

2021 SESSION HIGHLIGHTS

The *2021 Session Highlights* summarizes significant legislation considered by the 2021 Regular Session and 2021 Special Session I of the General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview covers legislative actions through sine die on Monday, March 1, 2021. Bills are differentiated as Passed or Failed. Passed bills are subject to review and veto by the Governor; thus, some of the bills listed as passed in this volume may be amended and some may not become law.

Agriculture/Natural Resources

Passed

HB 1902 Expanded polystyrene food service containers; prohibition; civil penalty. Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. The bill provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Finally, the bill directs the Department of Environmental Quality to post to its website information on compliance and the filing of complaints.

HB 2129/SB 1354 Chesapeake Bay; wastewater treatment; Enhanced Nutrient Removal Certainty Program. Requires the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works beginning February 1, 2023, to address the requirements of the ENRC Program. The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the Water Quality Improvement Fund. The bill lists the projects and the total nitrogen or total phosphorus waste load allocation reductions that specified facilities are to complete. The bill provides that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms. The bill provides that the ENRC Program shall be deemed to implement through January 1,

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2026, the Chesapeake Bay Phase III Watershed Implementation Plan. The bill provides that if, after July 1, 2026, Virginia has not achieved its nitrogen pollution reduction commitments in the Phase III Watershed Implementation Plan, the Secretary of Natural Resources may develop an additional watershed implementation plan.

HB 2213 Work group; gold mining; report. Directs the Secretary of Natural Resources, the Secretary of Health and Human Resources, and the Secretary of Commerce and Trade to establish a work group to study the mining of gold in the Commonwealth. The bill requires that the study be conducted in consultation with the Virginia Council on Environmental Justice and appropriate stakeholders, including experts in mining, hydrology, toxicology, and other fields; environmental organizations; representatives of potentially affected communities in localities with significant deposits of gold; and residents of Native American communities in such localities. The bill provides that the work group shall evaluate the impacts of gold mining on public health, safety, and welfare; evaluate whether existing air and water quality regulations are sufficient to protect air and water quality from the mining and processing of gold; evaluate whether existing bonding, reclamation, closure, and long-term monitoring of sites for such mining or processing are sufficient; and report its findings to the General Assembly by December 1, 2022.

SB 1453 Revision of Titles 45.1 and 67. Creates proposed Title 45.2 (Mines, Minerals, and Energy) as a revision of existing Title 45.1 (Mines and Mining) and existing Title 67 (Virginia Energy Plan). Proposed Title 45.2 consists of 21 chapters divided into five subtitles: Subtitle I (Administration), Subtitle II (Coal Mining), Subtitle III (Mineral Mines), Subtitle IV (Gas and Oil), and Subtitle V (Other Sources of Energy; Energy Policy). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to the administration of the Department of Mines, Minerals and Energy, underground and surface coal mining, underground and surface mineral mines, the Virginia Gas and Oil Act, energy from wind, solar, geothermal, and nuclear sources, and energy policy. The bill moves the remaining provisions of Title 67 that are not appropriate for inclusion in proposed Title 45.2 into other existing titles of the Code. The bill has a delayed effective date of October 1, 2021, and is a recommendation of the Virginia Code Commission.

Failed

HB 2074 Environmental justice; interagency working group. Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill directs the Working Group

to focus its work during its first year on the environmental justice of current air quality monitoring practices in Virginia and provides that the Working Group shall expire on July 1, 2031. The bill directs each state agency to adopt an agency-specific environmental justice policy that requires an evaluation of the environmental justice consequences of any covered agency action, requires a consideration of the environmental justice consequences or cumulative impacts of the administration of regulations, and contains other features, including public participation plans for residents of environmental justice communities and fenceline communities potentially affected by a covered agency action. Finally, the bill requires each local government adopting or reviewing a comprehensive plan to consider identifying certain environmental justice communities, objectives, and policies.

Alcoholic Beverage Control

Passed

HB 1879/SB 1299 Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption. Allows distillers that have been appointed as agents of the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority (the Authority), mixed beverage restaurant licensees, and limited mixed beverage restaurant licensees to sell mixed beverages for off-premises consumption and deliver such mixed beverages to consumers subject to requirements set forth in the bill. The bill allows the Board to summarily revoke a licensee's privileges to sell and deliver mixed beverages for off-premises consumption for noncompliance with the requirements set forth in the bill or applicable provisions of current law. The bill also allows farm winery licensees to sell pre-mixed wine for off-premises consumption. The bill directs the Authority to convene a work group to study the sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption and report its findings to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2021. The provisions of this bill sunset on July 1, 2022.

Constitutional Amendments

Passed

HJ 555/SJ 272 Constitutional amendment (first reference); qualifications of voters and the right to vote; persons not entitled to vote. Provides that every person who meets the qualifications of voters set forth in the Constitution shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release

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from incarceration for that felony conviction and without further action required of him, he shall be invested with all political rights, including the right to vote. A person who has been adjudicated to lack the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law.

HJ 582/SJ 270 Constitutional amendment (first reference); marriage; repeal of same-sex marriage prohibition; affirmative right to marry. Repeals the constitutional provision defining marriage as only a union between one man and one woman as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). The amendment provides that the right to marry is a fundamental right inherent in the liberty of persons and requires the Commonwealth and its political subdivisions and agents to issue marriage licenses, recognize marriages, and treat all marriages equally under the law, regardless of the sex or gender of the parties to the marriage. Religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage.

Failed

SJ 310 Constitutional amendment; length of regular sessions convened in odd-numbered years. Amends the Constitution of Virginia to provide that a regular session of the General Assembly convened in an odd-numbered year shall continue for no longer than 46 days and may be extended for a period not exceeding 14 days. Under the current constitution, a regular session convened in an odd-numbered year shall continue for no longer than 30 days and may be extended for a period not exceeding 30 days.

Corrections

Passed

HB 2167 Parole; notice and certification; monthly reports; discretionary early consideration. Provides that the Department of Corrections shall set the release date for an inmate granted discretionary parole or conditional release no sooner than 30 business days from the date that the Department of Corrections receives notification from the Chairman of the Parole Board of the Board's decision to grant discretionary parole or conditional release, except that the Department of Corrections may set an earlier release date in the case of a terminally ill inmate granted conditional release. The bill provides that in the case of an inmate granted parole who was convicted of a felony and sentenced to a term of 10 or more years, or an inmate granted conditional release, the Board shall notify the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced (i) by electronic means at least 21 business days prior to such inmate's release that such inmate has been granted discretionary parole or conditional release or (ii) by telephone or other electronic means prior to release that a terminally ill inmate has been granted conditional release where

death is imminent. The bill requires that the monthly reports issued by the Board regarding actions taken on the parole of prisoners (a) be published on the fifteenth day of the month and (b) include the name of each prisoner considered for parole, the offense of which the prisoner was convicted, the jurisdiction in which such offense was committed, the amount of time the prisoner has served, whether the prisoner was granted or denied parole, and the basis for the grant or denial of parole. However, in the case of a prisoner granted parole, the bill provides that such information shall be included in the statement published in the month immediately succeeding the month in which notification of such decision was given to the attorney for the Commonwealth and any victim. The bill also provides that if additional victim research is necessary, electronic notification shall be sent to the attorney for the Commonwealth and the director of the victim/witness program, if one exists, of the jurisdiction in which the offense occurred. The bill provides that the provisions regarding the monthly reports issued by the Board shall become effective on July 1, 2022.

Failed

SB 1301 Correctional facilities; use of isolated confinement. Prohibits the use of isolated confinement in state correctional facilities and juvenile correctional centers, subject to certain exceptions. "Isolated confinement" is defined in the bill as confinement of a prisoner or juvenile to a cell, alone or with another prisoner or juvenile, for 20 hours or more per day for an adult or for 17 hours or more per day for a juvenile, other than for the purpose of providing medical or mental health treatment. The bill has a delayed effective date of July 1, 2022. The provisions of the bill are contingent on funding in a general appropriation act.

Courts/Civil Law

Passed

HB 1911 No-fault divorce; corroboration requirement. Removes the corroborating witness requirement for no-fault divorces.

SB 1108 General district courts; jurisdictional limits. Increases from \$25,000 to \$50,000 the maximum civil jurisdictional limit of general district courts for civil actions for personal injury and wrongful death.

SB 1261 Court of Appeals; jurisdiction; number of judges. Expands the jurisdiction of the Court of Appeals of Virginia by providing for an appeal of right in every civil case and provides that the granting of further appeal to the Supreme Court of Virginia shall be within the discretion of the Supreme Court. The bill provides for an appeal of right in criminal cases by a defendant, but leaves unchanged the current requirement that in criminal cases the Commonwealth must petition the Court of Appeals for granting of an appeal. The bill increases from 11 to 17 the number of judges on

the Court of Appeals. The bill also (i) provides jurisdiction to the Court of Appeals over interlocutory appeals and petitions for review of injunctions; (ii) allows for oral arguments to be dispensed with if the panel of judges makes a unanimous decision that the appeal is wholly without merit or that the dispositive issues on appeal have already been authoritatively decided and the appellant has not argued that the case law should be overturned, extended, or reversed; (iii) provides that the Attorney General shall represent the Commonwealth in criminal appeals unless, and with the consent of the Attorney General, the attorney for the Commonwealth who prosecuted the case files a notice of appearance; (iv) eliminates the requirement for an appeal bond in criminal appeals; (v) requires all criminal cases in a court of record to be recorded and requires the clerk of the circuit court to prepare a transcript of any trial for which an appeal is noticed to him; and (vi) requires an expedited review of appeals of permanent protective orders and of bond validation proceedings. The bill has a delayed effective date of January 1, 2022, which is applicable to all provisions of the bill except for those increasing the number of judges on the Court of Appeals.

Failed

HB 2045 Civil action for deprivation of rights; duties and liabilities of certain employers in employing or contracting for the services of law-enforcement officers. Creates a civil action for the deprivation of a person's rights by a law-enforcement officer and provides that a plaintiff may be awarded compensatory damages, punitive damages, and equitable relief as well as reasonable attorney fees and costs. The bill provides that sovereign immunity and limitations on liability or damages shall not apply to such actions and that qualified immunity is not a defense to liability for such deprivation of rights. Finally, the bill provides that any public or private entity that employs or contracts for the services of a law-enforcement officer owes a duty of reasonable care to third parties in its hiring, supervision, training, retention, and use of such officers under its employment or contract.

SB 1180 Civil actions filed on behalf of multiple persons. Provides that a circuit court may enter an order joining, coordinating, consolidating, or transferring civil actions upon finding that separate civil actions brought by a plaintiff on behalf of multiple similarly situated persons involve common questions of law or fact and arise out of the same transaction, occurrence, or series of transactions or occurrences. The bill requires the Supreme Court to promulgate rules no later than November 1, 2021, governing such actions. The bill has a delayed effective date of July 1, 2022.

Courts/Criminal Justice

Passed

HB 2038 Probation, revocation, and suspension of sentence; limitations. Limits the amount of active incarceration a court can impose as a result of a revocation hearing for a probation violation. The bill provides that if the court finds the basis of a violation of the terms and conditions of a suspended sentence or probation is that the defendant was convicted of a criminal offense or violated another condition other than a technical violation, the court may pronounce whatever sentence might have been originally imposed. The bill defines "technical violation" and provides specific limitations on the sentence a court may impose depending on whether the violation is a first, second, or third or subsequent technical violation. The bill also provides that a court may fix the period of probation for up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned and any period of supervised probation shall not exceed five years from the release of the defendant from any active period of incarceration. The bill also provides that a court must measure any period of suspension of sentence from the date of entry of the original sentencing order.

HB 2047/SB 1315 Criminal proceedings; consideration of mental condition and intellectual and developmental disabilities. Permits the admission of evidence by the defendant concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence is relevant and is not evidence concerning an ultimate issue of fact and (i) tends to show the defendant did or did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. The bill provides that to establish a mental condition for such purposes, the defendant must show that his condition existed at the time of the offense and that such condition satisfies the diagnostic criteria for (a) a mental illness, as defined in the bill, (b) an intellectual or developmental disability, as defined in the bill, or (c) an autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. If a defendant intends to present such evidence, the bill requires him or his counsel to give notice in writing to the attorney for the Commonwealth within specified time periods. The bill also clarifies that a court, in addition to a magistrate, may enter a temporary detention order in such cases if the criteria required under current law for temporary detention orders are met. The bill clarifies that a diagnosis of an intellectual or developmental disability shall be considered by a judicial officer for the purpose of rebuttal of a presumption against bail and that a court may order that a sentencing report prepared by a probation officer contain any diagnosis of an intellectual or developmental disability. The bill also adds to the requirements to be met for qualification as a court-appointed attorney two hours of continuing legal education, which shall cover the representation of individuals with behavioral or

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

HB 2113/SB 1339 Sealing of criminal records; penalties. Establishes a process for the automatic sealing of police and court records, defined in the bill, for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also allows a person to petition for the sealing of police and court records relating to certain convictions. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill.

HB 2263/SB 1165 Abolition of the death penalty. Abolishes the death penalty, including for those persons currently under a death sentence. The bill provides that no person may be sentenced to death or put to death on or after its effective date for any violation of law.

SB 1266 Admission to bail; rebuttable presumptions against bail. Eliminates provisions regarding the rebuttable presumptions against being admitted to bail. The bill also provides that in making a bail determination, a judicial officer shall consider all relevant information including a number of factors specified in the bill.

Failed

HB 2331 Elimination of mandatory minimum sentences; modification of sentence to mandatory minimum term of confinement for felony offenses. Eliminates mandatory minimum sentences of confinement for certain crimes. The bill also provides a petition process for a person who was convicted or adjudicated delinquent of certain felony offenses committed prior to July 1, 2021, sentenced to a mandatory minimum term of confinement for any such felony offense, and remains incarcerated in a state or local correctional facility serving the mandatory minimum term of confinement for any such felony offense to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such mandatory minimum sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. The bill provides that such petition shall be filed by July 1, 2024.

Education

Passed

HB 1930 Public institutions of higher education; admissions applications; criminal history. Prohibits each public institution of higher education, with the exception of the Virginia Military Institute and a law school of a public institution of higher education that is accredited by the American Bar Association, from (i) utilizing an institution-specific admissions application that contains questions about the criminal history of the applicant or (ii) denying admission to any applicant on the basis of any criminal history information provided by the applicant on any third-party admissions application accepted by the institution. The bill permits each public institution of higher education to inquire into the criminal history of any individual who has been admitted to but has yet to enroll at the institution and withdraw an offer of admission to any individual whom the institution subsequently determines to have a criminal history that poses a threat to the institution's community. The bill has a delayed effective date of January 1, 2022.

HB 2027/SB 1357 Standards of Learning assessments; reading and mathematics; grades three through eight; individual student growth. Requires the Board of Education to establish, in lieu of a one-time end-of-year assessment and for the purpose of providing measures of individual student growth over the course of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the administration of reading and mathematics assessments in grades three through eight. The bill requires such through-year growth assessment system to include at least one beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student growth scores over the course of the school year, provided that the total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year proficiency assessment. The bill requires the Department of Education to ensure adequate training for teachers and principals on how to interpret and use student growth data from such assessments to improve reading and mathematics instruction in grades three through eight throughout the school year. The bill provides that with such funds and content as are available for such purpose, such through-year growth assessment system shall provide accurate measurement of a student's performance, through computer adaptive technology, using test items at, below, and above the student's grade level as necessary. The bill requires full implementation of such system no later than the 2022–2023 school year and partial implementation during the 2021–2022 school year consisting of one beginning-of-year assessment and one end-of-year assessment.

HB 2123/SB 1387 Public institutions of higher education; certain students; financial assistance programs. Provides that students who meet the criteria to be deemed eligible for in-state tuition regardless of their citizenship or immigration status shall be

afforded the same educational benefits, including financial assistance programs administered by the State Council of Higher Education for Virginia, the State Board for Community Colleges, or a public institution of higher education, as any other individual who is eligible for in-state tuition. The bill directs the State Council of Higher Education for Virginia, in coordination with institutions of higher education in the Commonwealth, to promulgate regulations to implement the provisions of the bill. The bill has a delayed effective date of August 1, 2022.

HB 2204/SB 1405 Get Skilled, Get a Job, Give Back (G3) Fund and Program established. Establishes the Get Skilled, Get a Job, Give Back (G3) Fund and requires the Virginia Community College System to establish the G3 Program for the purpose of providing financial assistance from the Fund to certain low-income and middle-income Virginia students who are enrolled in an educational program at an associate-degree-granting public institution of higher education that leads to an occupation in a certain high-demand field. The bill contains provisions for student eligibility, financial assistance award amounts, and data reporting.

HB 2299/SB 1288 Department of Education and Board of Education; special education. Requires the Department of Education and the Board of Education to develop new policies and procedures and effect numerous modifications to existing policies and procedures to improve the administration and oversight of special education in the Commonwealth.

SB 1303 School boards; in-person instruction. Requires each school board to offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill contains certain exceptions to such requirement. The bill requires each school board to provide such in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any currently applicable mitigation strategies for early childhood care and education programs and elementary and secondary schools to reduce the transmission of COVID-19 that have been provided by the federal Centers for Disease Control and Prevention. The bill requires the Department of Education to establish benchmarks for successful virtual learning and guidelines for providing interventions to students who fail to meet such benchmarks and for transitioning such students back to in-person instruction. The bill also requires all teachers and school staff to be offered access to receive an approved COVID-19 vaccination through their relevant local health district. The bill has an expiration date of August 1, 2022.

Failed

HB 2305 Board of Education; guidance on the governance of academic year Governor's Schools. Requires the Board of Education to issue guidance on the governance of academic year Governor's Schools, including communication and outreach practices, admissions policies, and guidelines on diversity, equity, and inclusion training. The bill requires such guidance to focus on the importance of increasing access to Governor's Schools for historically underserved students and to include best practices on (i) conducting information sessions about the school and the availability of gifted, advanced, and specialty education program opportunities for feeder public middle schools; (ii) strengthening the student pipeline in feeder public middle schools, prioritizing the most underserved and underrepresented students and public middle schools; and (iii) conducting programs related to and evaluations of diversity, equity, and inclusion. The bill requires the Board of Education, in developing such guidance, to collaborate with relevant stakeholders representing the geographical areas served by the Regional Governor's Schools, including local school boards representing the geographical areas served by the Regional Governor's Schools, Regional Governor's School boards, and Governor's School directors.

SB 1401 Standards of Learning assessments; reduction; report. Reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, as amended. The bill requires the Department of Education to annually report on the estimated projected and actual savings from the implementation of the bill and report the amount of such savings to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations no later than the first day of each Regular Session of the General Assembly. The bill also requires that such amount be included in the total for Direct Aid to Public Education in any general appropriation act.

Elections

Passed

HB 1888 Absentee voting; procedural and process reforms; availability and accessibility reforms; penalty. Makes various reforms to absentee voting processes and procedures, including those related to availability and accessibility. The bill requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations for the return of voted absentee ballots. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional.

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On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. Additionally, a voter who has applied for and received an absentee ballot may choose to instead vote at his polling place on election day, and such voter shall be entitled to cast a provisional ballot. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. Restrictions on the availability of absentee voting for first-time voters who registered by mail are repealed. The bill contains technical amendments for organizational and readability purposes.

HB 1890/SB 1395 Elections; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action. Prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. The bill authorizes the Attorney General to commence civil actions when there is reasonable cause to believe that a violation of an election law has occurred and the rights of any voter or group of voters have been affected by the violation. Civil penalties assessed as a result of such action are payable to the Voter Education and Outreach Fund, established by the bill. Current

provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters.

SB 1157 Shifting municipal elections to November. Shifts all municipal elections for city and town council and school board from May to November, beginning with elections held after January 1, 2022.

Failed

SB 1153 Elections; absentee voting; ballots to be sorted and results to be reported by precinct. Provides that absentee ballots processed at a central absentee precinct must be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots must be reported separately for each voter precinct.

Firearms

Passed

HB 1992 Purchase, possession, or transportation of firearms following conviction for assault and battery of a family or household member; penalties. Prohibits a person who has been convicted of assault and battery of a family or household member, as defined in the bill, from purchasing, possessing, or transporting a firearm. The prohibition expires three years after the date of conviction, at which point the person's firearms rights are restored, unless he receives another disqualifying conviction. A person who violates the provisions of the bill is guilty of a Class 1 misdemeanor.

HB 2295/SB 1381 Carrying a firearm or explosive material within Capitol Square and the surrounding area, into a building owned or leased by the Commonwealth, etc.; penalty. Makes it a Class 1 misdemeanor for a person to carry any firearm or explosive material within (i) the Capitol of Virginia, (ii) Capitol Square and the surrounding area, (iii) any building owned or leased by the Commonwealth or any agency thereof, or (iv) any office where employees of the Commonwealth or agency thereof are regularly present for the purpose of performing their official duties. The bill provides exceptions for the following individuals while acting in the conduct of such person's official duties: any law-enforcement officer, any authorized security personnel, any active military personnel, any fire marshal when such fire marshal has been granted police powers, or any member of a cadet corps while such member is participating in an official ceremonial event for the Commonwealth. The prohibitions of the bill that apply to any building owned or leased by the Commonwealth or any office where state employees are performing official duties do not apply to retired law-enforcement officials visiting a gun range owned or leased by the Commonwealth or any of the following while acting in the conduct of official duties: a bail bondsman, an employee of the Department of Corrections or a state juvenile correctional

facility, an employee of the Department of Conservation and Recreation, or an employee of the Department of Wildlife Resources. Such prohibitions also do not apply to an individual carrying a weapon into a courthouse who is statutorily exempt, any property owned or operated by a public institution of higher education, or any state park. The bill requires that notice of the provisions prohibiting the carrying of such firearms or explosive material be posted at each of the public entrances to Capitol Square and the other locations where such firearms and explosive material are prohibited in the bill. The bill provides that any firearm or explosive material carried in violation of these provisions is subject to seizure by a law-enforcement officer and forfeiture to the Commonwealth.

Failed

HB 2276 Manufacture, import, sale, transfer, or possession of plastic firearms and unfinished frames or receivers and unserialized firearms; penalties. Creates a Class 5 felony for any person who manufactures, imports, sells, transfers, or possesses any firearm that, after removal of all parts other than a major component, as defined in the bill, is not detectable as a firearm by the types of detection devices, including X-ray machines, commonly used at airports for security screening. The bill updates language regarding the types of detection devices that are used at airports for detecting plastic firearms. The bill also creates several Class 1 misdemeanors, which are punishable as a Class 4 felony for a second or subsequent offense, making it unlawful (i) for any person to possess, sell, offer to sell, transfer, purchase, transport, or receive an unfinished frame or receiver or firearm, unless the party possessing or receiving the unfinished frame or receiver or firearm is a federal firearms importer or manufacturer or the unfinished frame or receiver or firearm is imprinted with a serial number issued by a federal firearms importer or manufacturer and (ii) for any person to manufacture, cause to be manufactured, assemble, or cause to be assembled a firearm that is not imprinted with a serial number issued by a federal firearms importer or manufacturer in compliance with all federal laws and regulations regulating the manufacture and import of firearms. The bill creates exceptions for (a) any firearm that has been rendered permanently inoperable, (b) an antique firearm, or (c) any firearm or unfinished frame or receiver manufactured before October 22, 1968.

General Laws

Passed

HB 1889 Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement; payment plan; extend sunset. Extends the sunset date from July 1, 2021, to July 1, 2022, of certain provisions enacted during the 2020 Special Session related to the Virginia Residential Landlord and Tenant Act. Such provisions (i) changed from five to 14 days the amount of time that a landlord who owns four or fewer rental

dwelling units must wait after serving written notice on a tenant notifying the tenant of his nonpayment of rent and of the landlord's intention to terminate the rental agreement if rent is not paid before the landlord may pursue remedies for termination of the rental agreement; (ii) required a landlord who owns more than four rental dwelling units, or more than a 10 percent interest in more than four rental dwelling units, before terminating a rental agreement due to nonpayment of rent, to serve upon such tenant a written notice informing the tenant of the total amount due and owed and offer the tenant a payment plan under which the tenant must pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement; (iii) outlined the remedies a landlord has if a tenant fails to pay the total amount due and owed or enter into a payment arrangement within 14 days of receiving notice or if the tenant enters into a payment arrangement but fails to pay within 14 days of the due date any rent that becomes due under the payment plan or arrangement after such plan or arrangement becomes effective; and (iv) clarified that a tenant is not precluded from participating in any other rent relief programs available to the tenant through a nonprofit organization or under the provisions of a federal, state, or local law, regulation, or action.

HB 1931 Virginia Freedom of Information Act; electronic meetings. Authorizes a public body to conduct through electronic communication means a meeting for which, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that such member is unable to attend the meeting due to a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance. The bill also clarifies that participation in an electronic meeting by a member of a public body due to the inability to attend because of a personal matter is limited each calendar year to two such meetings, which is current law, or 25 percent of the meetings held that calendar year rounded up to the next whole number, whichever is greater. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

HB 2004 Virginia Freedom of Information Act; law-enforcement criminal incident information; criminal investigative files. Adds criminal investigative files, defined in the bill, relating to a criminal investigation or proceeding that is not ongoing, also defined in the bill, to the types of law-enforcement and criminal records required to be released in accordance with the provisions of the Virginia Freedom of Information Act. Under current law, the release of criminal investigative files is discretionary. The bill provides that the mandatory release of criminal incident information relating to felony offenses and criminal investigative files shall not be required if the release of such information would likely effect certain results, outlined in the bill. The bill also extends the amount of additional time a public body has to respond, in the case of a request for certain criminal investigative files, from an additional seven work days to an

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additional 60 work days as long as the public body has communicated to the requester within the initial allowable five-work-day response period that it is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. The bill contains technical amendments. As introduced, this bill was a recommendation of the Virginia Freedom of Information Advisory Council.

HB 2312/SB 1406 Marijuana; legalization; retail sales; penalties. Eliminates criminal penalties for simple possession of up to one ounce of marijuana by persons 21 years of age or older, modifies several other criminal penalties related to marijuana, and imposes limits on dissemination of criminal history record information related to certain marijuana offenses. The bill creates the Virginia Cannabis Control Authority (the Authority) and establishes a regulatory and licensing structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates, and numerous provisions of the bill are subject to reenactment by the 2022 Session of the General Assembly.

SB 1127 Charitable gaming; permit requirement; permissible locations; suspensions and revocations. Modifies the list of organizations that may conduct charitable gaming and requires such organizations, other than organizations conducting raffles that reasonably expect to realize gross receipts from such raffles of \$40,000 or less in any 12-month period, to obtain a permit from the Department of Agriculture and Consumer Services; however, the bill exempts certain organizations from the permit application and audit fees. The bill specifies the locations at which an organization may conduct bingo, network bingo, instant bingo, pull tabs, or seal cards. The bill prohibits the holding of a permit by a supplier or manufacturer that commits certain violations or offenses after July 1, 2021. The bill prohibits the Charitable Gaming Board from adjusting the percentage of gross receipts that an organization must use for religious, charitable, community, or educational purposes or for certain real property expenses until a study is completed by a joint subcommittee created in the bill. The bill provides that, notwithstanding the provisions of the bill, any organization that conducted bingo, network bingo, instant bingo, pull tabs, or seal cards at a location outside of the county, city, or town in which its principal office, as registered with the State Corporation Commission, is located or an adjoining county, city, or town on or before February 1, 2021, may continue to conduct bingo, network bingo, instant bingo, pull tabs, or seal cards at such locations until June 30, 2022.

Failed

HB 5002 Department of Small Business and Supplier Diversity; Small Business Procurement Enhancement Program, and Women-owned and Minority-owned Business Procurement Enhancement Program established; report. Establishes the Small Business Procurement Enhancement Program with a statewide goal of 42 percent of certified small business utilization in all discretionary spending by state agencies and covered institutions in procurement orders, prime contracts, and subcontracts, as well as a target goal of 50 percent subcontracting to certified small businesses in instances where the prime contractor is not a small business for all new capital outlay construction solicitations that are issued. In addition, the bill provides for a small business set-aside for state agency and covered institution purchases of goods, services, and construction, requiring that purchases up to \$100,000 be set aside for award to certified small businesses and that purchases up to \$10,000 be set aside for award to microbusinesses. The bill also establishes the Women-owned and Minority-owned Business Procurement Enhancement Program with a statewide goal of 23.1 percent of certified women-owned and minority-owned business utilization in all discretionary spending by state agencies and covered institutions in procurement orders, prime contracts, and subcontracts. The bill creates the Division of Procurement Enhancement within the Department of Small Business and Supplier Diversity for purposes of collaborating with the Department of General Services, the Virginia Information Technologies Agency, the Department of Transportation, and covered institutions to further the Commonwealth's efforts to meet the goals established under the Small Business Procurement Enhancement Program and the Women-owned and Minority-owned Business Procurement Enhancement Program, as well as implementing initiatives to enhance the development of small businesses, microbusinesses, women-owned businesses, and minority-owned businesses in the Commonwealth. Finally, the bill amends the Virginia Public Procurement Act to permit public bodies to establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for the purchase or lease of goods, or for the purchase of services, insurance, or construction, if the aggregate or the sum of all phases is not expected to exceed \$200,000. Under current law, such purchase procedures may only be established for (i) goods and services other than professional services and non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed \$200,000; (ii) transportation-related construction, if the aggregate or sum of all phases is not expected to exceed \$25,000; and (iii) professional services, provided that the aggregate or the sum of all phases is not expected to exceed \$80,000. The bill has a delayed effective date of July 1, 2023, for certain university hospitals and medical centers. The provision of the bill creating the Women-owned and Minority-owned Business Procurement Enhancement Program sunsets on July 1, 2028.

Health**Passed**

HB 1737 Nurse practitioners; practice without a practice agreement. Reduces from five to two the number of years of full-time clinical experience a nurse practitioner must have to be eligible to practice without a written or electronic practice agreement. The bill has an expiration date of July 1, 2022.

HB 1817 Practice of certified nurse midwives. Expands the categories of practitioners with whom a certified nurse midwife may enter into a practice agreement to include other certified nurse midwives who have practiced for at least two years, and allows a certified nurse midwife who has practiced at least 1,000 hours to practice without a practice agreement. The bill also provides that certified nurse midwives shall practice in accordance with regulations of the Boards of Medicine and Nursing and consistent with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives and shall consult and collaborate with and refer patients to such other health care providers as may be appropriate for the care of the patient.

HB 1953/SB 1320 Licensed certified midwives; licensure; practice. Defines "practice of licensed certified midwifery," directs the Boards of Medicine and Nursing to establish criteria for the licensure and renewal of a license as a certified midwife, and requires licensed certified midwives to practice in consultation with a licensed physician in accordance with a practice agreement. The bill also directs the Department of Health Professions to convene a work group to study the licensure and regulation of certified nurse midwives, certified midwives, and certified professional midwives to determine the appropriate licensing entity for such professionals. The bill requires the Department to report its findings and conclusions to the Governor and the General Assembly by November 1, 2021.

HB 2007 Prescription drug price transparency. Directs the Department of Health to enter into a contract or an agreement with a nonprofit data services organization to collect, compile, and make available on its website information about prescription drug pricing and requires every health carrier, pharmacy benefits manager, and drug manufacturer to report information about prescription drug prices to the nonprofit data services organization with which the Department of Health has entered into a contract for such purpose. The bill provides that in any case in which the Department determines that the data reported by health carriers, pharmacy benefit managers, and drug manufacturers is insufficient, the Department may require wholesale distributors to report certain data about prescription drug costs. The bill has a delayed effective date of January 1, 2022, and directs the Department of Health to adopt emergency regulations to implement the provisions of the bill.

HB 2162 Medical care facilities; persons with disabilities; designated support persons. Requires every medical care facility, as defined in the bill, to allow a person with a disability who requires assistance as a result of such disability to be accompanied by a designated support person who will provide support and assistance necessary due to the specifics of the person's disability to the person with a disability during an admission to such medical care facility. The bill (i) defines "person with a disability" and "designated support person"; (ii) provides that a designated support person shall not be subject to restrictions on visitation adopted by the medical care facility but may be required to comply with reasonable requirements of the medical care facility adopted to protect the health and safety of the person with a disability, the designated support person, and staff and other patients of and visitors to the medical care facility; and (iii) authorizes a medical care facility to restrict a designated support person's access to specified areas and movement on the premises of the medical care facility when such restrictions are determined by the medical care facility to be reasonably necessary to protect the health and safety of the person with a disability, the designated support person, and staff and other patients of and visitors to the medical care facility. The bill requires every medical care facility to adopt protocols to inform patients of their right to be accompanied by a designated support person, and to develop and make available to persons with disabilities written information regarding the right of a person with a disability to be accompanied by a designated support person and policies related thereto. The bill contains an emergency clause and directs the Board of Health to adopt emergency regulations to implement the provisions of the bill.

HB 2218/SB 1333 Pharmaceutical processors; cannabis products. Permits pharmaceutical processors to produce and distribute cannabis products other than cannabis oil and for that purpose defines the terms "botanical cannabis," "cannabis product," and "usable cannabis." The bill requires the Board of Pharmacy to establish testing standards for botanical cannabis and botanical cannabis products, establish a registration process for botanical cannabis products, and promulgate emergency regulations to implement the provisions of the bill. The bill provides that if a practitioner determines it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such dispensing. The bill allows the Board of Pharmacy to assess and collect botanical cannabis regulatory fees to cover costs associated with the implementation of the provisions of the bill, including costs for new personnel, training, promulgation of regulations and guidance documents, and information technology. The bill exempts the Board of Pharmacy's acquisition of a commercially available cannabis-specific software product to implement the provisions of the bill from the Virginia Public Procurement Act.

HB 2230 Supported decision-making agreements; report. Directs the Department of Behavioral Health and Developmental Services (the Department) to develop and implement a program to

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educate individuals with intellectual and developmental disabilities, their families, and others regarding the availability of supported decision-making agreements, the process by which an individual with an intellectual or developmental disability may enter into a supported decision-making agreement with a supporter, and the rights and responsibilities of principals and supporters who are parties to a supported decision-making agreement, which shall include specific training opportunities, development of model supported decision-making agreements, and development of information about and protocols for preventing, identifying, and addressing abuse and exploitation of individuals with intellectual and developmental disabilities who enter into supported decision-making agreements. The bill directs the Department to collect data regarding the utilization of supported decision-making agreements in the Commonwealth and report such information, together with recommendations to enhance the utilization of supported decision-making agreements, annually to the Governor and the General Assembly by November 1.

HB 2333/SB 1445 Facilitate the administration of the COVID-19 vaccine; emergency. Facilitates the administration of the COVID-19 vaccine. The bill requires the Department of Health (the Department) to establish a program to enable eligible health care providers to volunteer to administer the COVID-19 vaccine to residents of the Commonwealth during a state of emergency related to the COVID-19 pandemic declared by the Governor. The bill defines "eligible health care provider" and provides that the program shall include (i) a process by which an eligible health care provider may register to participate in the program and (ii) the training requirements for participating eligible health care providers related to the administration of the COVID-19 vaccine, including training on the intramuscular injection of the COVID-19 vaccine and contraindications and side effects of the COVID-19 vaccine. The bill specifies requirements that the Department shall ensure that each site at which COVID-19 vaccinations are administered by eligible health care providers satisfies. The bill also requires the Department to establish a process by which entities, including medical care facilities, hospitals, hospital systems, corporations, businesses, pharmacies, public and private institutions of higher education, localities, and any other professional or community entity operating in the Commonwealth, may volunteer their facilities as sites at which the COVID-19 vaccine may be administered to residents of the Commonwealth. The bill permits a public institution of higher education or a private institution of higher education in the Commonwealth to volunteer to provide assistance to the Department and local health departments for data processing, analytics, and program development related to the COVID-19 vaccine through the use of its employees, students, technology, and facilities. The bill also permits localities with fire departments, emergency medical services departments, and volunteer rescue squads to establish and staff vaccine administration clinics. The bill provides civil and criminal immunity to individuals and professional entities acting pursuant to the bill and contains an emergency clause.

SB 1220 State facilities; admission of certain aliens. Repeals the requirements that (i) the Commissioner of Behavioral Health and Developmental Services determine the nationality of each person admitted to a state facility and, if the person is an alien, notify the United States immigration officer in charge of the district in which the state facility is located and (ii) upon request of the United States immigration officer in charge of the district in which a state facility to which a person who is an alien is admitted is located or the judge or special justice who certified or ordered the admission of such alien, the clerk of the court furnish a certified copy of records pertaining to the case of the admitted alien.

SB 1227 State plan for medical assistance; payment of medical assistance; 12-month supply of hormonal contraceptives. Directs the Board of Medical Assistance Services to include in the state plan for medical assistance a provision for the payment of medical assistance for the dispensing or furnishing of up to a 12-month supply of hormonal contraceptives at one time for Medicaid and Family Access to Medical Insurance Security (FAMIS) enrollees. The bill prohibits the Department of Medical Assistance Services from imposing any utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or furnished to an amount less than a 12-month supply. The bill provides that the bill shall not be construed to (i) require a provider to prescribe, dispense, or furnish a 12-month supply of self-administered hormonal contraceptives at one time or (ii) exclude coverage for hormonal contraceptives as prescribed by a prescriber, acting within his scope of practice, for reasons other than contraceptive purposes.

HJ 537 Racism; public health crisis. Recognizes that racism is a public health crisis in Virginia.

Failed

HB 2044 Naturopathic doctors; license required. Requires the Board of Medicine to license and regulate naturopathic doctors. The practice of naturopathic medicine is defined in the bill as (i) a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injury, and disease and (ii) the use of both naturopathic and traditional medical therapies to promote or restore whole patient health. The bill also establishes the Advisory Board on Naturopathic Medicine to assist the Board of Medicine in formulating regulations related to the practice of naturopathic medicine.

HB 2242 COVID-19 immunization; prohibition on requirement; discrimination prohibited. Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person to undergo vaccination for COVID-19 and prohibits discrimination based on a person's vaccination status with respect to any COVID-

19 vaccine (i) with regard to education, employment, insurance, or issuance of a driver's license or other state identification or (ii) in numerous other contexts. The bill also prohibits the inclusion of any patient immunization information in the Virginia Immunization Information System (VIIS) unless the patient has consented, in writing, to inclusion of his information in the VIIS.

Historical Monuments

Passed

HB 2208 Department of General Services; removal of Harry F. Byrd, Sr., statue. Directs the Department of General Services to remove the statue of former Virginia Governor and U.S. Senator Harry F. Byrd, Sr., from Capitol Square. The bill directs the Department to store the statue until such time as the General Assembly determines its final disposition.

HJ 525/SJ 288 National Statuary Hall Collection at the United States Capitol; Barbara Rose Johns. Authorizes, and directs the submission to the Joint Committee of Congress on the Library, that the vacant spot of the Commonwealth in the National Statuary Hall Collection at the United States Capitol be filled with a statue to commemorate Barbara Rose Johns. The request is subject to written approval by the Governor and is made in accordance with the recommendation by the Commission for Historical Statues in the United States Capitol.

Failed

SB 1172 Capitol Square Preservation Council; powers and duties; review and approval of plans for changes to artifacts contained within the Capitol Building. Grants the Capitol Square Preservation Council the authority to review and approve all plans or proposals for alterations, improvements, additions, or renovations to, or other disposition of, any monuments, statuary, artwork, or other historical artifacts contained within the Capitol Building, including within the old and new Senate chambers, the old and new halls of the House of Delegates, and the Rotunda.

Labor and Commerce

Passed

HB 1965 State Air Pollution Control Board; low-emissions and zero-emissions vehicle program. Directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024. The bill requires that the regulations adopted by the Board will allow any motor vehicle manufacturer to establish a Virginia-specific zero-emission vehicle credit account and to make an initial deposit into its account. Such

credits may be traded or sold or used to meet up to 18 percent of the manufacturer's zero-emissions vehicle program credit requirements in any model year. The bill also authorizes the State Corporation Commission to exclude sales related to such vehicles from certain energy efficiency calculations.

HB 1985 Workers' compensation; presumption of compensability for COVID-19. Establishes a presumption that COVID-19 causing the death or disability of health care providers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that the COVID-19 virus is established by a positive diagnostic test for COVID-19 and signs and symptoms of COVID-19 that require medical treatment. The bill provides that such presumption applies to any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to July 1, 2020, either of the following criteria must be met, and on or after July 1, 2020, and prior to December 31, 2021, both of the following criteria must be met: (i) the claimant received a positive diagnosis of COVID-19 from a licensed physician, nurse practitioner, or physician assistant after either a presumptive positive test or a laboratory-confirmed test for COVID-19 and (ii) presented with signs and symptoms of COVID-19 that required medical treatment. The bill provides that such presumptions do not apply to any person offered by his employer a vaccine for the prevention of COVID-19 unless the person is immunized or the person's physician determines in writing that immunization would pose a significant risk to the person's health.

HB 2250/SB 1379 Humane Cosmetics Act; civil penalties. Prohibits a cosmetics manufacturer from (i) conducting or contracting for cosmetic animal testing that occurs in the Commonwealth on or after January 1, 2022; (ii) manufacturing or importing for profit into the Commonwealth any cosmetic or ingredient thereof, if the cosmetics manufacturer knew or reasonably should have known that the cosmetic or any component thereof was developed or manufactured using cosmetic animal testing that was conducted on or after January 1, 2022; or (iii) beginning July 1, 2022, selling or offering for sale within the Commonwealth any cosmetic, if the cosmetics manufacturer knows or reasonably should know that the cosmetic or any component thereof was developed or manufactured using cosmetic animal testing that was conducted on or after January 1, 2022. Violations are subject to a civil penalty of \$5,000 and an additional \$1,000 for each day the violation continues. The bill preempts any local regulation on cosmetic animal testing.

SB 1182 Motor vehicle liability insurance coverage limits. Increases the motor vehicle liability insurance coverage amounts from \$25,000 to \$30,000 in cases of bodily injury to or death of one person and from \$50,000 to \$60,000 in cases of bodily injury to or death of two or more persons from any one accident, for policies effective between January 1, 2022, and January 1, 2025. For

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

SB 1284 Commonwealth Clean Energy Policy. Establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. The bill sets out the energy policy and objectives of the Commonwealth Clean Energy Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner.

Failed

SB 1380 Electric utilities; electric school bus projects; report. Authorizes electric utilities to partner with school divisions to implement projects designed to encourage the proliferation of school buses that are fueled in whole or in part by electricity, along with associated charging and other infrastructure, for the purpose of transporting students and that may also serve as electric grid stabilization or peak-shaving resources. The bill provides that if an electric school bus project meets the requirements in the bill, then it is in the public interest and may constitute an energy storage resource. The bill requires an electric school bus project and its corresponding agreement to include a provision to compensate a participating school division for the use of the school bus battery by the electric utility as a grid stabilizing or peak-shaving resource and a provision that the electric school buses shall be titled under the participating school division, but the utility shall own the associated batteries and charging stations. The bill also provides a tax exemption for electric school buses and associated charging and other infrastructure that is related or incidental to an authorized electric school bus project.

Local Government

Passed

HB 2201/SB 1207 Solar and energy storage projects; siting agreements and special exceptions throughout the Commonwealth. Expands existing provisions related to siting agreements and zoning special exceptions for solar projects located in an opportunity zone to include energy storage projects and makes the provisions statewide. The bill provides that its provisions shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021. The bill also provides that its provisions shall not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share.

SB 1208 Continuity of government. Extends from six to 12 months the period of time after an enemy attack or other disaster that a locality may, by ordinance, provide for a method to assure continuity in its government and requires the ordinance to provide a method for the locality to resume normal governmental authority by the end of that 12-month period.

Social Services

Passed

SB 1321 Confirmatory adoption. Expands the stepparent adoption provisions to allow a person who is not the child's stepparent but has a legitimate interest in the child to file a joint petition for adoption with the child's birth parent or parent by adoption.

SB 1328 State-Funded Kinship Guardianship Assistance program. Creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and ensure permanency for children. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements.

Failed

HB 1932 Child-placing agencies; conscience clause; repeal. Repeals provisions that allow child-placing agencies to refuse to perform, assist with, counsel, recommend, consent to, refer, or participate in any child placements when the proposed placement violates the agency's written religious or moral convictions or policies.

Taxation

Passed

HB 1935/SB 1146 Conformity of the Commonwealth's taxation system with the Internal Revenue Code; emergency. Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2019, to December 31, 2020. The bill deconforms from the suspension of the overall limitation on itemized deductions and the reduction in the medical expense deduction floor for taxable year 2017 and taxable years on and after January 1, 2019, and from the provisions of the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a loss limitation applicable to taxpayers other than corporations, the limitation on business interest, and certain loan forgiveness and other business financial assistance. The bill provides an individual and corporate income tax deduction or subtraction, as applicable, of up to \$100,000 for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans. The bill contains an emergency clause.

HB 2185/SB 1403 Sales tax; exemption for personal protective equipment; emergency. Establishes a retail sales and use tax exemption for personal protective equipment, defined in the bill. The exemption is available to any business that has in place a COVID-19 safety protocol that complies with the Emergency Temporary Standard promulgated by the Virginia Department of Labor and Industry and that meets other criteria. The exemption sunsets on the first day following the expiration of the last executive order issued by the Governor related to the COVID-19 pandemic and the termination of the COVID-19 Emergency Temporary Standard and any permanent COVID-19 regulations adopted by the Virginia Safety and Health Codes Board. The bill contains an emergency clause.

Failed

SB 1170 Additional local sales and use tax to support schools. Adds Isle of Wight County to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.

Technology

Passed

HB 2031 Facial recognition technology; authorization of use by local law-enforcement agencies and campus police departments at public institutions of higher education. Provides that no local law-enforcement agency or campus police department shall purchase or deploy facial recognition technology, defined in the bill, unless such purchase or deployment is expressly authorized by statute. The bill prohibits a local law-enforcement agency or campus

police department at a public institution of higher education currently using facial recognition technology from continuing to use such technology without such authorization after July 1, 2021.

HB 2307/SB 1392 Consumer Data Protection Act. Establishes a framework for controlling and processing personal data in the Commonwealth. The bill applies to all persons that conduct business in the Commonwealth and either (i) control or process personal data of at least 100,000 consumers or (ii) derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers. The bill outlines responsibilities and privacy protection standards for data controllers and processors. The bill does not apply to state or local governmental entities and contains exceptions for certain types of data and information governed by federal law. The bill grants consumer rights to access, correct, delete, and obtain a copy of personal data and to opt out of the processing of personal data for purposes of targeted advertising, the sale of personal data, or profiling of the consumer. The bill provides that the Attorney General has exclusive authority to enforce violations of the law, and the Consumer Privacy Fund is created to support this effort. The bill directs the Joint Commission on Technology and Science to establish a work group to review the provisions of this act and issues related to its implementation, and to report on its findings by November 1, 2021. The bill has a delayed effective date of January 1, 2023.

Failed

HB 2224 Broadband service providers; fiber optic broadband lines; railroad crossings. Establishes a procedure by which a broadband service provider may obtain approval to place its fiber optic broadband lines across a railroad right-of-way. The measure provides that a broadband service provider may submit to the railroad company a notice of intent to construct, accompanied by a specification exhibit and a standard crossing fee of \$750; if the railroad does not claim within 35 days that special circumstances exist or that the required specification exhibit is inadequate or incomplete, the broadband service provider is deemed to have authorization to commence placing the fiber optic broadband line across the railroad's right-of-way. The measure provides that a railroad company that believes that special circumstances exist may file a petition for relief with the State Corporation Commission. The bill requires the Commission to adopt regulations prescribing the terms and conditions for a crossing.

Transportation/Motor Vehicles

Passed

HB 1832/SB 1259 Virginia Highway Corporation Act; alteration of certificate of authority; powers and duties of the State Corporation Commission. Requires any application for a transfer, extension, or amendment of a certificate of authority issued

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under the Virginia Highway Corporation Act to include information demonstrating the financial fitness of the entity applying to operate the roadway. The bill requires an applicant for a toll increase to provide a forward-looking analysis return that will be reviewed by the Department of Transportation that demonstrates that the proposed rates will be reasonable to the user in relation to the benefit obtained, not likely to materially discourage use of the roadway, and provide the operator no more than a reasonable return. The bill also prohibits the State Corporation Commission from authorizing a toll increase if these criteria are not met or if the proposed increase is for more than one year. The bill requires an operator to receive approval from the Commission prior to refinancing any existing debt.

HB 2075 U.S. Route 1; "Emancipation Highway." Renames any section of U.S. Route 1 in Virginia that is designated as "Jefferson Davis Highway" as "Emancipation Highway." The bill has a delayed effective date of January 1, 2022.

HB 2138 Identification privilege cards; fee; confidentiality; penalties. Authorizes the Department of Motor Vehicles to issue identification privilege cards to applicants who hold a citizenship or legal presence status that is eligible for a special identification card or a limited-duration special identification card and have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill provides that identification privilege cards shall be treated as special identification cards unless otherwise provided in the Code of Virginia. The bill limits the release of certain information stored by the Department. The bill has a delayed effective date of January 1, 2022.

HB 2163 Department of Motor Vehicles; privileged information. Limits the release of Department of Motor Vehicles (DMV) privileged information to government entities and law-enforcement agencies for the purpose of civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. The bill requires the DMV to notify the subject of the request that such a request was made and the identity of the entity that made the request. The bill requires any entity receiving privileged information from the DMV to enter into a written agreement with the DMV prior to such release of such information and prohibits any entity from rereleasing any such DMV information to any third party unless explicitly permitted to do so in the entity's agreement with the DMV. The bill contains requirements for any such written agreement between the DMV and the Department of State Police.

HB 2262 Traffic regulation; bicycles; report. Requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast. The Department of

State Police is directed to convene a work group to review issues related to allowing bicyclists to treat stop signs as yield signs and to report any recommendations to the Chairmen of the House and Senate Committees on Transportation by December 1, 2021.

Failed

HB 2104 Repeal of the Virginia Highway Corporation Act of 1988; roadways operating under the Highway Corporation Act of 1988 to operate under the Public-Private Transportation Act of 1995. Directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by the Public-Private Transportation Act of 1995 (PPTA). The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and the Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of such roadway to operate under the authority and requirements provided by the PPTA and to cease to operate pursuant to the HCA. The bill provides for the repeal of the HCA upon the execution of a comprehensive agreement between the Department of Transportation and the operator of the Dulles Greenway for the Dulles Greenway to operate pursuant to the PPTA.

HB 2248 Department of Motor Vehicles; personal information requests; fees. Prohibits the Department of Motor Vehicles from charging fees in excess of administrative charges to any entity submitting a request for personal information. The bill limits requesters from repackaging or reselling data to third parties without prior authorization.

HB 2260/SB 1211 Vehicle registration fees; Public Safety Trust Fund. Imposes an additional \$4 vehicle registration fee to be deposited into the Public Safety Trust Fund, established by the bill. The moneys in the Public Safety Trust Fund are to be used to eliminate barriers to an inclusive, diverse, and well-qualified workforce by addressing compensation issues related to staffing, retention, and pay compression at the Department of State Police.

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