, at no cost or a reduced cost depending on the veteran's disability rating, a lifetime license to hunt and freshwater fish. Current law authorizes the provision of such license at no cost to a veteran who is

totally and permanently disabled and at half-cost to a veteran who is 70 percent disabled.

*Patron - Wyatt*

**[P] HB463 Department of Wildlife Resources; boat ramp fees.** Removes the authorization for the Department of Wildlife Resources to charge a fee for the use of facilities that it manages but does not own and for the use of boat ramps that it owns or manages. This bill is identical to SB 141.

*Patron - Austin*

**[P] HB1273 Hunting with dogs; dogs to wear tags.** Requires that any dog engaged in lawful hunting wear a substantial collar with a tag attached that identifies the name of the owner or custodian of the dog and a current phone number.

*Patron - Wright*

**[P] SB8 Hunting on Sundays.** Permits hunting on Sunday on public or private land, so long as it takes place more than 200 yards from a place of worship.

*Patron - Petersen*

**[P] SB141 Department of Wildlife Resources; boat ramp fees.** Removes the authorization for the Department of Wildlife Resources to charge a fee for the use of facilities that it manages but does not own and for the use of boat ramps that it owns or manages. This bill is identical to HB 463.

*Patron - Edwards*

### Failed

**[F] HB64 Hunting on Sunday; wildlife management areas.** Allows hunting on Sundays only in wildlife management areas owned by the Department of Wildlife Resources.

*Patron - Edmunds*

**[F] HB111 Hunting on Sunday; wildlife management areas.** Allows hunting on Sundays in wildlife management areas owned by the Department of Wildlife Resources.

*Patron - Edmunds*

**[F] HB114 Special lifetime hunting and fishing licenses; volunteer firefighters and emergency medical services personnel.** Qualifies volunteer firefighters and emergency medical services personnel who have completed three consecutive years of service to obtain basic resident lifetime hunting and fishing licenses without any fee. The applicant is required to provide proof of the three years of consecutive service when applying.

*Patron - March*

**[F] HB115 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 - Wiley*

**[F] HB124 Hunting deer; use of .22 caliber rifle authorized.** Authorizes the use of a rifle equipped with .22 caliber centerfire ammunition for hunting big game. Current Department of Wildlife Resources regulations allow the use of rifles with a caliber of .23 or greater.

*Patron - Wyatt*

**[F] HB725 Hunting with steel-jawed traps; prohibition; penalty.** Prohibits the use of steel-jawed traps when hunting; a violation of the prohibition is punishable as a Class 3 misdemeanor.

*Patron - Gooditis*

**[F] HB1029 Wildlife Corridor Grant Fund; established; report.** Establishes the Wildlife Corridor Grant Fund to provide grants for projects that reduce vehicle crashes involving wildlife and improve habitat connectivity for terrestrial and aquatic wildlife. High priority projects as set forth in the Wildlife Corridor Action Plan will be funded. The Director of the Department of Wildlife Resources is directed to submit a report to the Governor and the General Assembly by November 1 of each year concerning funding of the Fund and award of grants from the Fund.

*Patron - Tran*

**[F] HB1175 Snare traps; prohibition.** Prohibits the use of snare traps with a circumference greater than 12 inches to hunt or kill game animals.

*Patron - Ransone*

**[F] HB1176 Snare traps; prohibition.** Prohibits the use of snare traps to hunt or kill game animals.

*Patron - Ransone*

**[F] HB1247 Prohibition of killing contests.** Prohibits contests and competitions that offer cash or prizes for the capture or killing of coyotes or fur-bearing animals.

*Patron - Keam*

**[F] SB332 Boating safety education.** Eliminates possession of a rental or lease agreement for a motorboat listing the person as the authorized operator of the boat from the list of conditions a person may meet to be considered in compliance with the boating safety education requirement.

*Patron - Reeves*

**[F] SB492 Snare traps; prohibition.** Prohibits the use of snare traps to hunt or kill game animals east of Interstate 95 during deer hunting season.

*Patron - McDougle*

**[F] SB707 Wildlife Corridor Grant Fund; established.** Establishes the Wildlife Corridor Grant Fund to provide grants to localities to develop wildlife corridor plans and implement the provisions of such plans.

*Patron - Marsden*

## Wills, Trusts, and Fiduciaries

### Passed

**[P] HB370 Uniform Fiduciary Income and Principal Act.** Codifies the Uniform Fiduciary Income and Principal Act, which replaces the prior uniform act to reflect modern trust investment practices in the allocation of principal and income. The bill provides procedures for trustees administering estates and gives them additional flexibility to administer discretionary trusts to ensure that the intention of the creator of the trust is accomplished. The bill includes provisions for converting a traditional trust into a "unitrust" to allow for total-return investing.

*Patron - Sullivan*

**[P] HB623 Guardianship and conservatorship; duties of the guardian ad litem; report contents.** Adds to the duty of a guardian ad litem appointed to represent the interests of a respondent in a guardianship or conservatorship case the requirement to notify the court as soon as practicable if the respondent requests counsel regardless of whether the guardian ad litem recommends counsel. The bill further directs the guardian ad litem to include in his report to the court an explanation by the guardian ad litem as to any (i) decision not to recommend the appointment of counsel for the respondent, (ii) determination that a less restrictive alternative to guardianship or conservatorship is not available, and (iii) determination that appointment of a limited guardian or conservator is not appropriate.

*Patron - Hudson*

**[P] HB634 Department for Aging and Rehabilitative Services; work group; review and evaluate guardianship visitation requirements; report.** Directs the Department for Aging and Rehabilitative Services to convene a work group to (i) evaluate how a requirement for private guardians to visit the individual under their guardianship in person at least once every 90 days would reduce the availability of willing and qualified individuals to serve as private guardians, if at all; (ii) consider whether a different number and frequency of visits per year, other than at least once every 90 days, would better balance resource constraints with the importance of guardian visits to the incapacitated person under their care; (iii) determine the additional resources, if any, needed to mitigate the negative impacts of an increased visitation requirement on the willingness and availability of qualified individuals to serve as private guardians; (iv) determine how those resources could be allocated to the relevant private and public entities in the guardianship system to promote compliance with an increased visitation requirement; and (v) determine whether expansion of the Virginia Public Guardian and Conservator Program would substantially alleviate issues related to these concerns. The Department shall submit a summary of its recommendations to the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary by November 1, 2022.

*Patron - Roem*

**[P] HB887 Transfer on death deed; conveyance of cooperative interest.** Provides that a conveyance of a cooperative interest is included in the meaning of a transfer on death deed.

*Patron - Tata*

**[P] HB1066 Notice of probate; exception to notice.** Removes the exception to the notice of probate under current law that allows such notice to not be given when assets passing under a will or in intestacy do not exceed \$5,000. This bill received Governor's recommendations.

*Patron - Leftwich*

**[P] HB1212 Guardianship and conservatorship; notice of hearing.** Requires the notice of hearing for a guardianship or conservatorship petition to include a notice that any adult individual or entity whose name and post office address appears in the initial petition for appointment may become a party to the action by filing a pleading with the circuit court in which the guardianship or conservatorship proceeding is pending.

*Patron - Glass*

**[P] SB221 Indexing of wills; pilot program in Rockingham County.** Permits the clerk of the Rockingham County Circuit Court to establish a pilot project for an index of wills

lodged for safekeeping, with a searchable database available to the public.

*Patron - Obenshain*

**[P] SB302 Guardianship; petitions; appointment.** Clarifies that a community services board and any other local or state governmental agency may file a petition for the appointment of a guardian or conservator of an incapacitated person. The bill also specifies that a guardian need not be appointed for the purposes of making a health care decision when such decision is made pursuant to and within the scope of the Health Care Decisions Act. Finally, the bill requires the Department of Behavioral Health and Developmental Services to convene a work group to consider issues related to (i) the care of adults with permanent disabilities that render them incapable of making informed decisions about their own care and (ii) potential changes to guardianship requirements to make it easier for parents to care for their adult children with such disabilities.

*Patron - Deeds*

**[P] SB514 Guardianship and conservatorship of incapacitated persons.** Makes several changes to the provisions of adult guardianships and conservatorships, including (i) requiring a guardian ad litem appointed to represent a respondent to a guardianship proceeding to notify the court as soon as practicable if the respondent requests counsel, regardless of whether the guardian ad litem recommends counsel; (ii) requiring the notice of hearing on a guardianship or conservatorship petition to include notice that any adult individual or entity required to receive a copy of such notice may become a party to the proceeding by filing a pleading with the circuit court in which the case is pending; and (iii) requiring an appointed guardian to include in his annual report to the local department of social services certain additional information.

*Patron - McPike*

**[P] SB554 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 finder of fact shall presume that undue influence was exerted over the decedent unless, based on all the evidence introduced at trial, the finder of fact finds that the decedent did intend it to be his will.

*Patron - Obenshain*

## Failed

**[F] HB424 Guardianship; duties of guardian; visitation requirements.** Requires a guardian to visit an incapacitated person at least once every three months and make certain observations and assessments during each visit.

*Patron - Herring*

**[F] HB643 Guardianship and conservatorship; periodic review hearings.** Requires a schedule for periodic review hearings in the order of appointment of a guardian or conservator to be set by a court, unless the court makes a determination that such hearings are unnecessary or impracticable. The bill allows any person to petition the court to hold a review hearing earlier than the scheduled date. The bill further provides that any periodic review hearing shall include the following assessments by the court: (i) whether the guardian or conservator is fulfilling his duties and (ii) whether continuation of the guardianship or conservatorship is necessary and, if so, whether the scope of such guardianship or conservatorship warrants modification.

*Patron - Roem*

**[F] HB836 Virginia Small Estate Act; funeral expenses of decedent.** Provides that any person holding the small estate of a decedent shall pay the funeral director or funeral service establishment handling the funeral of the decedent at the request of a successor of such an estate. Under current law, such payment is discretionary and made to the undertaker or mortuary.

*Patron - Wilt*

**[F] HB1207 Department for Aging and Rehabilitative Services; training; powers and duties of guardian; annual reports by guardians; information required.** Directs the Department for Aging and Rehabilitative Services to develop and provide training for court-appointed guardians. The bill requires an appointed guardian and any staff employed by such guardian to perform guardianship duties to complete the initial training developed by the Department within four months of the date of the initial court order of appointment and to include certain additional information in the annual report that the guardian is required under current law to submit to the local department of social services.

*Patron - Roem*

**[F] HB1260 Guardianship; procedures for restriction of communication, visitation, or interaction.** Provides that a guardian shall not restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship, unless such restriction is reasonable to prevent physical, mental, or emotional harm to or financial exploitation of such incapacitated person. Under current law, guardians are directed to not unreasonably restrict any such communication, visitation, or interaction. The bill further requires that the guardian provide written notice to any restricted person stating (i) the nature and terms of the restriction, (ii) the reasons why the guardian believes the restriction is necessary, and (iii) how the restricted person may challenge such restriction in court. The bill provides a procedure by which a person whose communication, visits, or interaction with an incapacitated person have been restricted may challenge such restriction in court.

*Patron - Roem*

**[F] SB10 Termination of power of attorney; conviction of agent for certain offenses.** Provides that a power of attorney terminates when, subsequent to the execution of the power of attorney, the agent is convicted of a crime wherein the principal is the victim of such offense.

*Patron - Hackworth*

**[F] SB51 Small Estate Act; payment of funeral expenses.** Changes from discretionary to mandatory the provision that any person holding a small asset of a decedent pay or deliver up to \$4,000 of such asset to the undertaker or mortuary handling the funeral of the decedent upon request of a successor of the decedent.

*Patron - Cosgrove*

**[F] SB690 Misuse of power of attorney; financial exploitation; incapacitated adults; penalty.** Makes it a Class 1 misdemeanor for any person granted authority to act for a principal under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult. The bill also provides that the power of attorney terminates upon such conviction. This bill is a recommendation of the Virginia Criminal Justice Conference.

*Patron - Mason*

## Workers' Compensation

### Passed

**P HB689 Workers' compensation; employer duty to furnish medical attention; cost limit.** Adds scooters to the list of medical equipment an employer is required to furnish to an employee under certain circumstances under the Virginia Workers' Compensation Act. The bill raises the limit on the aggregate cost of items and modifications required to be furnished by an employer to an injured employee from \$42,000 to \$55,000, to be increased on an annual basis.

*Patron - Wampler*

**P HB932 Workers' compensation; COVID-19; health care providers.** Extends from December 31, 2021, to December 31, 2022, the date by which COVID-19 causing the death or disability of a health care provider is presumed to be an occupational disease compensable under the Virginia Workers' Compensation Act.

*Patron - Robinson*

**P HB1042 Workers' compensation; time period for filing claim; certain cancers.** Provides that the time period for filing a workers' compensation claim for certain cancers is two years after a diagnosis of the disease is first communicated to the employee or within 10 years from the date of the last injurious exposure in employment, whichever first occurs. The bill provides, however, that such claim for benefits shall be barred if an employee is 65 years of age or older, regardless of the date of diagnosis, communication, or last injurious exposure in employment. This bill is identical to SB 562.

*Patron - Brewer*

**P SB351 Workers' compensation; permanent and total incapacity; subsequent accident.** Requires compensation for permanent and total incapacity to be awarded for the loss of both hands, both arms, both feet, both legs, both eyes, or any two thereof either from the same accident or a compensable consequence of an injury sustained in the original accident. Under current law, compensation for permanent and total incapacity is required only when such loss occurs in the same accident.

*Patron - Surovell*

**P SB562 Workers' compensation; time period for filing claim; certain cancers.** Provides that the time period for filing a workers' compensation claim for certain cancers is two years after a diagnosis of the disease is first communicated to the employee or within 10 years from the date of the last injurious exposure in employment, whichever first occurs. The bill provides, however, that such claim for benefits shall be barred if an employee is 65 years of age or older, regardless of the date of diagnosis, communication, or last injurious exposure in employment. This bill is identical to HB 1042.

*Patron - Saslaw*

**P SB677 Workers' compensation; cost of living supplements.** Provides that cost-of-living supplements shall be payable to claimants who are receiving disability benefits under the Virginia Workers' Compensation Act but are not receiving federal disability benefits.

*Patron - Lewis*

### Failed

**F HB730 Workers' compensation; failure to market residual capacity.** Provides that an employee is not barred from receiving workers' compensation benefits due to a failure to market residual work capacity if credible evidence supports that the employee (i) is reasonably unemployable based upon age, education, work history, or medical conditions or (ii) is employable in some capacity and has registered with the Virginia Employment Commission.

*Patron - Ward*

**F HB742 Workers' compensation; anxiety disorder or depressive disorder incurred by law-enforcement officers and firefighters.** Provides that an anxiety disorder or depressive disorder, as both are defined in the bill, incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act on the same basis as post-traumatic stress disorder. The bill provides that a mental health professional must diagnose the law-enforcement officer or firefighter as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, as defined in the Code, and includes other conditions for compensability.

*Patron - Bell*

**F HB926 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 full-time sworn members of the Department of Motor Vehicles Law Enforcement Division who have at least five years of service.

*Patron - Batten*

**F HB995 Workers' compensation; presumption of compensability for hypertension, heart disease, COVID-19.** Extends by one year the December 31, 2021, expiration date of the presumption that COVID-19 causing the death or disability of health care providers is an occupational disease compensable under the Virginia Workers' Compensation Act, if certain conditions for diagnosis are met. The bill adds employees of the Department of Juvenile Justice and the Department of Corrections to the COVID-19 presumption for workers' compensation, if diagnosed with COVID-19 before January 1, 2022. The bill adds correctional officers to the list of employees for whom hypertension or heart disease is considered covered for workers' compensation, if diagnosed with hypertension or heart disease before January 1, 2022.

*Patron - Kory*

**F HB1002 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 time period under the bill, provided that such a period can be reasonably identified.

*Patron - Guzman*

**F HB1056 Workers' compensation; cancer presumption; service requirement.** Reduces from five to three the years of service required for firefighters and certain other employees to qualify for the cancer presumption of an occupational disease for the purposes of workers' compensation.

*Patron - Cordoza*

**[F] HB1196 Workers' compensation; domestic service employees.** Provides that individuals who are engaged in providing domestic service, defined in the bill, are not excluded from the Virginia Workers' Compensation Act.

*Patron - Gooditis*

**[F] SB181 Workers' compensation; presumption as to death or disability from COVID-19; vaccine.** Provides that the presumption that COVID-19 causing the death or disability of certain employees is an occupational disease compensable under the Virginia Workers' Compensation Act does not apply to an individual who fails or refuses to receive a vaccine for the prevention of COVID-19 either approved by or with an Emergency Use Authorization issued by the U.S. Food and Drug Administration, unless the person is immunized or the person's physician determines in writing that the immunization would pose a significant risk to the person's health.

*Patron - Saslaw*

**[F] SB226 Workers' compensation; notice to employees.** Requires each employer subject to the Virginia Workers' Compensation Act to provide notice to covered employees of the employees' right to dispute a claim through the Virginia Workers' Compensation Commission. Such notice must include specific text as included in the bill. The bill also provides that an employer who fails to provide such notice may be subject to the civil penalty provisions of the Virginia Workers' Compensation Act.

*Patron - McPike*

**[F] SB289 Workers' compensation; anxiety disorder or depressive disorder incurred by law-enforcement officers and firefighters.** Provides that an anxiety disorder or depressive disorder, as both are defined in the bill, incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act on the same basis as post-traumatic stress disorder. The bill provides that a mental health professional must diagnose the law-enforcement officer or firefighter as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, as defined in the Code, and includes other conditions for compensability.

*Patron - DeSteph*

## Virginia Energy Plan

Failed

**[F] HB903 Virginia Green Infrastructure Bank; created.** Creates the Virginia Green Infrastructure Bank, an authority to promote and catalyze investment in qualified projects that reduce greenhouse gas emissions, assist climate-impacted communities, and promote environmental justice. The Bank would be governed by a board of directors with the authority to hire a president and create a nonstock corporation to carry out the powers and duties of the Bank.

*Patron - Lopez*

## Constitutional Amendments

Failed

**[F] HB130 Constitutional amendment (voter referendum); qualifications of voters and the right to vote; persons not entitled to vote.** Provides for a referendum at the November 8, 2022, general election to approve or reject an amendment that would provide for the fundamental right to vote in the Commonwealth, revise the qualifications of voters so that a person convicted of a felony is not entitled to vote during his period of incarceration but is automatically invested with the right to vote upon release from incarceration, and update the existing prohibition on voting by persons found to be mentally incompetent to instead apply to persons who have been found to lack the capacity to understand the act of voting.

*Patron - Cherry*

**[F] HB416 Constitutional amendment (voter referendum); qualifications of voters and the right to vote; persons not entitled to vote.** Provides for a referendum at the November 8, 2022, general election to approve or reject an amendment that would provide for the fundamental right to vote in the Commonwealth, revise the qualifications of voters so that a person convicted of a felony is not entitled to vote during his period of incarceration but is automatically invested with the right to vote upon release from incarceration, and update the existing prohibition on voting by persons found to be mentally incompetent to instead apply to persons who have been found to lack the capacity to understand the act of voting.

*Patron - Herring*

**[F] HB605 Constitutional amendment (voter referendum); marriage; repeal of same-sex marriage prohibition; affirmative right to marry.** Provides for a referendum at the November 8, 2022, election to approve or reject an amendment that would repeal the constitutional provision defining marriage as only a union between a man and 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 - Sickles*

**[F] HB795 Constitutional amendment (voter referendum); qualifications of voters and the right to vote; persons not entitled to vote.** Provides for a referendum at the November 8, 2022, general election to approve or reject an amendment that would provide for the fundamental right to vote in the Commonwealth, revise the qualifications of voters so that a person convicted of a felony is not entitled to vote during his period of incarceration but is automatically invested with the right to vote upon release from incarceration, and update the existing prohibition on voting by persons found to be mentally incompetent to instead apply to persons who have been found to lack the capacity to understand the act of voting.

*Patron - Price*

**[F] HJ9 Constitutional amendment (second 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, such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking 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. Currently, the Constitution provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished.

*Patron - Cherry*

**[F] HJ28 Constitutional amendment (second 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, such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking 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. Currently, the Constitution provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished.

*Patron - Herring*

**[F] HJ29 Constitutional amendment (first reference); Literary Fund; exemption for certain asset forfeiture.** Amends the Constitution of Virginia to provide an exemption for property seized and forfeited to the Commonwealth for a violation of commercial sex trafficking and commercial sexual conduct crimes from the requirement that all property accruing to the Commonwealth by forfeiture shall be deposited into the Literary Fund. The amendment provides that the proceeds from such forfeited property shall be distributed by law for the purpose of providing treatment or specialized services to victims of sex trafficking.

*Patron - Brewer*

**[F] HJ57 Constitutional amendment (second 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 - Sickles*

**[F] HJ58 Constitutional amendment (first reference); taxation and finance; longtime owner-occupant tax relief program.** Directs the General Assembly to implement a tax relief program by which longtime owner-occupants of real property are granted a total or partial exemption from local real property taxation of real estate the market value of which has increased as a consequence of the refurbishment or renovation of other residences or the construction of new residences in long-established residential areas or areas of deteriorated, vacant, or abandoned homes and properties.

*Patron - Carr*

**[F] HJ60 Constitutional amendment (first reference); qualified immunity for government officials.** Establishes the right of government officials to qualified immunity. The amendment provides that a government official may not be found liable for the deprivation of any person's rights, privileges, or immunities secured by the Constitution of Virginia and the laws of Virginia if such official establishes that (i) the right, privilege, or immunity alleged to be violated was not clearly established at the time of the person's deprivation by the official, or that at such time, the state of the law was not sufficiently clear that every reasonable official would have understood that the conduct alleged constituted a violation of the Constitution or the laws of Virginia or (ii) a court of competent jurisdiction had issued a final decision on the merits holding that the specific conduct alleged to be unlawful was consistent with the Constitution and the laws of Virginia.

*Patron - Wampler*

**[F] HJ65 Constitutional amendment (first reference); education; state appropriations to private schools.** Removes the requirement that private schools be nonsectarian in order to be eligible for appropriation of state funds.

*Patron - LaRock*

**[F] HJ66 Constitutional amendment (first reference); limitations on power of the General Assembly; parole.** Provides that, with the exception of the eligibility of a person convicted of a felony offense committed while such person was a juvenile, the General Assembly shall not enact any law authorizing the eligibility of a person convicted of a felony offense committed on or after January 1, 1995, and sentenced and committed to the Department of Corrections by a court under the laws of the Commonwealth for an early release from incarceration on discretionary parole.

*Patron - Ballard*

**[F] HJ72 Constitutional amendment (second 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, such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the



Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking 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. Currently, the Constitution provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished.

*Patron - Price*

**[F] HJ77 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] HJ79 Constitutional amendment (first reference); real property tax exemption; surviving spouses of certain members of the armed forces.** Provides that the General Assembly may by general law exempt from taxation the real property of a surviving spouse of a member of the armed forces of the United States who died in the attack on the Pentagon on September 11, 2001. Under a current constitutional 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 - Reid*

**[F] HJ83 Constitutional amendment (first reference); taxation; property tax exemption; surviving spouses of soldiers killed in the line of duty.** Amends the Constitution of Virginia by allowing localities to exempt from taxation the real property of any surviving spouse of any member of the armed forces of the United States who was killed in the line of duty with a line of duty determination as determined by the United States Department of Defense who occupies the real property as his or her principal place of residence. Under current law, the exemption is only available to the surviving spouse of a member of the armed forces who was killed in action.

*Patron - Tran*

**[F] HJ96 Constitutional amendment (first reference); real property tax; exemption for certain surviving spouses of members of the armed forces.** Authorizes the General Assembly to exempt from tax the real property of a surviving spouse of a member of the armed forces who died in the line of duty while performing official military activities. The amendment provides that such exemption is only available when the death of such member of the armed forces did not result from criminal conduct. The current Constitution exempts the real property of a surviving spouse of a member of the armed forces who was killed in action, a disabled veteran, and the surviving spouse of a disabled veteran.

*Patron - Wyatt*

**[F] SB21 Constitutional amendment (voter referendum); qualifications of voters and the right to vote; persons not entitled to vote.** Provides for a referendum at the November 8, 2022, general election to approve or reject an amendment that would provide for the fundamental right to vote in the Commonwealth, revise the qualifications of voters so that a person convicted of a felony is not entitled to vote during his period of incarceration but is automatically invested with the right to vote upon release from incarceration, and update the existing prohibition on voting by persons found to be mentally

incompetent to instead apply to persons who have been found to lack the capacity to understand the act of voting.

*Patron - Locke*

**[F] SB557 Constitutional amendment (voter referendum); marriage; repeal of same-sex marriage prohibition; affirmative right to marry.** Provides for a referendum at the November 8, 2022, election to approve or reject an amendment that would repeal the constitutional provision defining marriage as only a union between a man and 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*

**[F] SJ1 Constitutional amendment (second 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, such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking 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. Currently, the Constitution provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished.

*Patron - Locke*

**[F] SJ5 Constitutional amendment (second 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*

## Carried Over

**[C] SJ3 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 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 - Locke*

**[C] SJ7 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*

**[C] SJ19 Constitutional amendment (first reference); real property tax; exemption for certain surviving spouses of members of the armed forces.** Authorizes the General Assembly to exempt from tax the real property of a surviving spouse of a member of the armed forces who died in the line of duty while performing official military activities. The amendment provides that such exemption is only available when the death of such member of the armed forces did not result from criminal conduct. The current Constitution exempts the real property of a surviving spouse of a member of the armed forces who was killed in action, a disabled veteran, and the surviving spouse of a disabled veteran.

*Patron - Reeves*

**[C] SJ20 Constitutional amendment (first reference); K-12 funding.** Provides that for any year in which there is a surplus, the budget shall include an appropriation of five percent of such surplus for the operational costs of local school divisions. The resolution provides for an equivalent decrease in the amount of operational costs funded by the Lottery Proceeds Fund and an equivalent increase in the amount of funds in the Fund restricted exclusively for local school divisions' capital construction and renovation costs. If the restricted amount is equal to or greater than the amount in the Fund, the increases and decreases are no longer required under the resolution.

*Patron - Newman*

**[C] SJ32 Constitutional amendment (first reference); Literary Fund; exemption for certain asset forfeiture.** Amends the Constitution of Virginia to provide an exemption for property seized and forfeited to the Commonwealth for a violation of commercial sex trafficking and commercial sexual conduct crimes from the requirement that all property accruing to the Commonwealth by forfeiture shall be deposited into the Literary Fund. The amendment provides that the proceeds from such forfeited property shall be distributed by law for the purpose of providing treatment or specialized services to victims of sex trafficking.

*Patron - Vogel*

**[C] SJ36 Constitutional amendment (first reference); special sessions; required in certain states of emergency.** Requires the Governor to convene a special session of the General Assembly 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 - Newman*

## Other Resolutions

### Passed

**[P] HJ18 Usher Syndrome Awareness Day.** Designates the third Saturday in September, in 2022 and in each succeeding year, as Usher Syndrome Awareness Day in Virginia.

*Patron - Coyner*

**[P] HJ53 Study; continuing the Joint Subcommittee to Study Comprehensive Campaign Finance Reform; report.** Continues the Joint Subcommittee to Study Comprehensive Campaign Finance Reform, through the 2022 interim.

*Patron - Bulova*

**[P] HJ128 Supporting the Jones Act.** Expresses the sense of the General Assembly in supporting the Jones Act.

*Patron - Hayes*

**[P] HJ137 Peripheral Artery Disease Awareness Month.** Designates September, in 2022 and in each succeeding year, as Peripheral Artery Disease Awareness Month in Virginia.

*Patron - Price*

**[P] HJ146 Tamil Heritage Month.** Designates January, in 2022 and in each succeeding year, as Tamil Heritage Month in Virginia.

*Patron - Bulova*

**[P] HJ172 Commending Chief Justice Donald W. Lemons.**

*Patron - Bell*

**[P] HR6 House of Delegates; portrait of the former Speaker.** Authorizes and allocates funding for the painting of a portrait of former Speaker of the House of Delegates Eileen Filler-Corn to be hung in the Chamber of the House of Delegates.

*Patron - Kilgore*

**[P] SJ13 Confirming Governor's appointments; August 1.** Confirms appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly August 1, 2021.

*Patron - Deeds*

**[P] SJ34 African Diaspora Heritage Month.** Designates September, in 2022 and in each succeeding year, as African Diaspora Heritage Month in Virginia.

*Patron - McClellan*

**[P] SJ134 Scots-Irish Heritage Month.** Designates April, in 2022 and in each succeeding year, as Scots-Irish Heritage Month in Virginia.

*Patron - Petersen*

**[P] SR4 Lieutenant Governor; chair.** Authorizes Lieutenant Governor Justin E. Fairfax to receive a replica of the chair used by the Lieutenant Governor when presiding over the Senate.

*Patron - Locke*

### Failed

**[F] HJ3 United States Constitution; application for a convention of the states.** Makes application to Congress to

call a convention of the states to propose amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

*Patron - Campbell, R.R.*

**[F] HJ100 Resolution; Vision Zero.** Recognizing the need to commit to Vision Zero by advancing policies that will end roadway fatalities by 2050 and cut them in half by 2030.

*Patron - Kory*

**[F] HR7 Tribal nations; acknowledging harmful history and policies in the Commonwealth.** Expresses the sense of the House of Delegates in acknowledging with profound regret the existence, acceptance, and perpetuation of the dispossession of lands and the racist and assimilationist policies designed to erase the identity, culture, and sovereignty of tribal nations in the Commonwealth.

*Patron - McQuinn*

**[F] HR29 Passenger Safety Week.** Designates the last full week of January, in 2022 and in each succeeding year, as Passenger Safety Week in Virginia.

*Patron - Bell*

## Miscellaneous (Including Budget and Bonds)

### Passed

**[P] HB166 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 115.

*Patron - Knight*

**[P] HB557 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 convey 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. The conveyance shall be made without consideration and in as-is condition.

*Patron - O'Quinn*

**[P] HB1278 Conveyance of certain property; conditions.** Authorizes the Department of Wildlife Resources to convey certain property to the Shenandoah Valley Battlefields Foundation. Any deed of conveyance shall include a condition that the property be open to public use, including public fishing, and shall provide that the property shall revert to the Commonwealth if the condition is not met.

*Patron - Wiley*

**[P] SB24 Eviction Diversion Pilot Program; expiration; report.** Extends from July 1, 2023, to July 1, 2024, the expiration date of the Eviction Diversion Pilot Program. The bill also requires the Virginia Housing Commission to submit an interim report no later than November 30, 2022, and a final report no later than November 30, 2023. This bill received Governor's recommendations.

*Patron - Locke*

**[P] SB470 Science Museum of Virginia; conveyance of easement; Children's Museum of Richmond; City of Richmond.** Authorizes the Science Museum of Virginia to convey certain right-of-way easements to the Children's Museum of Richmond.

*Patron - McClellan*

### Failed

**[F] HB459 Providing access to adjoining property to make improvements or repairs.** Allows an owner or lessee of real property who seeks to improve, repair, or maintain his property, and the property is so situated that it is impossible to perform the improvements, repairs, or maintenance without entering adjoining property and permission to enter the adjoining property has been denied, to petition the circuit court for a license to enter the adjoining property for the purpose of performing the improvements, repairs, or maintenance. The petition and affidavits, if any, shall state the facts making such entry necessary and the date or dates on which entry is sought. The bill provides that such license shall be granted by the court in an appropriate case upon such terms as justice requires. Any such entry shall not be deemed a trespass and the licensee shall be liable to the adjoining owner or his lessee for actual damages occurring as a result of the entry.

*Patron - VanValkenburg*

**[F] HB1361 Provision of credit monitoring services to certain taxpayers; emergency.** Directs the Department of Taxation to offer, free of charge, credit monitoring services for a period of 12 months to any taxpayer whose personal identifying information was erroneously provided to a person other than the taxpayer on an IRS 1099-G form. The bill contains an emergency clause, and will expire on July 1, 2023.

*Patron - Anderson*

**[F] SB29 Budget Bill.** Amends Chapter 552 of the 2021 Acts of Assembly, Special Session I, as amended by Chapter 1 of the 2021 Acts of Assembly, Special Session II.

*Patron - Howell*

**[F] SB30 Budget Bill.** Provides for all appropriations of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509 of the Code of Virginia, and provides a portion of revenues for the two years ending respectively on the thirtieth day of June 2023 and the thirtieth day of June 2024.

*Patron - Howell*

### Carried Over

**[C] HB29 Budget Bill.** Amends Chapter 552 of the 2021 Acts of Assembly, Special Session I, as amended by Chapter 1 of the 2021 Acts of Assembly, Special Session II.

*Patron - Knight*

**[C] HB30 Budget Bill.** Provides for all appropriations of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509 of the Code of Virginia, and provides a portion of revenues for the two years ending respectively on the thirtieth day of June 2023 and the thirtieth day of June 2024.

*Patron - Knight*

## Charters

### Passed

**P HB1 Charter; Town of South Hill.** Updates the charter for the Town of South Hill to reflect its upcoming shift from May to November municipal elections.

*Patron - Wright*

**P HB2 Charter; Town of Victoria.** Amends the charter for the Town of Victoria to reflect the upcoming shift from May to November municipal elections.

*Patron - Wright*

**P HB52 Charter; Town of Tazewell; board of zoning appeals.** Increases the term length for members of the board of zoning appeals for the Town of Tazewell from two to five years. This bill is identical to SB 627.

*Patron - Morefield*

**P HB83 Charter; Town of St. Charles.** Terminates the Town of St. Charles in Lee County. This bill is identical to SB 589.

*Patron - Kilgore*

**P HB161 Charter; Town of Grottoes.** Establishes a new charter for the Town of Grottoes in Rockingham County and repeals the current charter, which was created in 1997. The proposed charter sets out the organization of the town's government and contains powers typically granted to towns. This bill is identical to SB 99.

*Patron - Runion*

**P HB164 Charter; Town of Colonial Beach; chief of police.** Provides that the chief of police for the Town of Colonial Beach in Westmoreland County shall be appointed by and serve at the pleasure of the town manager rather than the town council.

*Patron - Ransone*

**P HB190 Charter; Town of Urbanna.** Extends the term for the elected mayor of the Town of Urbanna in Middlesex County from two years to four years and spells out specific responsibilities of the office. The bill also staggers and extends the terms for council members from two years to four years.

*Patron - Hodges*

**P HB218 Charter; Town of Clarksville; town council.** Makes various changes related to the Town of Clarksville's upcoming transition from May to November municipal elections. This bill is identical to SB 91.

*Patron - Wright*

**P HB219 Charter; Town of Kenbridge.** Updates the town's charter to reflect the upcoming shift in municipal elections from May to November. In addition, the bill reduces the mayor's term from four years to two years, beginning with the election to be held in November 2024.

*Patron - Wright*

**P HB220 Charter; Town of Blackstone; elections.** Updates election provisions for the Town of Blackstone in Nottoway County to reflect the shift from May to November elections. This bill is identical to SB 92.

*Patron - Wright*

**P HB321 Charter; City of Norfolk; council; elections.** Makes various changes to reflect the City of Norfolk's upcoming shift in municipal elections from May to November.

*Patron - Williams Graves*

**P HB339 Charter; City of Falls Church; qualifications of members of boards and commissions.** Removes the requirement in the City of Falls Church charter that board and commission members be qualified voters, replacing it with an age requirement of at least 18 years old while leaving the city residence requirement. This bill is identical to SB 182. This bill received Governor's recommendations.

*Patron - Simon*

**P HB454 Charter; City of Chesapeake; operating budget; reserves.** Removes the requirement that a minimum of six percent of the total general fund revenue be reserved for emergency use and cash flow needs upon the adoption of the City of Chesapeake's annual operating budget.

*Patron - Knight*

**P HB556 Charter; City of Bristol; election of councilmembers; city manager; chief financial officer monthly statement for presentation.** Changes the date of elections in the City of Bristol from May to November and the start of terms from July to January. The bill clarifies the term inaugural or organizational meeting and changes meeting dates that referred to July to January. The bill changes the expiration dates and references to filling vacancies of other boards from June to December and July to January. The bill provides that the city manager's term commences at the inaugural or organizational meeting and changes the term expiration from June to December of the same calendar year. The bill provides that the chief financial officer's statement for presentation to the council by the city manager is to be submitted either no later than the twenty-fifth day of each month or as soon as practicable thereafter. The bill updates the term "councilman" to "councilmember" in the charter.

*Patron - O'Quinn*

**P HB700 Charter; Town of Vienna; elections; dates and terms.** Changes the date of elections for the mayor and all councilmen from May 2022 to November 2023, with the accompanying start date changed to the first day of January 2024 and end date changed to the last day of December 2025. Starting in 2025, the bill changes the date for all subsequent elections to November, with the start date as the first day of January of the next year, and sets the term length for each councilman and mayor to two years. This bill is identical to SB 377.

*Patron - Keam*

**P HB822 Charter; Town of Occoquan.** Establishes a new charter for the Town of Occoquan in Prince William County and repeals the current charter, which was created in 1930. The proposed charter sets out the organization of the town's government and contains powers typically granted to towns. Changes from the current charter include (i) updating the description of the Town's boundary, (ii) changing the election dates for councilmembers and the mayor from May to November, (iii) changing the mayor's and councilmembers' terms of office from two years to four years, (iv) eliminating provisions that duplicate provisions in the Code of Virginia, and (v) deleting outdated provisions. This bill is identical to SB 97.

*Patron - Torian*

**P HB904 Charter; Town of Pound.** Repeals the charter for the Town of Pound in Wise County. The bill has a delayed effective date of November 1, 2023.

*Patron - Kilgore*

**P HB1028 Charter; Town of Lovettsville; Town Council; town officers and powers.** Makes numerous technical and clarifying amendments to the charter for the Town of Lovettsville in Loudoun County. The bill includes changes that reflect the shift in town municipal elections from May to November by referencing "the date specified by general law for municipal elections."

*Patron - LaRock*

**P HB1163 Charter; City of Virginia Beach.** Expands the board of equalization in the City of Virginia Beach from three to four members. This bill is identical to SB 274.

*Patron - Greenhalgh*

**P HB1170 Charter; Town of Appomattox; election and appointment of officers; time of election.** Makes various changes to reflect the Town of Appomattox's shift to November municipal elections in 2022. This bill is identical to SB 164.

*Patron - Fariss*

**P HB1256 Charter; Town of Chase City; municipal elections.** Updates the charter for the Town of Chase City to reflect the upcoming shift from May to November for municipal elections.

*Patron - Wright*

**P HB1258 Charter; Town of La Crosse; municipal elections.** Updates the charter for the Town of La Crosse in Mecklenburg County to reflect its upcoming shift from May to November municipal elections.

*Patron - Wright*

**P HB1311 Charter; City of Waynesboro; elections and appointments; council, city manager, and school board.** Changes the composition of the council of the City of Waynesboro to have one member from each of the four wards, who must reside in that ward and be elected by the voters of that ward, and one member at large, who can reside in any ward and is elected by the voters at large. The bill changes the position of chairman to that of mayor and creates a vice mayor position. The bill extends from one year to two years the term of other city officers, including city manager and city clerk. The bill changes dates to reflect the change of elections from May to November and the start of terms from July to January. This bill is identical to SB 699.

*Patron - Avoli*

**P SB91 Charter; Town of Clarksville; town council.** Makes various changes related to the Town of Clarksville's upcoming transition from May to November municipal elections. This bill is identical to HB 218.

*Patron - Ruff*

**P SB92 Charter; Town of Blackstone; elections.** Updates election provisions for the Town of Blackstone in Nottoway County to reflect the shift from May to November elections. This bill is identical to HB 220.

*Patron - Ruff*

**P SB97 Charter; Town of Occoquan.** Establishes a new charter for the Town of Occoquan in Prince William County and repeals the current charter, which was created in 1930. The proposed charter sets out the organization of the

town's government and contains powers typically granted to towns. Changes from the current charter include (i) updating the description of the Town's boundary, (ii) changing the election dates for councilmembers and the mayor from May to November, (iii) changing the mayor's and councilmembers' terms of office from two years to four years, (iv) eliminating provisions that duplicate provisions in the Code of Virginia, and (v) deleting outdated provisions. This bill is identical to HB 822.

*Patron - Surovell*

**P SB99 Charter; Town of Grottoes.** Establishes a new charter for the Town of Grottoes in Rockingham County and repeals the current charter, which was created in 1997. The proposed charter sets out the organization of the town's government and contains powers typically granted to towns. This bill is identical to HB 161.

*Patron - Hanger*

**P SB164 Charter; Town of Appomattox; election and appointment of officers; time of election.** Makes various changes to reflect the Town of Appomattox's shift to November municipal elections in 2022. This bill is identical to HB 1170.

*Patron - Peake*

**P SB182 Charter; City of Falls Church; qualifications of members of boards and commissions.** Removes the requirement in the City of Falls Church charter that board and commission members be qualified voters, replacing it with an age requirement of at least 18 years old while leaving the city residence requirement. This bill is identical to HB 339. This bill received Governor's recommendations.

*Patron - Saslaw*

**P SB253 Charter; City of Hampton; election; term dates.** Changes the effective resignation date of a candidate for mayor from June 30 to the day before his successor commences his term and removes the specified commencement date.

*Patron - Locke*

**P SB274 Charter; City of Virginia Beach.** Expands the board of equalization in the City of Virginia Beach from three to four members. This bill is identical to HB 1163.

*Patron - DeSteph*

**P SB322 Charter; Town of The Plains; elections; election dates and terms.** Changes elections and terms for town councilmen and the mayor to reflect a change for elections from May to November and changes the beginning of terms from July following the elections to January.

*Patron - Vogel*

**P SB377 Charter; Town of Vienna; elections; dates and terms.** Changes the date of elections for the mayor and all councilmen from May 2022 to November 2023, with the accompanying start date changed to the first day of January 2024 and end date changed to the last day of December 2025. Starting in 2025, the bill changes the date for all subsequent elections to November, with the start date as the first day of January of the next year, and sets the term length for each councilman and mayor to two years. This bill is identical to HB 700.

*Patron - Petersen*

**P SB387 Charter; Town of Port Royal; town council; membership.** Reduces the Town of Port Royal's council membership from seven members to five members, reduces the number of council members needed to call a special meeting

from four members to three members, and reduces the number of council members needed for a quorum from four members to three members.

*Patron - McDougale*

**P SB589 Charter; Town of St. Charles.** Terminates the Town of St. Charles in Lee County. This bill is identical to HB 83.

*Patron - Pillion*

**P SB627 Charter; Town of Tazewell; board of zoning appeals.** Increases the term length for members of the board of zoning appeals for the Town of Tazewell from two to five years. This bill is identical to HB 52.

*Patron - Hackworth*

**P SB699 Charter; City of Waynesboro; elections and appointments; council, city manager, and school board.** Changes the composition of the council of the City of Waynesboro to have one member from each of the four wards, who must reside in that ward and be elected by the voters of that ward, and one member at large, who can reside in any ward and is elected by the voters at large. The bill changes the position of chairman to that of mayor and creates a vice mayor position. The bill extends from one year to two years the term of other city officers, including city manager and city clerk. The bill changes dates to reflect the change of elections from May to November and the start of terms from July to January. This bill is identical to HB 1311.

*Patron - Hanger*

## Failed

**F HB315 Charter; City of Roanoke; municipal elections.** Makes various changes related to the City of Roanoke's shift to November municipal elections.

*Patron - Rasoul*

**F HB564 Charter; City of Portsmouth; city council; noninterference.** Provides that any member of the Portsmouth City Council who violates certain charter provisions related to noninterference in appointments or removals of officers and employees of the city, upon motion of another member of the City Council and a majority vote of all members of the City Council, shall be subject to public censure and a fine not to exceed \$100.

*Patron - Scott, D.L.*

**F HB1117 Charter; City of Portsmouth; recall of elective officers.** Makes various changes to the City of Portsmouth's process for recall of an elective officer, including (i) applying provisions to an officer who has been appointed to fill an elective office, (ii) making the law apply immediately rather than after one year from the beginning of an officer's term, (iii) specifying the specific causes that may trigger the recall process, and (iv) allowing a judge of the Circuit Court of the City of Portsmouth to hold a hearing and take evidence to determine the sufficiency of the recall petition.

*Patron - Scott, D.L.*

**F SB58 Charter; City of Portsmouth; city council; noninterference.** Provides that any member of the Portsmouth City Council who violates certain charter provisions related to noninterference in appointments or removals of officers and employees of the city, upon motion of another member of the City Council and a majority vote of all members of the City Council, shall be subject to public censure and a fine not to exceed \$100.

*Patron - Locke*

**F SB523 Charter; City of Portsmouth; recall of elective officers.** Makes various changes to the City of Portsmouth's process for recall of an elective officer, including (i) applying provisions to an officer who has been appointed to fill an elective office, (ii) making the law apply immediately rather than after one year from the beginning of an officer's term, (iii) specifying the specific causes that may trigger the recall process, and (iv) allowing a judge of the Circuit Court of the City of Portsmouth to hold a hearing and take evidence to determine the sufficiency of the recall petition.

*Patron - Lucas*

## Study Resolutions

### Passed

**P HB170 Correctional facilities; work release programs.** Directs the Secretary of Public Safety and Homeland Security to convene a work group to study inmate work release programs. The bill provides that the work group shall report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committee for Courts of Justice, House Committee on Public Safety, Senate Committee on Rehabilitation and Social Services, and Senate Committee on the Judiciary by December 1, 2022.

*Patron - Marshall*

**P HJ11 Study; Workers' Compensation Commission; practice of charging premiums for bonus pay, vacations, and holidays; report.** Requests the Workers' Compensation Commission to study the practice of charging workers' compensation premiums on bonus pay, vacations, and holidays. The Workers' Compensation Commission is requested to complete its meetings by December 1, 2022, and submit its findings no later than the first day of the 2023 Regular Session of the General Assembly.

*Patron - Marshall*

**P HJ16 Study; continuing the Joint Subcommittee on Coastal Flooding; report.** Continues the Joint Subcommittee on Coastal Flooding as the Joint Subcommittee on Recurrent Flooding for two additional years, through the 2023 interim. The resolution expands the review of the joint subcommittee to include riverine and stormwater flooding. The joint subcommittee is directed to recommend short-term and long-term strategies for minimizing the impact of flooding. This resolution is identical to SJ 35.

*Patron - Hodges*

**P HJ61 Study; staffing levels, employment conditions, and compensation at 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 No. 29 (2020) and continued by House Joint Resolution 522 (2021, Special Session I) 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, 2022, and to report its findings and recommendations no later than the first day of the 2023 Regular Session of the General Assembly.

*Patron - Hope*

**[P] SJ35 Study; continuing the Joint Subcommittee on Coastal Flooding; report.** Continues the Joint Subcommittee on Coastal Flooding as the Joint Subcommittee on Recurrent Flooding for two additional years, through the 2023 interim. The resolution expands the review of the joint subcommittee to include riverine and stormwater flooding. The joint subcommittee is directed to recommend short-term and long-term strategies for minimizing the impact of flooding. This resolution is identical to HJ 16.

*Patron - Lewis*

## Failed

**[F] HJ5 Study; Joint Commission on Health Care; benefits of hospitals, health systems, and other providers addressing the health-related social needs of Virginians; report.** Directs the Joint Commission on Health Care to study the benefits of hospitals, health systems, and other providers in addressing the health-related social needs of Virginians. The study shall identify opportunities for policy making to make health care in Virginia more affordable and effective through innovations in care coordination, workforce development, payment options, and improved data collection.

*Patron - Fariss*

**[F] HJ6 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] HJ7 Study; Virginia State Crime Commission; prohibition on the sale of nitrous oxide by retailers of tobacco and tobacco-related products; report.** Directs the Virginia State Crime Commission to study whether the sale of nitrous oxide should be specifically prohibited by a retailer of tobacco or tobacco-related products.

*Patron - McGuire*

**[F] HJ19 Study; Department of Education; purpose and goals of public education; report.** Requests that the Department of Education study the purpose and goals of public education by encouraging input from the citizens of the Commonwealth, including parents, teachers, school administrators, and local school board members, to clarify (i) the broader purpose of public education in light of the fundamental goal of public education, as expressed by the General Assembly and the Board of Education, and (ii) the specific measurable outcomes that education laws, regulations, policies, and practices should help to achieve in order to further such broader purpose and such fundamental goal.

*Patron - Greenhalgh*

**[F] HJ24 Study; JLARC; increasing the progressivity of Virginia's individual income tax system; report.** Requires the Joint Legislative Audit and Review Commission to continue its study of increasing the progressivity of Virginia's individual income tax system and to also study (i) the composite index of local ability-to-pay public school funding formula and changes that could be made to the indicators of such local ability-to-pay or the weights assigned thereto and (ii) permitting local governing bodies to tax adjusted gross income in order to promote greater fairness and more equitable access to the resources needed to provide excellence in public education in every local school division in the Commonwealth. The meet-

ing and reporting deadlines in the original study are unaffected by the additional study tasks.

*Patron - Watts*

**[F] HJ30 Study; joint subcommittee; emergence and integration of blockchain technology and cryptocurrency in the economy of the Commonwealth; report.** Establishes a 20-member, two-year joint subcommittee to identify research and economic development opportunities to inform a state-wide, comprehensive, and coordinated strategy and a potential regulatory framework relating to blockchain technology and cryptocurrency.

*Patron - Delaney*

**[F] HJ31 Study; JLARC; true cost of education; at-risk add-on and composite index of local ability-to-pay; report.** Requires the Joint Legislative Audit and Review Commission to continue its study of the true cost of education in the Commonwealth and its directive to provide an accurate assessment of the costs to implement the Standards of Quality and, in conjunction, to study the efficiency and effectiveness of the at-risk add-on and the composite index of local ability-to-pay funding formula as tools for funding public education at levels that meet or exceed its true cost. The meeting and reporting deadlines in the original study are unaffected by the additional study tasks.

*Patron - VanValkenburg*

**[F] HJ32 Study; Joint Commission on Technology and Science; semiconductor industry expansion; report.** Directs the Joint Commission on Technology and Science to study the challenges and opportunities to expand the semiconductor industry in the Commonwealth. The Commission shall submit its findings no later than the first day of the 2023 Regular Session of the General Assembly.

*Patron - Subramanyam*

**[F] HJ33 Study; Department of Transportation; U.S. Route 50; report.** Requests that the Department of Transportation conduct a two-year study of traffic congestion on that portion of U.S. Route 50 between the intersections of Interstate 66 in Fairfax County and U.S. Route 15 in Loudoun County and the feasibility of implementing improvements to such portion of the highway.

*Patron - Subramanyam*

**[F] HJ54 Study; JLARC; workforce development in the Commonwealth; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to update its 2014 review of workforce training in the Commonwealth with a new study of workforce development. In conducting its study, JLARC shall examine which entities in the Commonwealth are conducting workforce development activities, how much money is being spent on such activities, the sources of such money, which metrics can be used to determine the effects of spending on workforce development activities, and, based on those metrics, which entities in the Commonwealth are producing the best results.

*Patron - O'Quinn*

**[F] HJ55 Study; Albemarle-Pamlico Watershed; report.** Requests the Department of Environmental Quality to study the Albemarle-Pamlico Watershed in Virginia, including land use, stormwater, groundwater, storm information, and flora and fauna there.

*Patron - Convors-Fowler*

**[F] HJ56 Study; Joint Legislative Audit and Review Commission; common interest communities; report.** Requests the Joint Legislative Audit and Review Commission



to study the overall efficiency and effectiveness of common interest communities, with special regard to the accountability structure available for the enforcement of the provisions in the governing documents of associations subject to the Property Owners' Association Act.

*Patron - Convirs-Fowler*

**[F] HJ62 Study; JLARC; Judicial Inquiry and Review Commission; report.** Directs the Joint Legislative Audit and Review Commission to, by November 30, 2023, (i) review general operations of the Judicial Inquiry and Review Commission, including (a) procedures and persons responsible for reviewing complaints received and determining whether to dismiss or investigate such complaints, (b) processes for determining whether to conduct informal or formal hearings, and (c) any informal or established rules used to determine disciplinary action imposed on a judge or justice; (ii) consider the requirements for election of members of the Judicial Inquiry and Review Commission and determine whether (a) the current number of members and (b) the qualifications of members elected are adequate to ensure proper judicial oversight and accountability; (iii) identify areas of weakness and potential areas of improvement; (iv) research best practices for judicial accountability and discipline; (v) provide recommendations to increase transparency, eliminate actual or perceived bias, increase efficiency and establish deadlines or specific timeframes for resolving complaints, provide effective interventions prior to the need for disciplinary action, and establish rules surrounding the types of disciplinary actions taken and when to take specific disciplinary action; and (vi) keep confidential all records, transcripts, papers, investigatory notes, files, or other confidential information provided by the Judicial Inquiry and Review Commission to the Joint Legislative Audit and Review Commission.

*Patron - Hope*

**[F] HJ63 Study; JLARC; whether a stand-alone gaming oversight agency would allow for more focused oversight of all types of legal gaming in the Commonwealth and alleviate potential conflicts of interest; report.** Directs the Joint Legislative Audit and Review Commission to study whether a stand-alone gaming oversight agency would allow for more focused oversight of all types of legal gaming in the Commonwealth and alleviate potential conflicts of interest by (i) evaluating whether the current oversight and regulatory structure of the different types of legal gaming result in varying compliance standards with regard to similar gaming devices which could unintentionally cause a competitive advantage to one industry over another; (ii) reporting on the current costs for each existing gaming oversight agency to regulate the gaming for which it is responsible; (iii) determining whether the overall costs to oversee, regulate, and enforce violations of legal gaming in the Commonwealth would be lower if all such types of gaming were housed under a stand-alone gaming oversight agency; (iv) conducting research to determine potential methods of housing, and the steps necessary to house, all legalized gaming under a stand-alone gaming oversight agency; and (v) determining the potential necessity for and specific composition of a centralized gaming oversight board that would best ensure compliance with ethical requirements and a substantial decrease in the number of potential conflicts of interest.

*Patron - Krizek*

**[F] HJ71 Study; Apprenticeship Council; electric vehicle charging infrastructure apprenticeship programs; report.** Requests the Virginia Apprenticeship Council to study the need for electric vehicle (EV) charging infrastructure and maintenance and repair of EV infrastructure apprenticeship programs in the Commonwealth, noting the stated goal of the Commonwealth to reduce carbon emissions intensity across all

sectors, including the transportation industry. In conducting its study, the Apprenticeship Council should consider a number of factors in studying the need for such apprenticeship programs. The Apprenticeship Council is further requested to report the results of an in-depth study of similar apprenticeship programs in other states to the General Assembly and to convene a stakeholder advisory group to discuss the need for electric vehicle charging infrastructure apprenticeship programs in the Commonwealth. The bill directs the Apprenticeship Council to complete its meetings by November 30, 2022, and report its findings to the Governor and the Chairmen of the Senate Committees on Education and Health and Commerce and Labor and the House Committees on Education and Labor and Commerce.

*Patron - Maldonado*

**[F] HJ73 Study; JLARC; effects of gun violence on communities; report.** Directs the Joint Legislative Audit and Review Commission to study the social, physical, emotional, and economic effects of gun violence on communities across the Commonwealth.

*Patron - Price*

**[F] HJ76 Study; Department of Rail and Public Transportation; Northern Virginia regional transit plan; report.** Requests the Department of Rail and Public Transportation to study Northern Virginia regional transit and develop a regional transit plan that includes an extension of Washington Metropolitan Area Transit Authority service to Prince William County and report its findings and recommendations to the Governor and General Assembly by November 1, 2022.

*Patron - Torian*

**[F] HJ86 Study; JLARC; development of a strategic plan for regional solid waste disposal in Southwest Virginia; report.** Directs the Joint Legislative Audit and Review Commission to conduct a one-year study of solid waste disposal in Southwest Virginia and the possible establishment of a regional solid waste disposal authority and regional landfill.

*Patron - Campbell, J.L.*

**[F] HJ87 Study; JLARC; VEDP; construction industry; report.** Directs the Joint Legislative Audit and Review Commission, in conjunction with the Virginia Economic Development Partnership Authority, to conduct a study on demand and supply issues and trends in the Commonwealth's construction industry.

*Patron - Simonds*

**[F] HJ88 Study; Virginia State Crime Commission; hate crimes and bias-motivated acts directed toward Asian Americans and Pacific Islanders; report.** Directs the Virginia State Crime Commission to study the increase in hate crimes and bias-motivated acts directed toward Asian Americans and Pacific Islanders in the Commonwealth.

*Patron - Subramanyam*

**[F] HJ112 Study; Department of Transportation; transit equity and engagement opportunities for people with disabilities; report.** Requests the Department of Transportation to study transit equity and modernization in the Commonwealth, with an emphasis on transit services and engagement opportunities for people with disabilities.

*Patron - Mundon King*

**[F] SJ11 Study; Joint Commission on Health Care to study eating disorders in the Commonwealth; report.** Directs the Joint Commission on Health Care to study eating disorders in the Commonwealth. In conducting its study, the Joint Commission on Health Care shall (i) determine the inci-

dence of diagnosed eating disorders in Virginia; (ii) assess the adequacy of eating disorder training provided to public school educators; (iii) evaluate the adequacy of the curriculum relating to eating disorders in Virginia's medical and nursing schools and continuing education requirements for Virginia medical professionals; (iv) determine strategies by which Virginia can increase awareness of eating disorders, including their symptoms, effects, and preventive interventions; (v) assess the cost of treatment incurred by patients with eating disorders borne by the Commonwealth's Medicaid program as well as by private health plans and employers; (vi) assess issues concerning access to care for eating disorders within the Commonwealth; (vii) generate recommendations for improving education, prevention, early detection, and treatment of eating disorders in Virginia and estimate the fiscal impact on the Commonwealth and private payers for the implementation of such strategies; and (viii) consider, as the Commission may identify, such other issues related to the objectives of this study. The Commission must submit its findings and recommendations to the 2023 Session of the General Assembly.

*Patron - Deeds*

**[F] SJ14 Study; Joint Commission on Health Care; Commonwealth's public health system; report.** Directs the Joint Commission on Health Care to complete a two-year study of the Commonwealth's public health system and develop recommendations for its improvement. The Commission's study shall include examining the structure, operations, oversight, and funding of the existing public health system and the effectiveness of the current public health system in meeting ongoing public health needs as well as public health needs resulting from public health emergencies and shall identify areas of success and areas for improvement in preparation for and response to future public health emergencies.

*Patron - Mason*

**[F] SJ27 Study; JLARC; Judicial Inquiry and Review Commission; report.** Directs the Joint Legislative Audit and Review Commission to, by November 30, 2023, (i) review general operations of the Judicial Inquiry and Review Commission, including (a) procedures and persons responsible for reviewing complaints received and determining whether to dismiss or investigate such complaints, (b) processes for determining whether to conduct informal or formal hearings, and (c) any informal or established rules used to determine disciplinary action imposed on a judge or justice; (ii) consider the requirements for election of members of the Judicial Inquiry and Review Commission and determine whether (a) the current number of members and (b) the qualifications of members elected are adequate to ensure proper judicial oversight and accountability; (iii) identify areas of weakness and potential areas of improvement; (iv) research best practices for judicial accountability and discipline; (v) provide recommendations to increase transparency, eliminate actual or perceived bias, increase efficiency and establish deadlines or specific timeframes for resolving complaints, provide effective interventions prior to the need for disciplinary action, and establish rules surrounding the types of disciplinary actions taken and when to take specific disciplinary action; and (vi) keep confidential all records, transcripts, papers, investigatory notes, files, or other confidential information provided by the Judicial Inquiry and Review Commission to the Joint Legislative Audit and Review Commission.

*Patron - Boysko*

**[F] SJ33 Study; JLARC; election governance structure; report.** Directs the Joint Legislative Audit and Review Commission to conduct a two-year study on the election governance structure in the Commonwealth. In conducting its study, JLARC shall (i) review the roles and responsibilities of state

and local election officials in the administration and conduct of elections in the Commonwealth, including the level of oversight by state election officials and the degree of decision-making by local election officials; (ii) review the methods of selection and removal of state and local election officials and evaluate how such methods shape accountability mechanisms; (iii) review the level of funding provided by the state and localities; (iv) evaluate the potential for partisan pressures and influence in administrative decisions at the state and local election level; (v) develop recommendations for objective methods of evaluating the performance of both local and state election officers to determine if they are appropriately fulfilling the responsibilities of their positions and whether removal may be necessary; and (vi) make other recommendations as necessary and review other issues as warranted.

*Patron - McClellan*

**[F] SJ37 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 2023 and later on a statewide basis. An executive summary and report shall be submitted as no later than the first day of the 2023 Regular Session of the General Assembly.

*Patron - DeSteph*

**[F] SJ42 Study; Joint Commission on Health Care; benefits of hospitals, health systems, and other providers addressing the health-related social needs of Virginians; report.** Directs the Joint Commission on Health Care to study the benefits of hospitals, health systems, and other providers in addressing the health-related social needs of Virginians. The study shall identify opportunities for policy making to make health care in Virginia more affordable and effective through innovations in care coordination, workforce development, payment options, and improved data collection.

*Patron - Suetterlein*

## Carried Over

**[C] HJ59 Study; OES to study feasibility of establishing a uniform electronic filing system for all state circuit, general district, and juvenile and domestic relations courts and provide a plan for the establishment of such system; report.** Requests the Office of the Executive Secretary of the Supreme Court of Virginia to (i) determine the cost of the creation and implementation of a uniform filing system for all state circuit, general district, and juvenile and domestic relations district courts; (ii) identify any potential challenges of and concerns relating to establishing a statewide electronic fil-

ing system, such as Internet availability in certain parts of the state, balancing accessibility and transparency while maintaining confidentiality as required for certain cases, security concerns, system failure or outages, and training for users of the system, and determine possible solutions for identified concerns; (iii) analyze the current federal electronic filing system and plans implemented in other states to determine best practices for developing and implementing a statewide system for all circuit and district courts in the Commonwealth; and (iv) develop a plan for the establishment of a uniform electronic filing system in all circuit and district courts in the Commonwealth.

*Patron - Wampler*

**C SJ25 Study; JLARC; whether a stand-alone gaming oversight agency would allow for more focused oversight of all types of legal gaming in the Commonwealth and alleviate potential conflicts of interest; report.** Directs the Joint Legislative Audit and Review Commission to study whether a stand-alone gaming oversight agency would allow for more focused oversight of all types of legal gaming in the Commonwealth and alleviate potential conflicts of interest by (i) evaluating whether the current oversight and regulatory structure of the different types of legal gaming result in varying compliance standards with regard to similar gaming devices which could unintentionally cause a competitive advantage to one industry over another; (ii) reporting on the current costs for each existing gaming oversight agency to regulate the gaming for which it is responsible; (iii) determining whether the overall costs to oversee, regulate, and enforce violations of legal gaming in the Commonwealth would be lower if all such types of gaming were housed under a stand-alone gaming oversight agency; (iv) conducting research to determine potential methods of housing, and the steps necessary to house, all legalized gaming under a stand-alone gaming oversight agency; and (v) determining the potential necessity for and specific composition of a centralized gaming oversight board that would best ensure compliance with ethical requirements and a substantial decrease in the number of potential conflicts of interest.

*Patron - Reeves*

**C SR1 Feasibility, expense, and implementation of statewide coverage of public defender offices; study.** Directs the Virginia Indigent Defense Commission (the Commission) to establish a work group to study the feasibility, cost, and implementation of statewide coverage of public defender offices. The bill directs the Commission to report its findings and recommendations to the chairmen of the Virginia State Crime Commission, the House Committee for Courts of Justice, the Senate Committee on the Judiciary, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations by November 1, 2022.

*Patron - Edwards*



## Appendix A: Session Statistics

# 2022 SESSION STATISTICS

	Introduced	Passed	Carried Over	Failed
<b>House Bills</b>	1,364	469	104	791
<b>House Joint Resolutions</b>	456	410	1	45
<b>House Resolutions</b>	239	232	0	7
<b>House Total</b>	2,059	1,111	105	843
<b>Senate Bills</b>	777	372	99	306
<b>Senate Joint Resolutions</b>	222	203	8	11
<b>Senate Resolutions</b>	85	82	1	2
<b>Senate Total</b>	1,084	657	108	319
<b>General Assembly Total</b>	3,143	1,768	213	1,162



# Appendix B: 2022 Session Highlights

The *2022 Session Highlights* summarizes significant legislation considered by the 2022 Regular Session 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 Saturday, March 12, 2022. Bills are differentiated as **Passed, Failed, or Carried Over**. 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. Some Carried Over bills were continued in 2022 Special Session I.

## Agriculture/Natural Resources

### **Passed**

**HB 206 Small renewable energy projects; impact on natural resources.** Requires, as a condition for a permit by rule for a small energy project, that if the Department of Environmental Quality determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 45-day public comment period. The bill specifies that a disturbance of (i) more than 10 acres of prime agricultural soils, (ii) more than 50 acres of contiguous forest lands, or (iii) forest lands enrolled in a forestry preservation program is deemed to be a significant adverse impact on natural resources. The bill directs the Department to convene an advisory panel to assist in developing regulations to implement these requirements, and the main provisions of the bill do not become effective until such regulations are adopted. Any application for a small renewable energy project received for which an interconnection request is applied for and received by December 31, 2024, is not subject to the provisions of the bill.

**HB 558/SB 565 Natural gas, biogas, and other gas sources of energy; definitions; energy conservation and efficiency; Steps to Advance Virginia's Energy Plan; biogas supply infrastructure projects; work group.** Permits natural gas utilities to include in their fuel portfolios, submitted to the State Corporation Commission to monitor fuel prices and purchases, supplemental or substitute forms of gas sources, defined in the bill, that meet certain standards and that reduce emissions intensity. The bill amends provisions of the Code related to conservation and energy efficiency programs, removes certain cost-effectiveness requirements for conservation and energy efficiency programs, and adds appliance rebates to the types of programs the Commission may consider. The bill expands conservation and ratemaking efficiency provisions of the Code that currently apply to natural gas consumption specifically to instead apply generally to energy consumption. The bill introduces enhanced leak detection and repair programs, defined in the bill, as a type of eligible infrastructure replacement for a natural gas utility facility. The bill provides that the costs of detecting and repairing leaks may be added to a natural gas utility's plan to identify proposed eligible infrastructure replacement projects and related cost recovery mechanisms, known as the utility's Steps to Advance Virginia's Energy (SAVE) Plan. The bill adds provisions to the Code related to biogas supply infrastructure projects, defined in the bill, and specifies that eligible infrastructure costs for such projects include

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(i) the investment in such projects, (ii) the return on the investment in such projects, (iii) a revenue conversion factor, (iv) operating and maintenance expenses, (v) depreciation, (vi) property tax and other taxes or government fees, and (vii) carrying costs on the over-recovery or under-recovery of the eligible biogas supply infrastructure costs. Under the bill, natural gas utilities can recover these eligible infrastructure costs on an ongoing basis through the gas component of the utility's rate structure or other recovery mechanism approved by the Commission. The bill provides that the biogas supply investment plan submitted by a natural gas utility may include an option to receive the biogas or sell the biogas at market prices and establishes a timeline for the Commission to approve such plan. The bill requires a natural gas utility with an approved biogas supply investment plan to annually file a report of the investments made, the eligible infrastructure costs incurred and the amount of such costs recovered, the volume of biogas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of biogas delivered to customers and the market cost of biogas during the reporting period. Additionally, the bill directs the Department of Environmental Quality to convene a stakeholder work group to determine the feasibility of setting a statewide methane reduction goal and plan. The recommendations of the work group shall be reported to the General Assembly by July 1, 2023.

**HB 1350/SB 87 Dealers; sale of dogs or cats for experimental purposes.** Prohibits a dealer, commercial dog breeder, or cat breeder, including an entity that breeds dogs or cats regulated under federal law as research animals, from importing for sale, selling, or offering for sale a dog or cat bred by a person who has received certain citations after July 1, 2023, pursuant to the federal Animal Welfare Act.

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

**SB 657 State Air Pollution Control Board and State Water Control Board; transfer of authority to Department of Environmental Quality.** Limits the authority of the State Air Pollution Control Board and the State Water Control Board to issuance of regulations and transfers the Boards' existing authority to issue permits and orders to the Department of Environmental Quality. The bill provides procedures for public comment on pending controversial permits, defined in the bill, and on regulatory changes necessary to implement the provisions of the bill.

#### **Failed**

**HB 250 Mining and processing of certain minerals and elements; study; permitting.** Directs the Secretaries of Natural and Historic Resources, Health and Human Resources, and Commerce and Trade to convene a work group to study the mining and processing of copper, zinc, and lead in the Commonwealth and to

report its findings to the General Assembly by December 1, 2023. The bill also places a moratorium until July 1, 2024, on the issuance of new permits to operate a mine for gold, copper, zinc, or lead of an area larger than 10 acres.

**HB 1301/SB 532 Clean Energy and Community Flood Preparedness Act.** Repeals the Clean Energy and Community Flood Preparedness Act and directs the Director of the Department of Environmental Quality to suspend the Commonwealth's participation in the Regional Greenhouse Gas Initiative market-based trading program.

**SB 354 James River watershed; timeline for compliance with regulations of certain combined sewer overflow outfalls.** Advances the timeline from 2035 to 2030 for work on construction related to any consent special order issued by the State Water Control Board (the Board) for certain combined sewer overflow (CSO) systems east of Charlottesville that discharge into the James River. The bill requires annual reporting about the impact of CSO system funding on ratepayers, particularly economically disadvantaged ratepayers. The bill also requires the Board to extend the compliance deadline if it determines that the CSO system operator has not secured grant funding in an amount sufficient to meet the deadline without an adverse impact on ratepayers, particularly economically disadvantaged ratepayers.

#### Constitutional Amendments

#### **Failed**

**HJ 28/SJ 1 Constitutional amendment (second 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 such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking 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. Currently, the Constitution provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished.

**HJ 57/SJ 5 Constitutional amendment (second 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.

### Corrections

#### **Passed**

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

**SB 108 Correctional facilities; use of restorative housing; report.** Directs the Department of Corrections to convene a work group to study the use of restorative housing within state correctional facilities and juvenile correctional centers. The bill directs the Department to facilitate confidential interviews between work group members and at least 25 persons currently incarcerated in a state correctional facility who are currently or who have within the past 12 months been placed in restorative housing and confidential interviews with existing staff and facility officials as requested by the work group. The bill requires the work group to submit its findings and recommendations, including how to safely reduce or end the use of restorative housing that lasts longer than 14 days, to the General Assembly by December 1, 2022.

**SB 547 Virginia Parole Board; monthly reports.** Requires the Virginia Parole Board (the Board) to publish a statement regarding any action taken by the Board on the parole of a prisoner within 30 days of such action and to include in such statement information regarding the length of sentence and the date such sentence was imposed for each prisoner considered for parole.

#### **Failed**

**HB 908 Use of canines in correctional facilities; prohibited acts.** Makes it unlawful for any correctional officer, jail officer, or other employee of a state, local, or juvenile correctional facility to use a canine, except where there is an imminent threat of death or serious bodily injury to any prisoner or detained juvenile or any officer or employee of the facility, to extract a prisoner or detained juvenile from his cell or to intervene in an altercation, fight, or other incident between prisoners or detained juveniles. The bill requires that all incidents involving the use of a canine be reported to a database established by the Department of Corrections or the Department of Juvenile Justice, as applicable, and that such reports be made available to the public and include the name of the facility, the name of the canine, and the name of the canine's handler. The bill also requires that the Department of Corrections or the Department of Juvenile Justice, as applicable, make public any policies relating to the use of canines, training requirements for both canines and handlers, and the supervision of the officers or employees who are permitted to handle such canines.

### Courts/Civil Law

#### **Passed**

**HB 573 Statute of limitations; contracts for health care services.** Provides that the statute of limitations for an action on any contract, written or unwritten, for health care services, including actions brought by the Commonwealth, is three years. The bill further provides that the accrual date for actions on such a contract is 30 days after the later of (i) issuance of the initial invoice or the due date stated in such invoice to the patient or person legally responsible for payment or (ii) if the patient voluntarily enters into a payment plan with the provider, 30 days after the default date contained in such payment plan.

**HB 614/SB 474 Requirement for appeals bond; indigent parties; appeal of unlawful detainer.** Removes the requirement for an indigent defendant, as defined in the bill, to post an appeal bond in an unlawful detainer action appealed from the general district court.

**SB 514 Guardianship and conservatorship of incapacitated persons.** Makes several changes to the provisions of adult guardianships and conservatorships, including (i) requiring a guardian ad litem appointed to represent a respondent to a guardianship proceeding to notify the court as soon as practicable if the respondent requests counsel, regardless of whether the guardian ad litem recommends counsel; (ii) requiring the notice of hearing on a guardianship or conservatorship petition to include notice that any adult individual or entity required to receive a copy of such notice may become a party to the proceeding by filing a pleading with the circuit court in which the case is pending; and (iii) requiring an appointed guardian to include in his annual report to the local department of social services certain additional information.

**SB 715 Injunctions; review by the Supreme Court of Virginia.**

Restores the Supreme Court of Virginia's jurisdiction over appeals of injunctions and orders granting or denying pleas of immunity. Under current law, injunctions must first be appealed to the Court of Appeals.

**Failed****HB 505 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, 2022, governing such actions. The bill has a delayed effective date of July 1, 2023.

**SB 555 Liability for sale of alcohol to an underage person.**

Creates a cause of action against an alcoholic beverage control retail licensee who sells alcohol to an underage person who was visibly intoxicated if the consumption of the alcohol caused or contributed to an injury to person or property while the underage person operated a motor vehicle. The plaintiff must prove such negligence by a clear and convincing evidence standard.

**SB 599 Limitation on recovery in certain medical malpractice actions.** Provides that the limits on recovery in medical malpractice cases shall not apply when the plaintiff has sustained certain, catastrophic injuries.

Courts/Criminal Justice**Passed**

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

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

**HB 740/SB 729 Catalytic converters; penalties.** 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 involves the breaking, injuring, tampering with, or removal of a catalytic converter or the parts thereof. The bill also provides that prosecution for such felony is a bar to a prosecution or proceeding under the Code section prohibiting the injuring, etc., of any property, monument, etc., for the same act. Current law makes such violation a Class 1 misdemeanor. Additionally, the bill requires that the copies of the documentation that scrap metal purchasers are required to maintain for purchases of catalytic converters or the parts thereof (i) establish that the person from whom they purchased the catalytic converter or the parts thereof had lawful possession of it at the time of sale or delivery and (ii) detail the scrap metal purchaser's diligent inquiry into whether the person selling had a legal right to do so. The bill also requires that such documentation be maintained for at least two years after the purchase and that copies be made available upon request to any law-enforcement officer, conservator of the peace, or special conservator of the peace in the performance of his duties who presents his credentials at the scrap metal purchaser's normal business location during normal business hours.

**Failed**

**HB 735 Department of Corrections; earned sentence credits.** Repeals the four-level classification system for the awarding and calculation of earned sentence credits set to go into effect on July 1, 2022. Under current law, a maximum of 4.5 sentence credits may be earned for each 30 days served.

**HB 744 Killing the fetus of another; manslaughter; penalties.** Provides that any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter, which is punishable as a Class 5 felony. The bill also provides that any person who kills the fetus of another accidentally, contrary to the intention of the parties and while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life,

is guilty of involuntary manslaughter, which is also punishable as a Class 5 felony.

**HB 758 Probation, revocation, and suspension of sentence; penalty.** Makes changes to the definition of a technical violation as it pertains to the revocation of suspension of sentence and probation. The bill also provides that upon a first technical violation, if the court originally suspended the imposition of sentence, the court shall revoke such suspension and again suspend all of this sentence and upon a second or subsequent violation, the court may pronounce whatever sentence might have been originally imposed. The bill also specifies that a violation of a term or condition included in the definition of technical violation shall not be considered a special or specific term or condition for sentencing purposes. The bill also provides that the court may fix the period of probation and the period of suspension for up to the statutory maximum period for which the defendant might originally have been sentenced to be imposed for any felony offense and up to two years for an offense punishable as a Class 1 or Class 2 misdemeanor. Currently, the limitation on periods of probation and periods of suspension is up to the statutory maximum period of imprisonment for any offense. The bill also adds the offense of crimes against nature committed on or after July 1, 2022, to the list of offenses for which if some period of the sentence for such offense is suspended, the judge is required to order that period of suspension be for the length of time equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned.

## Education

### **Passed**

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

**HB 319/SB 616 Virginia Literacy Act; early student literacy; evidence-based literacy instruction; science-based reading research.** Makes several changes relating to early student literacy, including requiring (i) each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking initial licensure with an endorsement in a certain area, including as a reading specialist, to

demonstrate mastery of science-based reading research and evidence-based literacy instruction, as such terms are defined in the bill; (ii) the literacy assessment required of individuals seeking initial teacher licensure with endorsements in certain areas to include a rigorous test of science-based reading research and evidence-based literacy instruction; (iii) each local school board to establish a divisionwide literacy plan; (iv) each local school board to employ one reading specialist for each 550 students in kindergarten through grade three; and (v) each local school board to provide a program of literacy instruction whereby, among other things, (a) the program provides reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department of Education; (b) a reading specialist, in collaboration with the teacher of any student who receives such reading intervention services, develops, oversees implementation of, and monitors student progress on a student reading plan; and (c) each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year. The provisions of the bill become effective beginning with the 2024–2025 school year.

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

**SB 739 Public elementary and secondary schools and public school-based early childhood care and education programs; student instruction; masks; emergency.** Requires, except in the case of the 10 unscheduled remote learning days otherwise permitted by law or in certain cases of student discipline, each school board to offer in-person instruction, as defined in the bill, to each student enrolled in the local school division in a public elementary or secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill permits, notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, to elect for such child to not wear a mask while on school property. The bill provides that no parent making such an election shall be required to provide a reason or any certification of the child's health or education status and no student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. The bill requires each local school division to comply with the foregoing provisions relating to masks no later than March 1, 2022. The bill clarifies that none of the foregoing provisions shall be construed to affect the authority granted to the Governor to achieve the purposes of relevant emergency services and disaster law with regard to a communicable disease of public health threat. The bill contains an emergency clause. HB 1272 is similar but not identical.

#### **Failed**

**HB 787 Teaching or promotion of certain concepts in public elementary and secondary education; declaration as unlawful and discriminatory practice.** Declares it an unlawful and discriminatory practice for any local school board or employee or contractor thereof to teach any public elementary or secondary school student to believe or promote to any such student as valid the belief that (i) one race or sex is inherently superior to another race or sex; (ii) an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (iii) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex; (iv) an individual's moral character is necessarily determined by the individual's race or sex; or (v) an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex, but permits any local school board or employee or contractor thereof to teach to any public elementary or secondary school student content that includes the past or present belief, by any individual or group, in any such concept.

**SB 766 Schools; athletics; participation in female sports; civil cause of action.** Requires each elementary or secondary school or a

private school that competes in sponsored athletic events against such public schools to designate athletic teams, whether a school athletic team or an intramural team sponsored by such school, based on biological sex as follows: (i) "males," "men," or "boys"; (ii) "females," "women," or "girls"; or (iii) "coed" or "mixed." Under the bill, male students are not permitted to participate on any school athletic team or squad designated for "females," "women," or "girls"; however, this provision does not apply to physical education classes at schools. The bill provides civil penalties for students and schools that suffer harm as a result of a violation of the bill. Such civil actions are required to be initiated within two years after the harm occurred.

#### **Elections**

##### **Passed**

**HB 125 Elections; political campaign advertisements; illegal negative ads; civil penalties.** Provides that sponsors violating political campaign advertisement disclosure laws with advertisements or campaign telephone calls are subject to a civil penalty not to exceed \$25,000.

**HB 492 Campaign finance; record retention requirements and reviews of campaign finance disclosure reports.** Requires campaign committee treasurers to retain certain records that may be used in reviews of campaign committee accounts. The bill gives the Department of Elections the authority and duty to conduct reviews of a percentage of campaign committees and to report the results of such reviews annually to the State Board of Elections, the Governor, and the General Assembly and make such report available on the Department's website. The bill has a delayed effective date of January 1, 2024, and provides that campaign finance reports filed prior to January 1, 2024, are not subject to the provisions of the bill.

**HB 895/SB 370 Elections; conduct of election; election results; risk-limiting audits.** Requires local electoral boards and general registrars to perform certain risk-limiting audits, defined in the bill, under the supervision of the Department of Elections and in accordance with the procedures prescribed by the State Board of Elections with a risk limit of at least 10 percent. The bill provides that localities are required to participate in such audits at least once every five years. The bill also provides that the Department shall submit a report on the results of such audits to the State Board. The provisions of the bill requiring that such audits be conducted (i) for at least one randomly selected contested race for the General Assembly in the year of a general election for members of the General Assembly and (ii) for any other contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate have a delayed effective date of July 1, 2023. The provision of the bill requiring that such audits be conducted for at least one randomly selected

contested race for an office that requires certification by the State Board in the year of general election for any local office has a delayed effective date of July 1, 2024. The bill also requires the Department to convene a work group to consider and propose a process and timeline for implementing risk-limiting audits of statewide contests.

#### Firearms/Weapons

##### **Passed**

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

##### **Failed**

**HB 509 Firearms; removal from persons posing substantial risk; penalties.** Repeals the procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. The bill also removes the substantial risk order registry for the entry of orders issued.

**HB 827 Control of firearms by localities.** Removes the authority for a locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. The bill provides that any firearm received by the locality pursuant to a buy-back program shall be offered for sale by public auction or sealed bids to a person licensed as a dealer. Current law provides that any such firearm shall be destroyed by the locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale. The bill also limits the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others.

#### Freedom of Information Act

##### **Passed**

**HB 150 Virginia Freedom of Information Act; posting of minutes; local public bodies.** Requires, with certain exceptions outlined in the bill, any local public body subject to the provisions of the Virginia Freedom of Information Act to post meeting minutes

on its official public government website, if any, within seven working days of final approval of the minutes. The bill provides that if a local public body does not own or maintain an official public government website, it shall make copies of all meeting minutes available no later than seven working days after the conclusion of a meeting at a prominent public location in which meeting notices are regularly posted, at the office of the clerk of the public body, or, in the case of a public body that has no clerk, at the office of the chief administrator.

**HB 307 Virginia Freedom of Information Act; estimated charges.** Provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost. The bill also requires a public body, prior to conducting a search for records, to notify the requester in writing of the public body's right to make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records.

**HB 444 Virginia Freedom of Information Act; meetings conducted through electronic communication means.** Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing certain public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. The bill excepts local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and any board with the authority to deny, revoke, or suspend a professional or occupational license from the provisions that allow public bodies to conduct all-virtual public meetings. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments. The bill has a delayed effective date of September 1, 2022.

**HB 734 Virginia Freedom of Information Act; disclosure of certain criminal records.** Provides that (i) criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act, though they may be disclosed by the custodian of such records to certain individuals except as otherwise provided in the bill, and (ii) with the exception of disclosure to an attorney representing a petitioner or inspection by an attorney or a person proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence or any other federal or state post-conviction proceeding or pardon, no criminal investigative file or portion thereof shall be disclosed to any requester except (a) the victim; (b) the victim's immediate family members, if the victim is deceased and the immediate family

member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation; or (c) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding, unless the public body has made reasonable efforts to notify any such individual of the request for such information. Upon receipt of notice that a public body has received a request for criminal investigative files, such persons shall have 14 days to file in an appropriate court for an injunction to prevent disclosure of the records and the time period within which the public body has to respond to the underlying request shall be tolled pending the notification process and any subsequent disposition by the court. The bill requires the court to consider certain information in making its determination and provides that a public body shall be prohibited from responding to the request until at least 14 days has passed from the time notice was received by any such individual listed in clause (a), (b), or (c) and shall not disclose any criminal investigative files if the court awards an injunction.

### General Laws

#### **Passed**

**HB 455/SB 519 Casino gaming; sale and consumption of alcoholic beverages in casino gaming establishments; casino employees; wagers, accounting, and games.** Authorizes the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) to issue a mixed beverage casino license. The issuance of such license is limited to a mixed beverage casino licensee owned by a casino operator licensed under Virginia law. The bill provides for the sale and service of alcoholic beverages for on-premises consumption in areas designated by the Board during all hours of operation of the mixed beverage casino licensee and authorizes the licensee to provide gifts of alcoholic beverages to patrons and establish loyalty or reward credit programs under certain conditions. In addition, the bill provides that a mixed beverage restaurant licensee located on the premises of a casino gaming establishment may sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage restaurant licensee and that any alcoholic beverages purchased from a restaurant on the premises of a casino gaming establishment may be taken onto the premises of the mixed beverage casino licensee and possessed and consumed in areas of the establishment as designated by the Board. Under the bill, a mixed beverage restaurant licensee that is located on the premises of and operated by a casino gaming establishment and holds a valid mixed beverage restaurant license issued by the Board prior to July 1, 2022, is authorized to operate with the privileges of a mixed beverage casino license as created by the bill until the casino gaming establishment at which the restaurant is located is issued a mixed beverage casino license or July 1, 2023, whichever occurs first. The Board may promulgate any regulations that it deems necessary for implementing the provisions of the bill no later than October 1, 2022. The initial adoption of regulations is exempt from

the Administrative Process Act, except that the Board shall provide an opportunity for public comment on the regulations prior to adoption. The bill also (i) revises the definition of "gross receipts" to include electronic credits and electronic cash and to exclude the cash value of promotions or credits under certain conditions and uncollectable counter checks; (ii) defines and authorizes the use of counter checks and prepaid access instruments; (iii) authorizes wagers to be conducted using electronic credits and electronic cash; and (iv) excludes conviction of misdemeanor possession of marijuana as a disqualifier for the issuance of a service permit by the Virginia Lottery.

**HB 507/SB 223 Intercollegiate athletics; student-athletes; compensation and representation for name, image, or likeness.** Establishes several parameters for the compensation and representation of a student-athlete related to the use of such student's name, image, or likeness. The bill prohibits any private institution of higher education, associate-degree-granting public institution of higher education, or baccalaureate public institution of higher education or any agent thereof; athletic association; athletic conference; or other organization with authority over intercollegiate athletics from (i) prohibiting or preventing a student-athlete from earning compensation for the use of his name, image, or likeness, except in certain circumstances enumerated in the bill; (ii) prohibiting or preventing a student-athlete from obtaining professional representation by a licensed athlete agent or legal representation by a licensed attorney in connection with issues related to name, image, or likeness; (iii) declaring a student-athlete ineligible for intercollegiate athletic competition because he earns such compensation or obtains such representation; or (iv) reducing, canceling, revoking, or not renewing an athletic scholarship because a student-athlete earns such compensation or obtains such representation. The bill establishes several other conditions and limitations relating to pre-agreement disclosures, the use of the institution's property, and the effect on employment status in connection with a student-athlete's use of his name, image, or likeness. The bill also amends the definition of "athlete agent" in relevant law to permit such agents to represent a student-athlete in connection with issues related to name, image, or likeness, including negotiating, securing, obtaining, arranging, and managing name, image, or likeness opportunities.

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



conducting bingo games outside of their home locality and (ii) they are prohibited from offering such games at an establishment that has been granted a license by the Alcoholic Beverage Control Authority unless they hold such license. The bill provides that, with the exception of social organizations qualified under § 501(c)(7) of the Internal Revenue Code, all gross receipts attributable to electronic gaming shall be reported to the Department of Agriculture and Consumer Services (the Department) and shall be subject to application, audit, and administration fees. Under the provisions of the bill, social organizations that are exempt from taxation pursuant to § 501(c)(7) of the Internal Revenue Code are permitted to conduct electronic gaming until such organizations reach \$200,000 in electronic gaming adjusted gross receipts, defined in the bill, during any 12-month period. Such organizations are required to report their adjusted gross receipts to the Department and are subject to application, audit, and administration fees based on their adjusted gross receipts. The bill provides that application fees shall be paid to the Department by the qualified organization and that audit fees may be paid to the Department either by the qualified organization or the electronic gaming manufacturer that provides electronic gaming devices to such organization. The bill imposes on any person or organization conducting charitable gaming without a permit a civil penalty of not less than \$25,000 and not more than \$50,000 per incident. Finally, the bill sets out via a second enactment provisions that require qualified organizations permitted to conduct electronic gaming to report and pay all required fees to the Department based on such organization's electronic gaming adjusted gross receipts. The provisions of the first enactment of the bill requiring the use of a qualified organization's electronic gaming gross receipts for the purpose of reporting and payment of required fees has an expiration date of July 1, 2024. The provisions of the second enactment of the bill requiring the use of a qualified organization's electronic gaming adjusted gross receipts for the purpose of reporting and payment of the required fees has a delayed effective date of July 1, 2024.

**HB 1136 Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes; established; report.** Establishes the Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes in the legislative branch of state government for the purpose of performing a comprehensive review of Virginia law to assess ways in which it must be revised to include federally recognized Tribal Nations located in the Commonwealth as distinct governments with the right to exercise general sovereignty and powers of government. The Commission is required to submit an annual report on its interim activities and work by the first day of each regular session of the General Assembly. The bill has an expiration date of July 1, 2024.

**SB 530 Illegal gaming devices; Virginia Fraud Against Taxpayers Act; civil penalty.** Adds the manufacturing for sale, selling, or distributing of an illegal gaming device while knowing that it is or is intended to be operated in the Commonwealth in violation of the law to the list of violations for which a civil penalty

may be assessed against a person who is found to have committed such violation. The bill also adds a knowledge requirement to the existing violation of possessing or controlling an illegal gambling device. The bill also provides for a civil penalty of up to \$25,000 per gambling device for any person who sells a gambling device that is located in an unregulated location. The bill provides that it shall be sufficient ground for an action for pretrial levy or seizure or an attachment that a principal defendant has conducted, financed, managed, supervised, directed, sold, or owned a gambling device that is located in an unregulated location.

## Health

### **Passed**

**HB 213/SB 375 Optometrists; laser surgery.** Allows an optometrist who has received a certification to perform laser surgery from the Board of Optometry (the Board) to perform certain types of laser surgery of the eye and directs the Board to issue a certification to perform laser surgery to any optometrist who submits evidence satisfactory to the Board that he (i) is certified by the Board to prescribe for and treat diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents pursuant to Code requirements and (ii) has satisfactorily completed such didactic and clinical training programs provided by an accredited school or college of optometry that includes training in the use of lasers for the medically appropriate and recognized treatment of the human eye as the Board may require. The bill also requires the Board to adopt regulations (a) establishing criteria for certification of an optometrist to perform permitted laser surgeries and (b) requiring optometrists to register annually with the Board and to report information regarding any disciplinary action, malpractice judgment, or malpractice settlement against the provider and any evidence that indicates the provider may be unable to engage safely in the practice of his profession. The bill also requires optometrists certified to perform laser surgery to report certain information regarding the number and types of laser surgeries performed and the conditions treated, as well as any adverse treatment outcomes associated with the performance of such laser surgeries to the Board, and requires the Board to report such information to the Governor and the Secretary of Health and Human Resources annually.

**HB 277/SB 622 Recovery residences.** Requires that all recovery residences be certified by the Department of Behavioral Health and Developmental Services (the Department) and that recovery residences, as a condition of such certification, comply with any minimum square footage requirements related to beds and sleeping rooms established by the credentialing entity, which shall be no less than the square footage requirements set forth in the Uniform Statewide Building Code. The bill requires every person who operates a recovery residence to disclose to potential residents its credentialing entity. If the credentialing entity is the National Alliance for Recovery Residences, the bill requires the recovery

residence to disclose the level of support provided by the recovery residence and, if the credentialing entity is Oxford House, Inc., the bill requires the recovery residence to disclose that the recovery residence is self-governed and unstaffed. The bill also requires the Department to include such information on the list of all recovery residences maintained by the Department on its website. The bill exempts recovery residences from the provisions of the Virginia Landlord and Tenant Act.

**HB 1187/SB 317 Out-of-state health care practitioners; temporary authorization to practice; licensure by reciprocity for physicians; emergency.** Allows a health care practitioner licensed in another state or the District of Columbia who has submitted an application for licensure to the appropriate health regulatory board to temporarily practice for a period of 90 days pending licensure, provided that certain conditions are met. The bill directs the Board of Medicine to pursue reciprocity agreements with jurisdictions that surround the Commonwealth to streamline the application process in order to facilitate the practice of medicine. The bill requires the Department of Health Professions to annually report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions the number of out-of-state health care practitioners who have utilized the temporary authorization to practice pending licensure and have not subsequently been issued full licensure. The bill contains an emergency clause.

**HB 1191/SB 361 Marcus alert system; participation.** Extends the date by which localities shall establish voluntary databases to be made available to the 9-1-1 alert system and the Marcus alert system to provide relevant mental health information and emergency contact information for appropriate response to an emergency or crisis from July 1, 2021, to July 1, 2023, and provides an exemption to the requirement that localities establish protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law-enforcement back-up during mobile crisis or community care team response and minimum standards, best practices, and a system for the review and approval of protocols for law-enforcement participation in the Marcus alert system for localities with a population that is less than or equal to 40,000, so that localities with a population that is less than or equal to 40,000 may but are not required to establish such protocols. The bill also requires the Department of Behavioral Health and Developmental Services to include in its annual report to the Governor and the Chairmen of the House Committees for Courts of Justice and on Health, Welfare and Institutions, the Senate Committees on the Judiciary and Education and Health, and the Behavioral Health Commission information regarding barriers to establishment of local Marcus alert programs and community care or mobile crisis teams to provide mobile crisis response in geographical areas served by community services boards or behavioral health agencies in which such programs and teams have not been established and a plan for addressing such barriers.

**SB 268 Emergency custody and temporary detention; transportation; transfer of custody.** Provides that when a magistrate orders alternative transportation for an individual under a temporary detention order, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order. Such alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the temporary detention facility, as is appropriate. The bill adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. The bill clarifies that if no alternative transportation provider is available, the magistrate shall order a person to be kept in law-enforcement custody. The bill also requires the Department of Behavioral Health and Developmental Services to amend an existing contract or enter into a new contract for alternative custody of persons who are subject to temporary detention orders, to the extent funding for such alternative custody is available.

#### Failed

**HB 80 Healthcare Regulatory Sandbox Program; established.** Requires the Department of Health to establish the Healthcare Regulatory Sandbox Program to enable a person to obtain limited access to the market in the Commonwealth to temporarily test an innovative health care product or service on a limited basis without otherwise being licensed or authorized to act under the laws of the Commonwealth. Under the Program, an applicant requests the waiver of certain laws, regulations, or other requirements for a 24-month testing period, with an option to request an additional six-month testing period. The bill provides application requirements, consumer protections, procedures for exiting the Program or requesting an extension, and recordkeeping and reporting requirements. The bill requires the Department to provide an annual report to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health that provides information regarding each Program participant and recommendations regarding the effectiveness of the Program. The bill has an expiration date of July 1, 2027.

**SB 668 Death with Dignity Act; penalties.** Allows an adult who has been determined by an attending physician and consulting physician to be suffering from a terminal condition to request medication for the purpose of ending his life in a humane and dignified manner. The bill requires that a patient's request for medication to end his life be given orally on two occasions, that such request be in writing, that such request be signed by the patient and two witnesses, and that the patient be given an express opportunity to rescind his request. The bill requires that before a patient is prescribed medication to end his life, the attending

physician must (i) confirm that the patient is making an informed decision, (ii) refer the patient to a capacity reviewer if the physician is uncertain as to whether the patient is making an informed decision, (iii) refer the patient to a consulting physician for confirmation or rejection of the attending physician's diagnosis, and (iv) inform the patient that he may rescind the request at any time. The bill provides that neither a patient's request for medication to end his life in a humane and dignified manner nor his act of ingesting such medication shall have any effect upon a life, health, or accident insurance policy or an annuity contract. The bill makes it a Class 2 felony (a) to willfully and deliberately alter, forge, conceal, or destroy a patient's request, or rescission of request, for medication to end his life with the intent and effect of causing the patient's death or (b) to coerce, intimidate, or exert undue influence on a patient to request medication for the purpose of ending his life or to destroy the patient's rescission of such request with the intent and effect of causing the patient's death. Finally, the bill grants immunity from civil or criminal liability and professional disciplinary action to any person who complies with the provisions of the bill and allows health care providers to refuse to participate in the provision of medication to a patient for the purpose of ending the patient's life.

## Insurance

### **Passed**

#### **HB 421/SB 271 Living organ donors; discrimination prohibited.**

Prohibits any person from refusing to insure, refusing to continue to insure, or limiting the amount or extent of life insurance, disability insurance, or long-term care insurance coverage available to an individual or to charge an individual a different rate for the same coverage based solely and without any additional actuarial risks upon the status of such individual as a living organ donor. The provisions of the bill apply to such insurance plans that are entered into, amended, extended, or renewed on or after January 1, 2023.

#### **HB 884/SB 195 Group health benefit plans; bona fide associations; formation of benefits consortium.**

Provides that certain trusts constitute a benefits consortium and are authorized to sell health benefit plans to members of a sponsoring association that (i) has been formed and maintained in good faith for purposes other than obtaining or providing health benefits; (ii) does not condition membership in the sponsoring association on any factor relating to the health status of an individual, including an employee of a member of the sponsoring association or a dependent of such an employee; (iii) makes any health benefit plan available to all members regardless of any factor relating to the health status of such members or individuals eligible for coverage through a member; (iv) does not make any health benefit plan available to any person who is not a member of the association; (v) makes available health plans or health benefit plans that meet requirements provided for in the bill; (vi) operates as a nonprofit entity under § 501(c)(5) or 501(c)(6) of the Internal Revenue Code; and (vii) has been in active

existence for at least five years. The bill replaces references to "bona fide association," as used in provisions applicable to health care plans in the small employer market, with the term "sponsoring association." The bill requires any health benefit plan issued by a self-funded multiple employer welfare arrangement (MEWA) that covers one or more employees of one or more small employers to (a) provide essential health benefits and cost-sharing requirements; (b) offer a minimum level of coverage designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan; (c) not limit or exclude coverage for an individual by imposing a preexisting condition exclusion on that individual; (d) be prohibited from establishing discriminatory rules based on health status related to eligibility or premium or contribution requirements as imposed on health carriers; (e) meet the renewability standards set forth for health insurance issuers; (f) establish base rates formed on an actuarially sound, modified community rating methodology that considers the pooling of all participant claims; and (g) utilize each employer member's specific risk profile to determine premiums by actuarially adjusting above or below established base rates, and utilize either pooling or reinsurance of individual large claimants to reduce the adverse impact on any specific employer member's premiums. The bill prohibits a self-funded MEWA from issuing health benefit plans in the Commonwealth until it has obtained a license pursuant to regulations promulgated by the State Corporation Commission. The bill authorizes the Commission to adopt regulations applicable to self-funded MEWAs, including regulations addressing financial condition, solvency requirements, and the exclusion of self-funded MEWAs from the Virginia Life, Accident and Sickness Insurance Guaranty Association.

**HB 1156/SB 15 Private family leave insurance.** Establishes family leave insurance as a class of insurance. The bill defines "family leave insurance" as an insurance policy issued to an employer related to a benefit program provided to an employee to pay for the employee's income loss due to (i) the birth of a child or adoption of a child by the employee, (ii) placement of a child with the employee for foster care, (iii) care of a family member of the employee who has a serious health condition, or (iv) circumstances arising out of the fact that the employee's family member who is a service member is on active duty or has been notified of an impending call or order to active duty. Under the bill, family leave insurance may be written as an amendment or rider to a group disability income policy, included in a group disability income policy, or written as a separate group insurance policy purchased by an employer. The bill prohibits delivery or issue for delivery of a family leave insurance policy unless a copy of the form and the rate manual showing rates, rules, and classification of risks have been filed with the State Corporation Commission. The bill prohibits an individual certificate and enrollment form from being used in connection with a group family leave insurance policy unless the form for the certificate and enrollment form have been filed with the Commission. The bill provides that "life and annuities insurance agent" means an agent licensed in the Commonwealth to sell,

solicit, or negotiate, among other types of insurance, family leave insurance on behalf of insurers licensed in the Commonwealth.

**SB 754 Motor vehicle insurance; underinsured motor vehicle.**

Requires any motor vehicle liability insurance policy issued, delivered, or renewed in the Commonwealth after July 1, 2023, to include a specific statement regarding the insurer requirements to provide underinsured motorist coverage that pays any damages due to an insured in addition to any bodily injury or property damage liability that is applicable to the insured's damages. The bill requires that the endorsement or provisions of a motor vehicle liability policy to provide uninsured motorist insurance coverage also provide underinsured motorist insurance coverage with limits that are equal to the uninsured motorist insurance coverage limits. Under the bill, underinsured motorist coverage shall be paid without any credit for the bodily injury and property damage coverage available for payment, unless any named insured elects to reduce any underinsured motorist coverage payments by notifying the insurer. If an injured person is entitled to underinsured motorist coverage under one or more policies wherein a named insured has elected to reduce the underinsured motorist limits by the available bodily injury liability insurance or property damage liability insurance coverage available for payment, any amount available for payment shall be credited against such policies in payment priority established in current law, and where there is more than one such policy entitled to such credit, the credit shall be apportioned pro-rata pursuant to the policies' respective available underinsured motorist coverages. The bill also provides that taxicab operators may fulfill their insurance filing requirement by showing evidence of a certificate of self-insurance. The bill requires, with regard to the self-insurance protection of a taxicab operator, the amount of bodily injury or property damage liability coverage available for payment from any source to be credited against and reduce the amount of protection otherwise available against an underinsured motorist.

**Failed**

**SB 407 Disability insurance; disability arising out of childbirth.**

Requires each insurer proposing to issue individual or group accident and sickness insurance policies providing short-term disability income protection coverage whose policies provide coverage for short-term disability arising out of childbirth to, notwithstanding a disability determination or medical necessity requirement, provide for 12 weeks of income protection coverage for a payable benefit of at least 12 weeks immediately following childbirth.

Labor and Commerce

**Passed**

**HB 263 Banks; virtual currency custody services.** Permits banks in the Commonwealth to provide virtual currency custody services so long as the bank has adequate protocols in place to effectively

manage the associated risks. The bill defines "virtual currency" and provides that a bank may choose to offer such custody services in a nonfiduciary capacity or a fiduciary capacity. If it chooses to provide such custody services in a fiduciary capacity, it must possess trust powers and have a trust department approved by the State Corporation Commission.

**HB 270/SB 219 Virginia Employment Commission;**

**administrative reforms; reporting requirements; electronic submissions; Unemployment Compensation Ombudsman established.**

Requires the Virginia Employment Commission to calculate and report the (i) average unemployment insurance benefit levels, (ii) average income replacement of unemployment insurance benefits, and (iii) reciprocity rate for unemployment insurance benefits in the Commonwealth as part of the Commission's annual balance sheet. The bill also requires the Commission, as part of its biennial strategic plan submitted to the Department of Planning and Budget, to develop and maintain an unemployment insurance Resiliency Plan that describes the specific actions the agency would take, depending on the level of increase in unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of operations to ensure continued efficient and effective administration of the UI program. The bill creates within the Commission on Unemployment Compensation a subcommittee that shall be responsible for monitoring the Virginia Employment Commission's management of the unemployment insurance program. The subcommittee shall meet at least once each quarter and shall report annually, beginning on December 1, 2022, to the House Committee on Appropriations, the House Committee on Commerce and Energy, the Senate Committee on Commerce and Labor, and the Senate Committee on Finance and Appropriations. The bill also directs the Commission to convene an advisory committee composed of stakeholders and subject matter experts to review information related to UI claims. The bill requires employers to submit claim-related forms and separation information electronically, as well as other information and electronic tax payments upon the Commission's request, unless the employer has received a waiver by the Commission. The bill provides that a claim for unemployment benefits that has been determined invalid by the Virginia Employment Commission as a result of the claimant's monetary ineligibility shall first be reviewed upon a request for redetermination prior to filing an appeal. The bill also creates an Unemployment Compensation Ombudsman position for the purpose of providing information and assistance to persons seeking assistance in the unemployment compensation process and exempts confidential case files of the Unemployment Compensation Ombudsman from the mandatory disclosure provisions of the Virginia Freedom of Information Act. The bill directs the Virginia Department of Human Resource Management to lead a multiagency work group to discuss strategies for staffing assistance and support for agencies that might need staffing assistance during emergencies. Additionally, the Virginia Employment Commission is directed to task its internal audit division to review and revise documents and online resources related to unemployment compensation.

## Failed

**HB 320/SB 173 Minimum wage.** Repeals certain provisions of the Code of Virginia related to increasing the state minimum wage to more than \$11.00 per hour. The bill also repeals provisions related to increasing the state minimum wage based on an annual adjusted minimum wage determined by the Department of Labor and Industry.

**HB 576 Stay of debt collection activities by health care providers; prohibited practice under Virginia Consumer Protection Act.** Provides that any health care provider that undertakes any debt collection activities prior to either the issuance of an award from or the determination that a claim is noncompensable by the Criminal Injuries Compensation Fund has committed a prohibited practice under the Virginia Consumer Protection Act.

**HB 883/SB 374 Project labor agreements; prevailing wage; collective bargaining for employees of local governments.** Provides that state agencies, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, paid for in whole or in part by state funds, shall neither require nor prohibit bidders to enter into or adhere to agreements with one or more labor organizations on the public works projects. The bill removes requirements for the payment of prevailing wage for work performed on public works contracts for state agencies. In addition, the bill removes the authority for a locality, by a local ordinance or resolution, to recognize any labor union or other employee association as a bargaining agent of any public officers or employees or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents.

**SB 341 Consumer protection; online marketplace; high-volume third-party sellers.** Establishes requirements for high-volume third-party sellers, defined in the bill as participants in an online marketplace that have entered into at least 200 discrete sales or transactions for 12 continuous months during the past 24 months resulting in accumulation of an aggregate total of \$5,000 or more in gross revenues. The bill requires an online marketplace to (i) require high-volume third-party sellers to provide identifying and contact information to the online marketplace; (ii) verify the information provided by a high-volume third-party seller within 10 days of receipt; and (iii) require that high-volume third-party sellers make certain conspicuous disclosures to consumers on their product listing pages, with certain limited exceptions. The bill provides that the Attorney General has the exclusive authority to enforce its provisions and that any violation of its provisions is a prohibited practice under the Virginia Consumer Protection Act.

## Local Government

### Passed

**SB 537 Powers of local government; trees during development process; replacement and conservation.** Adds provisions to §§ 15.2-961 and 15.2-961.1 that prevent the use of the sections to prohibit or unreasonably limit silvicultural activities. The bill creates a new section of the Code related to the replacement of trees during the development process in localities, by which any locality may adopt an ordinance subject to the provisions of the new section. Further, the bill creates a new proposed section of the Code related to conservation of trees during the development process in localities, by which any locality may adopt an ordinance subject to the provisions of the proposed section; this proposed section does not become effective unless reenacted by the 2023 Session of the General Assembly. The bill directs specified stakeholders and parties to meet at least twice prior to the 2023 Session of the General Assembly to consider specified topics. The bill directs the participants to report their recommendations to the Chairmen of the House Committee on Counties, Cities and Towns and the Senate Committee on Agriculture, Conservation and Natural Resources by December 1, 2022.

### Carried Over

**HB 1362 Short-term rentals; localities' ability to restrict.** Clarifies that short-term rentals may be operated in any locality in the absence of an ordinance pursuant to the locality's general land use and zoning authority restricting short-term rentals.

## Marijuana

### Passed

**SB 591 Marijuana; shape prohibitions; definitions of marijuana and tetrahydrocannabinol.** Modifies the definition of "marijuana" in several Code sections to (i) include any substance containing a total tetrahydrocannabinol concentration that exceeds 0.3 percent or more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package and (ii) exclude industrial hemp that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture or his agent; an industrial hemp extract that contains a tetrahydrocannabinol concentration of no greater than 0.3 percent and no more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package at the time such industrial hemp extract is offered for retail sale and is derived from industrial hemp grown, dealt, or processed in compliance with state or federal law; and any drug product containing tetrahydrocannabinol that is approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act by the Board of Pharmacy. The bill defines "tetrahydrocannabinol" to include any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, or salts of isomers. The bill removes references in the Code to delta-9

tetrahydrocannabinol and amends numerous sections to accommodate for the definitional changes described above. The bill requires the Board of Directors of the Virginia Cannabis Control Authority to promulgate regulations that prohibit the production and sale of retail marijuana and retail marijuana products that depict or are in the shape of a human, animal, vehicle, or fruit. The bill has staggered effective dates.

#### Failed

**SB 313 Retail sale of cannabis products by certain pharmaceutical processors and industrial hemp processors; sunset.** Allows certain pharmaceutical processors and industrial hemp processors to sell, under the oversight of the Board of Directors of the Virginia Cannabis Control Authority (the Board), cannabis products at retail to unregistered persons who are 21 years of age or older without the need for a written certification. The bill directs the Board to adopt and enforce regulations governing such sales that shall model certain Board of Pharmacy regulations and comply with other requirements set forth in the bill. The bill requires pharmaceutical processors and industrial hemp processors engaging in such sales to pay a \$1 million fee and collect a 21 percent excise tax, both of which shall ultimately be allocated to the Virginia Cannabis Control Authority to be used to assist independent cannabis retailers located in designated rural and urban opportunity zones. The bill also requires such pharmaceutical processors and industrial hemp processors to submit and comply with a plan describing how the processor will educate consumers about responsible consumption of cannabis products and incubate independent cannabis retailers or support and educate persons that wish to participate in the cannabis market. The bill has a delayed effective date of January 1, 2023, and shall expire when pharmaceutical processors and industrial hemp processors engaging in the sale of cannabis products pursuant to the provisions of the bill are authorized by the Virginia Cannabis Control Authority to apply for and be granted licenses to cultivate, manufacture, wholesale, and sell at retail to consumers 21 years of age or older retail marijuana and retail marijuana products.

#### Carried Over

**SB 391 Cannabis control; retail market; transitional sales by pharmaceutical and industrial hemp processors; penalties.** Establishes a framework for the creation of a retail marijuana market in the Commonwealth. The bill creates a regulatory and licensing structure for such retail market and for the cultivation, manufacture, and wholesale of marijuana and marijuana products to be administered by the Virginia Cannabis Control Authority. The bill allows certain pharmaceutical and industrial hemp processors, pending establishment of the retail market, to cultivate, manufacture, and sell to persons 21 years of age or older cannabis products. The bill also relocates and modifies numerous criminal provisions regarding marijuana offenses. The bill has staggered effective dates. The bill satisfies the reenactment requirement of

Chapters 550 and 551 of the Acts of Assembly of 2021, Special Session I, but makes numerous modifications to the provisions of the 2021 legislation related to licensure, criminal penalties, expungement, regulation of certain hemp products, local regulation, and diversity, equity, and inclusion.

#### Pandemic

##### Passed

**HB 158/SB 4 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.

**SJ 10 Study; joint subcommittee to study pandemic response and preparedness in the Commonwealth; report.** Establishes a joint subcommittee to study pandemic response and preparedness in the Commonwealth. In conducting its study, the joint subcommittee is tasked with examining existing laws in the Commonwealth and developing recommendations regarding the pandemic response and future needs of the Governor, the General Assembly, local governments, public and private health care systems and other facilities and providers, health districts, the judicial system, K-12 and higher education systems, and the business regulatory system.

#### Taxation

##### Passed

**HB 971/SB 94 Conformity of the Commonwealth's taxation system with the Internal Revenue Code; Rebuild Virginia grants and Paycheck Protection Program loans; emergency.** Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2020, to December 31, 2021. The bill also deconforms from provisions of the (i) federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a loss limitation applicable to taxpayers other than corporations, the limitation on business interest, and certain loan forgiveness and other business financial assistance and (ii) federal American Rescue Plan Act related to restaurant revitalization grants and emergency injury disaster loans received for taxable years beginning before January 1, 2021. The bill also retroactively allows up to \$100,000 of the individual and corporate income tax deduction or subtraction, as applicable, for Rebuild Virginia grants and certain amounts related to Paycheck

Protection Program loans to certain fiscal filers. The bill also allows full deductibility of expenses paid or incurred with forgiven Paycheck Protection Program loan proceeds and expenses paid or incurred with Economic Injury Disaster Loan program funding for taxable year 2021 and thereafter. The bill contains an emergency clause.

**HB 1121/SB 692 Income taxation; pass-through entities.** Permits a qualifying pass-through entity, defined in the bill, to make an annual election in taxable years 2021 through 2025 to pay an elective income tax at a rate of 5.75 percent, created by the bill, at the entity level for the taxable period covered by the return. The bill also (i) creates a corresponding refundable income tax credit for taxable years 2021 through 2025 for any amount of income derived from a pass-through entity having Virginia taxable income if such pass-through entity makes such election and pays the elective income tax imposed at the entity level and (ii) allows an individual to claim a credit for similar taxes paid to other states for taxable years 2021 through 2025.

#### Failed

**HB 531/SB 472 Additional local sales and use tax to support schools.** Authorizes all counties and cities 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. Under the bill, the tax can only be imposed if it is initiated by a resolution of the local governing body and approved by the voters in a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed, and revenue from the tax is required to be used solely for capital projects for new construction or major renovation of schools in the locality enacting the tax. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax.

#### Carried Over

**HB 90 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products.** Exempts food purchased for human consumption and essential personal hygiene products from all state, regional, and local sales taxes (the grocery tax). The bill dedicates an amount equal to a 0.182 percent sales and use tax to cities and counties as a supplemental school payment. Such payment shall, from July 1, 2022, until July 1, 2024, be distributed based on each city and county's estimated average share of monthly distributions attributable to the tax on such food and hygiene products between February 2020 and December 2021. Beginning July 1, 2024, such payment shall be based upon each city and county's pro rata share of total local sales and use taxes. The bill was carried over into 2022 Special Session I.

**HB 935 Income tax refunds for individuals or married persons filing a joint return.** Provides an income tax refund of up to \$300 for individuals and up to \$600 for married persons filing a joint return for taxable year 2021 on or before November 1, 2022. The bill provides that the refund shall not exceed the taxpayer's tax liability. The bill was carried over into 2022 Special Session I.

**SB 451 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products.** Provides a state sales and use tax exemption for food purchased for human consumption and essential personal hygiene products. The bill would also provide, beginning February 1, 2023, an allocation of state revenues to fund the distribution to localities for educational funding that would have been distributed to them absent the exemption created by the bill. Under current law, such products are taxed at a reduced state sales and use tax rate of 1.5 percent and the standard local rate of one percent. The bill has a delayed effective date of January 1, 2023. The bill was carried over into 2022 Special Session I.

**SB 579 Income tax refunds for individuals or married persons filing a joint return.** Provides an income tax refund for individuals and for married persons filing a joint return for taxable year 2021 in an amount specifically set forth in the general appropriation act passed during the 2022 Session of the General Assembly. The bill provides that the refund shall not exceed the taxpayer's tax liability. The bill was carried over into 2022 Special Session I.

#### Transportation/Motor Vehicles

#### Passed

**HB 530 Driver training.** Authorizes governmental entities, including comprehensive community colleges in the Virginia Community College System, certified as third party testers to test and train drivers employed by another governmental entity or enrolled in a commercial driver training course offered by a community college. The bill repeals the prohibition on applicants 18 years of age and older retaking skills tests within 15 days. Current law authorizes such reexamination upon payment of a \$2 fee. The bill makes immediate instead of contingent on federal regulations the repeal of certain provisions requiring an applicant to, after failing the behind the wheel examination for a third time, take a course prior to reexamination. The bill clarifies that no law or regulation safeguarding driver testing information shall be construed to prohibit (i) the possession, use, or provision of the Department of Motor Vehicles' driver license examination questions by or to any person for the purpose of administering a knowledge examination or (ii) the Department from making sample examination questions available to the public or the public from possessing sample examination questions.

**HB 632 Exhaust systems; excessive noise.** Makes certain secondary offenses related to loud exhaust systems that are not in



good working order primary offenses and exempts local ordinances related to such exhaust systems from the prohibition on law-enforcement officers stopping a vehicle for a violation of a local ordinance unless it is a jailable offense.

**SB 301 Commercial driver's license examinations.** Authorizes governmental entities, including comprehensive community colleges in the Virginia Community College System, certified as third party testers to test and train drivers employed by another governmental entity or enrolled in a commercial driver training course offered by a community college. The bill repeals the prohibition on applicants 18 years of age and older retaking skills tests within 15 days. Current law authorizes such reexamination upon payment of a \$2 fee.

**SB 777 Front and rear bumper height limits; emergency.** Provides that no passenger car or pickup or panel truck shall be operated on a public highway if the suspension, frame, or chassis has been modified by any means so as to cause the height of the front bumper to be four or more inches greater than the height of the rear bumper. The bill contains an emergency clause.

#### **Failed**

**HB 838 Lane filtering; motorcycles.** Authorizes the operator of a two-wheeled motorcycle to pass another vehicle that is stopped or traveling at no more than 10 miles per hour in the same lane, provided that there are at least two lanes of travel in each direction, such motorcycle does not exceed a speed of 20 miles per hour, and the operator executes such passing safely.

#### **Carried Over**

**HB 859 Commissioner of Highways; roadways operating under the Virginia 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 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 if 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. The bill has an expiration date of January 1, 2024.

## **DIVISION OF LEGISLATIVE SERVICES**

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