



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

In Due Course:

2024 Changes to Virginia's Laws

In Due Course is a selection of legislation passed by the 2024 Regular Session of the General Assembly that is likely to affect the daily lives of the citizens of Virginia. The following legislation has been signed by the Governor and for the most part will go into effect on July 1, 2024.

The summaries were prepared by the staff of the Division of Legislative Services. Complete information on actions of the 2024 Regular Session is available on the Legislative Information System website.

Topics

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Alcoholic Beverage Control

HB 688/SB 635. Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption; third-party delivery license; sunset; repeal. The law repeals the July 1, 2024, sunset on provisions that allow (i) distillers that have been appointed as agents of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, mixed beverage restaurant licensees, and limited mixed beverage restaurant licensees to sell mixed beverages for off-premises consumption and (ii) farm winery licensees to sell pre-mixed wine for off-premises consumption. The law also repeals, effective July 1, 2026, third-party delivery licenses. The law requires the Authority to convene a work group to review third-



party delivery licenses and report its findings and recommendations to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 15, 2024.

HB 1349/SB 180/SB 400/SB 657/SB 724. Alcoholic beverage control; annual mixed beverage performing arts facility licenses; on-and-off premises wine and beer licenses. The law defines performing arts facility and sports facility and standardizes the eligibility criteria for annual mixed beverage performing arts facility licenses and on-and-off-premises wine and beer licenses for performing arts food concessionaires. Under current law, the eligibility criteria for such licenses varies by location and includes inconsistent ownership, lease, capacity, and seating requirements. The law also removes provisions that allow the Board of Directors of the Virginia Alcoholic Beverage Control Authority to grant annual mixed beverage motor sports facility licenses and motor car sporting event facility licenses and creates an annual mixed beverage sports facility license, which may be granted to persons operating a sports facility or food concessions at a sports facility and would authorize the licensee to sell mixed beverages during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption.

Behavioral Health

HB 601/SB 543. Health insurance; emergency services; mobile crisis response services. The law provides that emergency services, with respect to an emergency medical condition, include, as it relates to any mental health services or substance abuse services rendered at a behavioral health crisis service provider, (i) a behavioral health assessment that is within the capability of a behavioral health crisis service provider, including ancillary services routinely available to evaluate such emergency medical condition, and (ii) such further examination and treatment, to the extent that they are within the capabilities of the staff and facilities available at the behavioral health crisis service provider, as are required so that the patient's condition does not deteriorate.

Commerce

HB 474. Restroom Access Act. The law requires a retail establishment that does not have a public restroom but has an employee toilet facility to allow any customer with an eligible medical condition, as defined in the law, to use such employee toilet facility during normal business hours if certain conditions are met. A customer who suffers loss as a result of a violation may bring an action to recover damages not to exceed \$100.

HB 707/SB 361. Consumer Data Protection Act; protections for children. Effective January 1, 2025, the law prohibits, subject to a parental consent requirement, a data controller from processing personal data of a known child (i) for the purposes of targeted advertising, the sale of such personal data, or profiling in furtherance of decisions that produce legal or similarly significant effects concerning a consumer; (ii) unless such processing is reasonably necessary to provide the online service, product, or feature; (iii) for any processing purpose other than the processing purpose that the controller disclosed at the time such controller collected such personal data or that is reasonably necessary for and compatible with such disclosed purpose; or (iv) for longer than is reasonably necessary to provide the online service, product, or feature. The law prohibits, subject to a parental consent requirement, a data controller from collecting precise geolocation data from a known child unless (a) such precise geolocation data is reasonably



necessary for the controller to provide an online service, product, or feature and, if such data is necessary to provide such online service, product, or feature, such controller shall only collect such data for the time necessary to provide such online service, product, or feature and (b) the controller provides to the known child a signal indicating that such controller is collecting such precise geolocation data, which signal shall be available to such known child for the entire duration of such collection. The law prohibits a data controller from engaging in the activities described in the law unless the controller obtains consent from the child's parent or legal guardian in accordance with the federal Children's Online Privacy Protection Act.

HB 759. Food inspections; private homes; pickles and acidified vegetables; gross sales. The law increases from \$3,000 to \$9,000 the gross sales annual revenue cap for sales of pickles and other acidified vegetables that have an equilibrium pH value of 4.6 or lower and are processed and prepared in a private home without an inspection as otherwise required to operate a food establishment. The law expands the exemption for private homes where the resident processes and prepares certain food products to allow for such person to sell the food at a temporary event that operates for a period of no more than 14 consecutive days. The law also clarifies that such person may advertise such food products over the Internet provided that the sale takes place in person and complies with certain restrictions.

HB 1404. Department of Small Business and Supplier Diversity; Small SWaM Business Procurement Enhancement Program established; disparity study report. The law establishes the Small SWaM Business Procurement Enhancement Program with a statewide goal of 42 percent of certified small SWaM business utilization in all discretionary spending by executive branch agencies and covered institutions in procurement orders, prime contracts, and subcontracts, as well as a target goal of 50 percent subcontracting to small SWaM businesses in instances where the prime contractor is not a small SWaM business for all new capital outlay construction solicitations that are issued. The law provides that executive branch agencies and covered institutions are required to increase their small SWaM business utilization rate by three percent per year until reaching the 42-percent target level or, if unable to do so, to implement achievable goals to increase their utilization rate. In addition, the law provides for a small SWaM business set-aside for executive branch 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 SWaM businesses.

The law 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 SWaM Business Procurement Enhancement Program, as well as implementing initiatives to enhance the development of small businesses, microbusinesses, women-owned businesses, minority-owned businesses, and service disabled veteran-owned businesses in the Commonwealth.

Finally, the law requires the Department of Small Business and Supplier Diversity to conduct a disparity study every five years, with the next disparity study due no later than January 1, 2026. The law specifies that the study shall evaluate the need for enhancement and remedial measures to address the disparity between the availability and the utilization of women-owned and minority-owned businesses.



Common Interest Communities

HB 1209. Common interest communities; reserve studies; special assessment rescission or reduction. The law removes certain provisions of the Property Owners' Association Act and the Virginia Condominium Act that authorize associations governed by such Acts to rescind or reduce certain assessments necessary for the maintenance and upkeep of the common area or other association responsibilities, including maintenance, repair, and replacement of capital components. The law also authorizes such associations to borrow money for certain purposes and assign all revenues to be received by such an association to its creditors. Finally, the law defines the term "reserve study" as a capital budget planning tool used to determine the physical status and estimated repair or replacement cost of capital components and an analysis of association funding capacity to maintain, repair, and replace capital components.

Corrections

HB 103. State Board of Local and Regional Jails; powers and duties. The law requires the State Board of Local and Regional Jails, when promulgating regulations and adopting any policy or guidance document related to the enforcement of any minimum standards applicable to local, regional, or community correctional facilities, to expressly and specifically include such items in its published agenda for meetings of the Board or any of its subcommittees. The law also requires the Board, when developing and implementing policies and procedures for the review of the death of any inmate or when establishing minimum standards for health care services, to adhere to procedures of the Administrative Process Act.

HB 555/SB 456. Office of the Department of Corrections Ombudsman; created. The law creates, within the Office of the State Inspector General, the Office of the Department of Corrections Ombudsman (the Office) headed by an Ombudsman who is selected by the State Inspector General. The law creates the Corrections Oversight Committee (the Committee) made up of four members of the General Assembly, nine nonlegislative citizen members appointed by the Governor, subject to criteria described in the law, and two nonvoting members, appointed as described in the law, who monitor the activities of the Ombudsman and the Department of Corrections (the Department). The law provides the Office with authority to conduct inspections at least once every three years and more often when warranted of Department facilities and requires the Office to establish a statewide toll-free telephone number, website, mailing address, and paper and electronic forms for inmates, family members, friends, and advocates to submit complaints and inquiries. In addition, the law requires the Committee to hold at least two public hearings per year and requires the Office to submit an annual report to be made available online and to be delivered to the Governor, the Attorney General, the Senate Committee on Rehabilitation and Social Services, the House Committee on Public Safety, the Committee, and the Director of the Department. The law directs the Office to develop a short-term and long-term strategic plan and to provide a report on its initial activities and strategic plan to the Governor and the General Assembly on or before November 15, 2025.

HB 611. Civilian deaths in custody; report. The law requires every law-enforcement agency and state or juvenile correctional facility to report to the Department of Criminal Justice Services and every local or regional adult correctional facility to report to the State Board of Local and Regional Jails 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 law provides that any



law-enforcement agency or state or juvenile correctional facility that fails to comply may, at the discretion of the Department, be declared ineligible for state grants or funds. The law also requires the Department and the Board to analyze the submitted data to determine the means by which such information can be used to reduce the number of such deaths. The law requires the Director of the Department and the Board to each 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, 2025, and each July 1 thereafter. The law also provides that upon request, the Board shall provide the submitted data to the Department to meet federal reporting requirements.

HB 801. Electronic communication systems within state correctional facilities; telephone calls and communication services; lowest available rates. The law requires the Department of Corrections to provide telephone systems and web-based or electronic communications systems and that such systems shall be established at the lowest available rates. The maximum number of telephone numbers permitted on an approved call list must be no fewer than 20.

HB 912. Stores and telephone systems in local correctional facilities; fees. The law provides that the net profits from the operation of stores and telephonic communication systems in local correctional facilities shall be used within each facility respectively for educational, recreational, or medical purposes for the benefit of the inmates to include behavioral health, substance abuse, reentry, and rehabilitative services and may be expended to pay for the training, salaries, and benefits of employees or contractors whose primary job is to provide such programs and services to the inmates.

Criminal Offenses

HB 18/SB 7. Hate crimes and discrimination; ethnic animosity; penalties. The law provides that it is the policy of the Commonwealth to safeguard all individuals within the Commonwealth from unlawful discrimination in employment and in places of public accommodation because of such individual's ethnic origin and prohibits such discrimination. The law also adds victims who are intentionally selected because of their ethnic origin to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The law also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of ethnic origin.

HB 223/SB 11. Cruelty to animals; possession and ownership of animals. The law provides that any person convicted of felony cruelty to animals may be prohibited by the court from possession or ownership of companion or equine animals for life and any person convicted of misdemeanor cruelty to animals may be prohibited by the court from possession or ownership of such animals for a period of up to five years. Under current law, such prohibition is limited to companion animals and a period equal to the statutory maximum period of incarceration. The law also specifies that a court may order that any animal possessed or owned by such person may be disposed of by a local governing body or delivered to another person with a right of property in the animal.

The law further provides that any person who has his rights to possession or ownership of companion or equine animals prohibited pursuant to a felony conviction may petition the court



where such conviction occurred for a restoration of his rights after five years from the date of conviction.

HB 633. Forced labor or service; penalties. The law expands the offense of abduction to penalize any person who, by force, intimidation or deception, and without legal justification or excuse, obtains the labor or services of another, or seizes, takes, transports, detains or secretes another person or threatens to do so. The law also expands the offense of receiving money for procuring a person to penalize any person who causes another to engage in forced labor or services or provides or obtains labor or services by any act as described in the offense of abduction. Lastly, the law allows any person injured as a result of an abduction for the purposes of forced labor or services to commence a civil action for recovery of compensatory damages, punitive damages, and reasonable attorney fees and costs.

HB 926. Unlawful dissemination or sale of images of another; penalty. The law expands the current categories of images that are unlawful to disseminate or sell to include any videographic or still image that depicts another person whose genitals, pubic area, buttocks, or female breast are not exposed but such videographic or still image is obscene, as defined in the law.

The law adds to the statute of limitations for the misdemeanor offense of unlawful creation of the image of another to provide that a prosecution shall be commenced within five years of the commission of the offense or within one year of the date the victim discovers the offense or, by the exercise of due diligence, reasonably should have discovered the offense, whichever is later. The law creates the same statute of limitations for the offense of unlawful dissemination or sale of the image of another. Current law starts the statute of limitations for the offense of unlawful creation of the image of another upon the commission of the offense.

HB 928. Interference with commercial fishing vessels or activity; penalty. The law creates a Class 1 misdemeanor for any person who knowingly and intentionally interferes with or impedes the operation or commercial fishing activity, defined in the law, of a commercial fishing vessel within the territorial waters of the Commonwealth. The law deems a person to be ineligible for any hunting or fishing license for a period of one year upon a first conviction of this offense and for a period of three years upon a second or subsequent conviction. The law also requires any person convicted of a violation of this offense to complete boating safety education.

HB 1187/SB 614. Xylazine; manufacturing; selling; giving; distributing; possessing; veterinary use exemption; penalties. The law provides that any person who knowingly manufactures, sells, gives, distributes, or possesses with the intent to manufacture, sell, give, or distribute the substance xylazine, when intended for human consumption, is guilty of a Class 5 felony. Under the law, any person who knowingly possesses xylazine, when intended for human consumption, is guilty of a Class 1 misdemeanor. Under the law, it is not an offense to (i) manufacture xylazine for legitimate veterinary use; (ii) distribute or sell xylazine for authorized veterinary use; (iii) possess, administer, prescribe, or dispense xylazine in good faith for use by animals within the course of legitimate veterinary practice; or (iv) possess or administer xylazine pursuant to a valid prescription from a licensed veterinarian.

HB 1443. Trial by jury; contact with jurors after trial prohibited; penalty. The law creates a Class 1 misdemeanor for any defendant who knowingly and intentionally contacts, with the intent to harass, intimidate, or threaten, a juror regarding such juror's service as a juror after a jury trial.



SB 469. Controlled substances; manufacturing, selling, giving, distributing, etc.; adulterated or misbranded drugs; penalties. The law makes it a Class 6 felony for any person, except for permitted manufacturers, to possess, purchase, sell, give, distribute, or possess with intent to sell, give, or distribute an encapsulating machine or a tableting machine that manufactures, compounds, converts, produces, processes, prepares, or otherwise introduces into the human body a controlled substance. The law makes it a Class 5 felony if such person knows, intends, or has reasonable cause to believe that such action will result in the unlawful manufacture of a controlled substance or counterfeit controlled substance that contains (i) a controlled substance classified in Schedule I or Schedule II of the Drug Control Act or (ii) a controlled substance analog as defined in relevant law.

The law also makes it a felony punishable by imprisonment for not less than 10 nor more than 40 years for any person 18 years of age or older to knowingly allow a minor or a mentally incapacitated or physically helpless person of any age to be present during the manufacture or attempted manufacture of any substance containing a detectable amount of fentanyl.

The law also increases from a Class 2 misdemeanor to a Class 6 felony the penalty for violations related to adulterated or misbranded drugs and cosmetics.

SB 731. Production, publication, sale, financing, etc., of child pornography; penalty. The law amends the definition of "child pornography" to include sexually explicit visual material that depicts a minor in a state of nudity or engaged in sexual conduct where such depiction is obscene and specifies that such minor does not have to actually exist.

Criminal Procedure

HB 78/SB 16. Search warrants, subpoenas, court orders, or other process; menstrual health data prohibited. The law prohibits the issuance of a search warrant, subpoena, court order, or other process for the purpose of the search and seizure or production of menstrual health data, as defined in the law, including data stored on a computer, computer network, or other device containing electronic or digital information.

HB 266. Custodial interrogation of a child; failure to comply with section; inadmissibility of statement. The law provides that if a law-enforcement officer knowingly fails to comply with existing law regarding parental notification and contact prior to a custodial interrogation of a child, any statements made by such child shall be inadmissible in any delinquency proceeding or criminal proceeding against such child, unless the attorney for the Commonwealth proves by a preponderance of the evidence that the statement was made knowingly, intelligently, and voluntarily.

HB 452/SB 362. First offense drug program; previous misdemeanor marijuana conviction. The law allows any person to participate in the first offender drug program even if such person was previously convicted of an offense related to misdemeanor possession of marijuana or has had a previous dismissal of a misdemeanor offense for possession of marijuana pursuant to the program. Current law prohibits any person with a previous marijuana conviction from participating in the program.

HB 1324/SB 6. Issuance of restricted driver's license for multiple convictions of driving while intoxicated; completion of specialty dockets. The law provides that a person whose driver's license has been revoked for multiple convictions of driving while intoxicated may file a petition for the issuance of a restricted driver's license without having to wait for the expiration



of three years from the date of his last conviction, regardless of the date of such conviction, when such person's last conviction 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.

SB 20. Deferred dispositions; expungement. The law clarifies that a charge dismissed after a deferred disposition that may be eligible for expungement upon agreement of all parties includes an original charge that was reduced or a charge that is dismissed after a plea or stipulation of the facts that would justify a finding of guilt.

SB 95. Preliminary analysis of breath to determine alcoholic content of blood; failure to advise person of rights. The law provides that if a police officer or a member of any sheriff's department fails to advise a person of his rights to refuse a preliminary breath test, any preliminary breath test sample shall not be admissible by the Commonwealth in any motion to suppress for the purpose of determining probable cause.

SB 706. Drug Treatment Court Act; eligibility. The law replaces the restriction that renders persons convicted of certain violent felonies or acts of violence within the preceding 10 years ineligible to participate in a drug treatment court with a restriction on participation if any of the following conditions apply: (i) the offender is presently charged with a felony offense or is convicted of a felony offense while participating in any drug treatment court where (a) the offender carried, possessed, or used a firearm or any dangerous weapon during such offense; (b) the death or serious bodily injury of any person occurred during such offense; or (c) the use of force against any other person besides the offender occurred during such offense or (ii) the offender was previously convicted as an adult of any felony offense that involved the use of force or attempted use of force against any person with the intent to cause death or serious bodily injury. This law is a recommendation of the Virginia Criminal Justice Conference.

Financial Institutions

HB 692/SB 174. Financial institutions; reporting financial exploitation of elderly or vulnerable adults. The law permits a financial institution to allow an elderly or vulnerable adult, as defined in the law, to submit and periodically update a list of trusted persons whom such financial institution or financial institution staff, as defined in the law, may contact in the case of the suspected financial exploitation of such adult. The law also permits a financial institution to conduct a training to instruct its staff on how to identify and report the suspected financial exploitation of an elderly or vulnerable adult internally at such financial institution, to a designated trusted contact, and to various other authorities. The law directs the Bureau of Financial Institutions of the State Corporation Commission to develop and publish guidelines for such training by January 1, 2026. The law provides that no financial institution staff that have received such training shall be liable in any civil or administrative proceeding for disclosing the suspected financial exploitation of an elderly or vulnerable adult pursuant to the law's provisions if such disclosure was made in good faith and with reasonable care. The law provides that no financial institution that has provided such training shall be liable for any such disclosure by financial institution staff.



Firearms

HB 22/SB 210. Manufacture, importation, sale, etc., of auto sears; prohibition; penalty. The law prohibits the manufacture, importation, sale or offer to sell, possession, transfer, or transportation of an auto sear, defined in the law as a device, other than a trigger activator, for use in converting a semi-automatic firearm to shoot automatically more than one shot, without manual reloading, by a single function of the trigger. A violation is punishable as a Class 6 felony. The law also provides for the forfeiture of any auto sear concealed, possessed, transported, or carried in violation of the prohibition.

HB 36/SB 44. Abuse and neglect of children; causing or enabling child to gain possession of a firearm; penalty. The law creates a Class 5 felony for any parent, guardian, or other person who is 18 years of age or older and is responsible for the care of a child under the age of 18 whose willful act or omission causes or enables that child to gain possession of a firearm (i) after having received notice of a preliminary determination, pursuant to relevant law, that such child poses a threat of violence or physical harm to self or others or (ii) when such parent, guardian, or other person responsible for the care of the child knows or reasonably should know that such child has been charged with, either by warrant or petition, convicted of, or adjudicated delinquent of a violent juvenile felony.

The law provides that no person shall be subject to arrest or prosecution regarding knowledge of a preliminary threat determination if such person received notice that the threat assessment team concluded that the child does not indicate a threat of violence or physical harm to self or others or that any case or review opened or conducted by that threat assessment team as a result of such preliminary determination has been closed. The law also provides that no person shall be subject to arrest or prosecution if such person has received notice that any pending charge for a violent juvenile felony has been dismissed or a nolle prosequi has been entered.

The law provides an affirmative defense to prosecution if the parent, guardian, or other person responsible for the care of a child caused or enabled such child to gain possession of a firearm while in a dwelling because of a reasonable belief that he or such child was in imminent danger of bodily injury. Lastly, the law provides that the new offense is eligible for the enhanced earned sentence credits.

Gaming

HB 1131/SB 541. Casino gaming; eligible host city. The law removes the City of Richmond as an eligible host city for casino gaming establishments in the Commonwealth.

Health & Health Professions

HB 188/SB 154. Advance Health Care Planning Registry; amendment of regulations. The law amends the list of documents that may be submitted to the Advance Health Care Directive Registry to include any other document that supports advance health care planning. The law also changes the name of the Advance Health Care Directive Registry to the Advance Health Care Planning Registry. The law directs the Department of Health to amend certain Advance Health Care Planning Registry regulations.



HB 225/SB 22. Dentist and Dental Hygienist Compact. The law authorizes Virginia to become a signatory to the Dentist and Dental Hygienist Compact. The Compact increases public access to dental services by permitting eligible licensed dentists and dental hygienists to practice in Compact participating states, provided that they are licensed in at least one participating state. The Compact has been passed in three states and takes effect when it is enacted by a seventh participating state or upon the effective date of the law, whichever is later.

HB 995. Board of Medicine; temporary licensure of physicians licensed in a foreign country. The law permits the Board of Medicine to issue a provisional license to a physician licensed in a foreign country for no more than two years, then a subsequent renewable two-year license if the physician practices in a medically underserved area. After two years of practice under the renewable license in a medically underserved area, a physician licensed in a foreign country is eligible to apply for a full, unrestricted license to practice medicine. The law specifies that eligibility for such licenses is conditional upon an applicant demonstrating certain educational and experiential qualifications to the Board and obtaining employment with a medical care facility that provides an assessment and evaluation program for physicians licensed in a foreign country.

Higher Education

HB 48/SB 46. Public institutions of higher education; admissions applications; legacy admissions and admissions based on donor status prohibited. The law prohibits any public institution of higher education from providing any manner of preferential treatment in the admissions decision to any student applicant on the basis of such student's legacy status, defined in the law, or such student's familial relationship to any donor to such institution.

HB 1505. Intercollegiate athletics; student-athletes; compensation for name, image, or likeness. The law makes several changes to existing provisions of law relating to compensation of a student-athlete at a public or private institution of higher education in the Commonwealth (institution) for the use of the name, image, or likeness of such student-athlete, including (i) prohibiting any athletic association, athletic conference, or other organization with authority over intercollegiate athletics from preventing an institution, its supporting foundations, or an entity acting on its behalf from identifying, creating, negotiating, facilitating, supporting, engaging with, assisting with, or otherwise enabling a name, image, or likeness opportunity for a student-athlete; (ii) requiring each institution to develop and submit to the institution's governing board or similar governing body for approval institutional policies or procedures that govern the compensation of a student-athlete for the use of his name, image, or likeness; and (iii) permitting any institution to provide assets, resources, or benefits as an incentive to individuals, companies, or other entities to provide money, benefits, opportunities, or services to an outside entity that supports name, image, or likeness opportunities for the institution's student-athletes. The law also requires the Intercollegiate Athletics Review Commission to review plans and implementation considerations for the provisions of the law and provide a report on its review to the General Assembly no later than November 1, 2024.



Insurance

HB 238. Health insurance; coverage for colorectal cancer screening. The law requires health insurers to provide coverage for examinations and laboratory tests related to colorectal cancer screening in accordance with the most recently published recommendations established by the U.S. Preventive Services Task Force for colorectal cancer screening for which a rating of A or B is in effect with respect to the individual involved. The law requires such coverage to include coverage of a follow-up colonoscopy after a positive noninvasive stool-based screening test or direct visualization screening test. The law prohibits such coverage from being subject to any deductible, coinsurance, or any other cost-sharing requirements for services received from participating providers. The provisions of the law apply to individual or group accident and sickness insurance policies, individual or group accident and sickness subscription contracts, or health care plans delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2025.

HB 1060. Long-term care insurance; rate increases; notice requirements. The law requires an insurer providing long-term care insurance policies to issue a written notice to each policyholder of the insurer's filing for a rate increase with the State Corporation Commission within 60 days of making such filing. Additionally, the law requires the insurer to (i) if the Commission denies the rate increase, issue a written notice to each policyholder of the Commission's final decision to deny the rate increase within 90 days of such decision or (ii) if the Commission approves the rate increase, issue a written notice to each policyholder of the rate increase at least 90 days before its effective date that includes certain information listed in the law. The law requires the Commission, in reviewing requests to increase long-term care insurance rates, to consider, to the extent practicable, how the rate increase will impact policyholders.

Labor & Employment

HB 100. Child labor offenses; civil penalties. The law increases from \$10,000 to \$25,000 the civil penalty for each violation of child labor laws that results in the employment of a child who is seriously injured or dies in the course of employment. The law also increases from \$1,000 to \$2,500 the maximum civil penalty for each other violation of child labor laws and provides that such civil penalty shall not be less than \$500. The law directs the Department of Labor and Industry to convene a stakeholder work group to develop education and outreach plans to inform young workers and employers about child labor laws.

HB 149/SB 391. Employee protections; medicinal use of cannabis oil. The law amends the provision that prohibits an employer from discriminating against an employee for such employee's lawful use of medical cannabis oil, with certain exceptions, by specifying that such use must conform to the laws of the Commonwealth and by including the employees, other than law-enforcement officers, of the Commonwealth and other public bodies in such protections.

HB 1261/SB 356. Unemployment compensation; continuation of benefits; repayment of overpayments. The law reinstates provisions of the Code that expired on July 1, 2022, relating to unemployment compensation. The law 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 law requires the Virginia Employment Commission to waive the obligation to



repay any overpayment if (i) the overpayment was made without fault on the part of the individual 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 law. The law 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. Finally, the law adds overpayments that the Commission has waived the requirement to repay to the list of situations where specific employers are not responsible for benefit charges. The law has an expiration date of July 1, 2028.

Law Enforcement & Public Safety

HB 1388/SB 201. Alert for missing or endangered children; Virginia Critical Operation for a Disappeared Child Initiative (Codi) Alert Program. The law creates a program for local, regional, or statewide notification of a missing or endangered child. The law defines a missing or endangered child as a child (i) who is 17 years of age or younger or is currently enrolled in a secondary school in the Commonwealth, regardless of age; (ii) whose whereabouts are unknown; and (iii) whose disappearance is under suspicious circumstances or poses a credible threat as determined by law enforcement to the safety and health of the child and under such other circumstances as deemed appropriate by the Virginia State Police. The law requires the Virginia State Police to develop, in consultation with representatives of local law-enforcement agencies, including representatives from the Virginia Sheriffs' Association and the Virginia Association of Chiefs of Police, policies for the establishment of uniform standards for the creation of Codi Alert Programs throughout the Commonwealth.

Local Government

HB 456. City council salaries. The law increases the statutory salary caps for members of city councils and requires a public hearing prior to adopting an ordinance to set city council salaries. The law also provides that the maximum salaries may be adjusted in any year by an inflation factor not to exceed five percent.

HB 947. Local government powers; regulation of tobacco, nicotine, and hemp product retail sale locations. The law allows a locality to regulate the retail sale locations of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking for any such retail sale location and may prohibit a retail sale location on property within 1,000 linear feet of a child day center or a public, private, or parochial school.

HB 1486/SB 48. Vacant buildings; registration. The law permits any county, city, or town to require, by ordinance, the owner of any building that has been vacant for at least 12 months and (i) that meets the definition of "derelict building" in relevant law, (ii) that meets the definition of "criminal blight" in relevant law, or (iii) in which a locality has determined a person is living without the authority of the owner to register such building annually. Under current law, any city and certain towns are permitted to require the owner of any building that has been vacant for at least 12 months and meets the definition of "derelict building" in relevant law to register such building annually. This law is a recommendation of the Virginia Housing Commission.



Marijuana

HB 815. Medical cannabis program; product expiration; confidentiality; penalty. The law increases from six months to 12 months the maximum expiration date allowable for a cannabis product after registration absent stability testing. The law allows pharmaceutical processors to employ as pharmacy technician trainees individuals who have less than one year of experience and allows pharmaceutical processors to employ persons with less than one year of experience to perform certain other supervised duties for which current law requires two years of experience. The law also provides for the confidentiality of certain records and other information of the Board of Directors of the Virginia Cannabis Control Authority, including the exemption of certain information from the mandatory disclosure provisions of the Virginia Freedom of Information Act.

Marriage

HB 174/SB 101. Marriage lawful regardless of sex, gender, or race of parties; issuance of marriage license. The law provides that no person authorized to issue a marriage license shall deny the issuance of such license to two parties contemplating a lawful marriage on the basis of the sex, gender, or race of the parties. The law also requires that such lawful marriages be recognized in the Commonwealth regardless of the sex, gender, or race of the parties. The law provides that religious organizations or members of the clergy acting in their religious capacity shall have the right to refuse to perform any marriage.

HB 994. Legal age for marriage. The law establishes the legal age of marriage to be 18 years of age and eliminates the ability for a minor to be declared emancipated on the basis of the intent to marry.

Motor Vehicles

HB 213/SB 453. Emissions inspections; agreement for services; fees. The law increases from \$3,500 to \$5,000 the amount the emissions inspection program coordinator may be paid per year from each motor vehicle emissions inspection station for the provision and maintenance of each set of required equipment. The law also increases from \$28 to \$30 the maximum amount that may be charged for the emissions inspection fee.

HB 1084. Disabled parking placards; validity; fees. The law extends from six months to 12 months the maximum duration for which the DMV may issue a temporary removable windshield placard to a person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking. The law also eliminates the fee for the issuance of temporary and permanent disabled parking placards and includes technical amendments.

HB 1109/SB 205. Toll invoices; mail. The law authorizes the use of a trackable correspondence equivalent to certified mail for sending invoices for unpaid tolls to a vehicle owner prior to the Department of Motor Vehicles placing a registration stop on such vehicle due to unpaid tolls. Current law requires such invoices to be mailed by certified mail.

HB 1224/SB 151. Department of Motor Vehicles; fees. The law reduces the fee for the issuance of an original, duplicate, reissue, or renewal special identification card without a photograph from \$10 per year with a \$20 minimum fee to \$2 per year with a \$10 minimum fee.



Natural & Historic Resources

HB 1186. Department of Conservation and Recreation; two-year pilot program; all-terrain power wheelchairs in state parks. The law provides that the Department of Conservation and Recreation shall establish a two-year pilot program beginning October 1, 2024, and ending October 30, 2026, to enhance accessibility for individuals with limited mobility in Virginia's state parks by providing all-terrain power wheelchairs that may be used by such persons during their visits. The law permits the Department to choose the locations for the pilot program and enter into a contract for the purchase of all-terrain power wheelchairs to be used in the pilot program. The law allows the Department to adopt guidelines to administer the pilot program and requires the Department to make a report available to the public regarding the outcome of the pilot program on its website by November 1, 2026.

Procurement

HB 1108/SB 18. Virginia Public Procurement Act; construction management and design-build contracting. The law requires state public bodies, covered institutions, and local public bodies to provide documentation of the processes used for the final selection of a construction contract to all the unsuccessful applicants upon request. The law adds certain requirements for covered institutions, including posting all documents that are open to public inspection exchanged between the Department of General Services and the covered institution on the central electronic procurement website eVA. The law requires approval by a majority vote of the covered institution's board of visitors or governing board if the covered institution chooses to proceed with construction management or design-build against the recommendation of the Department for (i) projects funded by funds other than those provided from the state general fund or (ii) projects of \$65 million or more funded in whole or in part from state general funds. For projects under \$65 million funded in whole or in part by state general funds, the law provides that the covered institution shall obtain approval from the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, or their designees, and a representative of the Department.

The law requires a local public body to adopt a resolution or motion to use construction management or design-build, if required by its local governing body, prior to issuing a Request for Qualifications and to publish notice of such resolution or motion on its website or eVA. The law provides that the Department shall report annually, for any construction management or design-build project, on the qualifications that made such project complex. Finally, the law requires the Department, with the assistance of staff of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, to assess the implementation and administration of construction management and design-build projects and report its findings and recommendations to the General Assembly by November 1, 2029.



Professions & Occupations

HB 322. Cosmetology Compact. The law establishes the Cosmetology Compact upon the enactment of substantially similar legislation in the seventh member state, defined in the law. The law creates a multistate license in furtherance of the objectives of providing opportunities for the uninterrupted practice of cosmetology between member states and supporting the relocation of military members and their spouses by enabling such continuation of practice. The law requires the Board for Barbers and Cosmetology to adopt emergency regulations to implement the provisions of the law.

Public Education

HB 719/SB 379. Public high schools; research-based hazing prevention instruction. The law requires the Board of Education to develop Standards of Learning and curriculum guidelines for research-based hazing prevention instruction to be provided as a part of physical or health education instruction provided to students in grade nine or 10. The law requires such hazing prevention instruction to include age-appropriate, extensive, and current education about hazing, including (i) examples of hazing; (ii) the dangers of hazing, including the consequences of alcohol intoxication; and (iii) school policies and laws related to hazing, including criminal penalties and bystander intervention. The law requires such research-based hazing prevention instruction to be offered in-person but requires each school board to provide options for virtual participation for any student who is enrolled in an online or virtual physical or health education program. Finally, the law requires each school board to provide such research-based hazing prevention instruction beginning with the school year following the Board's adoption of revised Standards of Learning for physical and health education for grades nine and 10 incorporating such research-based hazing prevention instruction and directs the Board to, in the intermediary time, develop and post on its website guidance documents for the purpose of making such research-based hazing prevention instruction available to local school boards.

HB 732/SB 726. Public schools; opioid antagonist procurement, possession, and administration; school board employee training and certification; opioid overdose prevention and reversal instruction; guidelines and requirements. The law requires each local school board to develop, in accordance with the guidelines developed by the Department of Health in collaboration with the Department of Education, plans, policies, and procedures for (i) providing at each public secondary school that includes grades nine through 12 a program of instruction on opioid overdose prevention and reversal and for encouraging each student to complete such program of instruction prior to graduation; (ii) the procurement, placement, and maintenance in each public elementary and secondary school of a supply of opioid antagonists in an amount equivalent to at least two unexpired doses for the purposes of opioid overdose reversal; and (iii) the possession and administration of an opioid antagonist by any employee of the school board who is authorized by a prescriber and trained in the administration of an opioid antagonist, including policies (a) requiring each public elementary and secondary school to ensure that at least one employee is authorized by a prescriber and trained and certified in the administration of an opioid antagonist, (b) for partnering with a program administered or approved by the Department of Health to provide such training and certification, and (c) for maintaining records of each such trained and certified employee.

The law provides for the disciplinary, civil, and criminal immunity of any employee of a public school, school board, or local health department, regardless of whether such employee was



trained or certified in opioid antagonist administration, for any act or omission made in connection with the good faith administration of an opioid antagonist for the purposes of opioid overdose reversal during regular school hours, on school premises, or during a school-sponsored activity, unless such act or omission was the result of gross neglect or willful misconduct. The law requires each school board to adopt and each public elementary and secondary school to implement policies and procedures in accordance with the provisions of the law and, in doing so, to utilize to the fullest extent possible programs offered by the Department of Health for the provision of opioid antagonist administration training and certification and opioid antagonist procurement.

In addition, the law modifies the school board employees who are authorized to administer opioid antagonists to include any school board employee who has completed training and is certified in the administration of an opioid antagonist by a program administered or authorized by the Department of Health.

Finally, the law directs the Department of Health and the Department of Education to collaborate to develop guidelines and policies for the implementation of the provisions of the law and requires each school board to implement the provisions of the law by the beginning of the 2025–2026 school year.

HB 1039. Public elementary and secondary schools; possession and administration of undesignated glucagon; school board policies; donations. The law permits any local school board to adopt and implement policies for the possession and administration of undesignated nasal or injectable glucagon in each public elementary or secondary school in the local school division, provided that such policies are consistent with the guidance outlined in the most recent revision of the *Diabetes Management In School: Manual for Unlicensed Personnel* published by the Department of Education and include guidance on several items enumerated in the law. The law also permits any public elementary or secondary school to maintain a supply of nasal or injectable glucagon in any secure location that is immediately accessible to any school nurse or other employee trained in the administration of nasal and injectable glucagon prescribed to the school by a prescriber. The law requires any such school to ensure that such a supply consists of at least two doses. The law permits any school nurse or other authorized employee who is trained in the administration of nasal and injectable glucagon consistent with the guidance outlined in the most recent revision of the *Diabetes Management In School: Manual for Unlicensed Personnel* published by the Department to administer nasal or injectable glucagon from undesignated inventory with parental consent and if the student's prescribed glucagon is not available on school grounds or has expired. The law permits any school board to accept donations of nasal or injectable glucagon from a wholesale distributor of glucagon or donations of money from any individual to purchase nasal or injectable glucagon for the purpose of maintenance and administration in a public school in the local school division as permitted pursuant to the aforementioned provisions of the law.

HB 1089/SB 220. Special education and related services. The law makes several changes relating to special education and related services for children with disabilities in public elementary and secondary schools in the Commonwealth, including requiring (i) the Department of Education to (a) develop, establish, review and update as necessary at least once every five years, and make available to each local school board an IEP writing, facilitation, tracking, and transfer system to be referred to as the Virginia IEP that includes, at a minimum, an IEP template component and a data system component and (b) develop and publish a data dashboard for the



annual public reporting of state-level, division-level, and school-level special education data; (ii) each local school board to designate a faculty member to serve as a special education parent/family liaison to be a resource to parents and families to understand and engage in the referral, evaluation, reevaluation, and eligibility process if they suspect that their child has a disability and in the IEP process; and (iii) the Parent Training and Information Center in the Commonwealth designated pursuant to relevant federal law to establish special education family support centers in eight distinct regions of the Commonwealth that shall each be staffed by a regional special education family liaison employed by such center, coordinate with the designated special education parent/family liaisons in the local school divisions in the region, develop and implement outreach and support to parents of children with disabilities in its region, and track and report to the State Parent Ombudsman for Special Education data on questions and concerns raised by parents.

SB 498. Board of Education; guidelines on school-connected overdose policies; response and parental notification. The law requires the Board of Education to establish guidelines for school-connected overdose response and parental notification policies to aid local school boards in the implementation of such policies. The law requires such guidelines to include (i) a model action plan for each school board to follow in responding to any school-connected overdose, including communicating and coordinating with the Department of Education and the applicable law-enforcement liaison or the local law-enforcement agency that employs such school division's school resources officers, and (ii) criteria for issuing parental notification to ensure sensitivity to the privacy interests of affected individuals and compliance with any applicable law, rules, or regulations relating to the disclosure and protection of a minor's personal, confidential, or otherwise sensitive information.

Public Utilities

HB 108/SB 255. Shared solar programs; American Electric Power; minimum bill; capacity. The law requires the State Corporation Commission to establish by regulation a shared solar program, as defined in the law, through which customers of American Electric Power may purchase electric power through a subscription in a shared solar facility, as defined in the law. The law requires the Commission to establish a minimum bill, which shall include the costs of all utility infrastructure and services used to provide electric service and administrative costs of the shared solar program, taking into account certain considerations. The law directs the Commission to initiate a proceeding to recalculate such minimum bill within 30 days of its final order in a proceeding establishing the value of a solar renewable energy certificate as required by relevant law. The law specifies that the Commission shall establish the shared solar program consistent with the requirements of the law by January 1, 2025, and shall require each utility to file any associated tariffs, agreements, or forms necessary for implementing the program by July 1, 2025. Additionally, the law requires the Department of Energy to convene a stakeholder work group to determine the amounts and forms of certain project incentives and to submit a written report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor no later than November 30, 2024.

HB 906/SB 480. Public utilities; municipal utilities; disconnection of service; limitations; consumer protections. The law suspends electric, gas, water, and wastewater utilities subject to the regulation of the State Corporation Commission from disconnecting service to a residential customer for nonpayment of bills or fees during a state of emergency declared by the Governor and provides that such suspension lasts for 30 days after such declaration of the state of



emergency. The law suspends such electric and gas utilities from disconnecting service to a residential customer for nonpayment of bills or fees when the forecasted temperature low is at or below 32 degrees Fahrenheit and suspends electric utilities from disconnecting any such customer from service when the forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection. The law further suspends electric, gas, water, and wastewater utilities from disconnecting residential customers from service on Fridays, weekends, state holidays, and the day immediately preceding a state holiday. The law requires each such utility to notify its residential customers of such utility's disconnection for nonpayment policy and to deliver notice of nonpayment of bills or fees to such customers prior to disconnection.

Social Services

HB 27/SB 39. Kinship foster care; alternative living arrangements; Parental Child Safety Placement Program established. The law establishes the Parental Child Safety Placement Program to promote and support placements of children with relatives by local boards of social services in order to avoid foster care. The law establishes the requirements for a parental child safety placement agreement, the procedure for assessing a proposed caregiver, and the process for terminating the placement.

HB 150. Supplemental Nutrition Assistance Program; Special Supplemental Nutrition Program for Women, Infants, and Children; applications. The law prohibits the Board of Social Services from requiring persons applying to participate or renewing their participation in the Supplemental Nutrition Assistance Program to appear in person. The law also codifies the Department of Health's authority to implement a Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program), which is currently authorized by regulation.

HB 453. Kinship foster care; barrier crimes. The law allows local boards of social services or child-placing agencies to approve kinship foster care parent applicants who have been convicted of certain felony drug offenses if five years have elapsed since the date of the conviction, where under current law 10 years must have elapsed in order to be eligible for approval as a kinship foster care parent. The law also adds exceptions for certain misdemeanor assault and battery convictions not involving a minor if five years have elapsed since the date of the conviction. The law directs the State Board of Social Services to adopt regulations to implement the provisions of the law to be effective no later than September 1, 2024.

HB 855. State Department of Social Services; Home Energy Assistance Program. The law authorizes the State Department of Social Services to allow applications for the Home Energy Assistance Program to be submitted over an application period that provides adequate time for individuals to apply and is extended beyond the current application period subject to the availability of adequate funding.

HB 908/SB 676. Department of Medical Assistance Services; financial eligibility standards for certain waivers providing services to individuals with developmental disabilities. The law directs the Department of Medical Assistance Services to amend the financial eligibility standards for individuals receiving services under the Family and Individual Support Waiver, Community Living Waiver, and Building Independence Waiver (the DD Waivers). The law requires the Department, when determining financial eligibility for the DD Waivers, to disregard any Social Security Disability Insurance income above the maximum monthly Supplemental Security Income as determined by the U.S. Social Security Administration; however, such Social



Security Disability Insurance income shall not be disregarded for purposes of determining an individual's patient pay obligation. The law also requires the Department to (i) analyze the implications of such amendments to the financial eligibility standards for individuals under the DD waivers, which shall include a determination of the costs and the number of individuals who would benefit from such amendments and (ii) report its findings to the Chairmen of the Senate Committees on Education and Health and Finance and Appropriations and the House Committees on Health and Human Services and Appropriations no later than November 1, 2024. The law sunsets on July 1, 2026.

HB 909/SB 488. Department of Medical Assistance Services; Department of Behavioral Health and Developmental Services; 1915(c) Home and Community Based Services Medicaid Waivers; state plan amendments; program rule modifications. The law directs the Department of Medical Assistance Services (DMAS) and the Department of Behavioral Health and Developmental Services to seek federal authority through the necessary state plan amendments under Titles XIX and XXI of the Social Security Act to modify the program rules for certain 1915(c) Home and Community Based Services Medicaid Waivers to (i) modify the 40-hour-per-week work limit to allow legally responsible individuals with more than one waiver-receiving child to receive reimbursement for 40 hours of work per week per child receiving a waiver; (ii) eliminate the requirement that, in order for a legally responsible individual to receive reimbursement for personal care services, no one else be available to provide services to the member; and (iii) modify the program rules to allow a legally responsible individual or stepparent to be the employer of record. The law directs DMAS to evaluate the possibility of allowing for respite services under certain 1915(c) Home and Community Based Services Medicaid Waivers and submit its recommendations, cost estimate, and methodology used for obtaining the cost estimate to the General Assembly no later than November 1, 2024.

Special License Plates

The issuance of special license plates for active duty members with, honorably discharged veterans with six months of active duty service in, and retirees from the United States Air Force and unremarried surviving spouses of such service members is authorized (HB 380).

The issuance of revenue-sharing special license plates marking the 250th anniversary of the American Revolution is authorized (HB 840 and SB 216).

Information on obtaining special license plates is available at any DMV office or online at www.dmv.virginia.gov.

Taxation

HB 25/SB 116. Annual retail sales and use tax holiday. The law establishes an annual retail sales and use tax holiday that takes place on the first full weekend in August beginning on July 1, 2025, through July 1, 2030. During such weekend, state retail sales and use tax will not apply to certain (i) school supplies, (ii) clothing and footwear, (iii) qualified products designated as Energy Star or WaterSense, (iv) portable generators, or (v) hurricane preparedness equipment.

HB 960/SB 556. Historic rehabilitation tax credit; maximum amount of tax credit. The law increases from \$5 million to \$7.5 million, beginning in taxable year 2025, 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.



HB 1099. Cigarettes intended to be heated; heated tobacco products; taxation. The law redefines "cigarette" for state cigarette tax purposes to include "cigarettes intended to be heated" as defined in the law and distinguished from "heated tobacco products." The law also subjects such cigarettes intended to be heated to an excise tax of 2.25 cents per stick on and after July 1, 2024, and subjects other cigarettes to an excise tax of three cents on and after July 1, 2020.

Tobacco

HB 790/SB 582. Purchase, possession, and sale of retail tobacco products; retail tobacco products and liquid nicotine tax; penalties. The law prohibits Internet sales of liquid nicotine or nicotine vapor products, except to a retail dealer, and prohibits the sale of retail tobacco products from vending machines. The law 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 "retail tobacco products" by including in such definition products currently defined as "nicotine vapor products" or "alternative nicotine vapor products." The law also removes provisions prohibiting the attempt to purchase, the purchase, or the possession of tobacco products by persons younger than 21 years of age.

The law provides that the punishment of a retail dealer that sells, gives, or furnishes a tobacco product to a person younger than 21 years of age or to a person who does not demonstrate that such person is at least 21 years of age is (i) a civil penalty of \$1,000 for a first offense within a 36-month period, (ii) a civil penalty of \$5,000 for a second offense within a 36-month period and such retail dealer shall become subject to specific age-verification requirements, (iii) a civil penalty of \$10,000 and a 30-day suspension of such retail dealer's distributor's license for a third offense within a 36-month period, and (iv) revocation of such license and such retail dealer shall be ineligible to hold a license for a period of three years following the most recent violation for a fourth offense within a 36-month period. The law requires the Department of Taxation, in collaboration with the Virginia Alcoholic Beverage Control Authority and local law enforcement, to conduct a compliance check every 24 months on any retail dealer selling retail tobacco products and to use a person younger than 21 years of age to conduct such checks.

The law also imposes a tax upon liquid nicotine in closed systems, as defined in the law, at the rate of \$0.066 per milliliter and upon liquid nicotine in open systems, as defined in the law, at the rate of 20 percent of the wholesale price for purchases on and after July 1, 2024. The law applies licensing requirements to manufacturers, distributors, and retail dealers of liquid nicotine and creates new safety requirements related to the advertising, marketing, and labeling of liquid nicotine and nicotine vapor products.



Towing

HB 925. Towing; vehicles with expired registration; civil penalty. The law requires a towing operator, defined in the law, for a parking lot of a multifamily dwelling unit, defined in the law, to post written notice on a vehicle providing at least 48 hours' notice to a resident prior to removing a resident's vehicle, defined in the law, from such parking lot of the multifamily dwelling unit for an expired registration or expired vehicle inspection sticker and to provide a copy of such notice to the landlord of such multifamily dwelling unit. The law provides that a towing operator who fails to comply with these requirements shall be required to reimburse the resident for the cost of the tow and shall be subject to a civil penalty not to exceed \$100.

HB 959. Towing violations; enforcement; fuel surcharge fee. The law authorizes localities in Planning Districts 8 (Northern Virginia) and 16 (George Washington) to require written authorization of the owner of the property from which the vehicle is towed at the time the vehicle is being towed and regulate the monitoring practices that may be used by towing and recovery operators. Current law authorizes localities other than those in Planning Districts 8 and 16 to require written authorization of the owner of the property from which the vehicle is towed at the time the vehicle is being towed. The law changes the penalty for certain trespass towing offenses in Planning District 8 from \$150 per violation paid to the Literary Fund to 10 times the total amount charged for such removal, towing, and storage to be paid to the victim of the unlawful towing. The law also changes the expiration date of the authorization for towing and recovery operators to charge a fuel surcharge fee of no more than \$20 for each vehicle towed or removed from private property without the consent of its owner and the prohibition on local governing bodies limiting or prohibiting such fee from July 1, 2024, to July 1, 2025.

SB 66. Towing without consent of vehicle owner; fee. The law prohibits towing and recovery operators from requiring an individual who appears to retrieve a vehicle towed to provide to the towing and recovery operator, in addition to payment of fees, any document not otherwise required by law before releasing the vehicle to the individual.

Traffic Infractions

HB 234/SB 516. All-terrain vehicles and off-road motorcycles; seizure, impounding, and disposition. The law authorizes the governing body of any city to provide by ordinance for the lawful seizure, impounding, and disposition of an illegally operated all-terrain vehicle or off-road motorcycle operated on a highway or sidewalk within such city.

HB 282. Moving violations; highway work zones. The law creates a traffic infraction for any moving violation in a highway work zone punishable by a fine of not less than \$300 for the first offense and not less than \$500 for any subsequent offense. The law provides that for any subsequent offense that occurs within the same 12-month period as another such offense such fine shall be not less than \$750.



Voting

HB 441/SB 605. Assistance for certain voters outside of the polling place; definition of "person with a disability"; training. The law amends the definition of "person with a disability" for purposes of the Elections title to mean any person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment. The law provides that any qualified voter who is a person with a disability shall be eligible for assistance outside of the polling place and makes technical amendments for consistency. The law requires the training required for all officers of election to include specific training on voting outside of a polling place and directs the Department of Elections to incorporate into guidance documents for election officials the processes and procedures for voting outside of the polling place, including best practices for providing assistance for voters with disabilities.

HB 558/SB 4. Constitutional amendment (voter referendum); real property tax exemption; surviving spouses of soldiers who died in the line of duty. The law provides for a referendum at the November 5, 2024, election to approve or reject an amendment to the Constitution of Virginia that would expand the real property tax exemption that is currently available to the surviving spouses of soldiers killed in action to be available to the surviving spouses of soldiers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense.

Workers' Compensation

HB 205. Workers' compensation; prompt payment; limitation on claims. The law prohibits an employer or workers' compensation carrier from seeking recovery of a payment made to a health care provider for health care services rendered to a claimant unless such recovery is sought less than one year from the date payment was made to the health care provider. Under current law, such prohibition only applies to services rendered after July 1, 2014.

The law also prohibits a health care provider from submitting a claim to the Virginia Workers' Compensation Commission contesting the sufficiency of payment for health care services rendered to a claimant unless such claim is filed within one year of the date the last payment is received by the health care provider. Under current law, such prohibition only applies to services rendered after July 1, 2014.

SB 241. Workers' compensation; notice of right to dispute claim. The law requires that when an employee's workers' compensation claim is denied, an employer or insurer shall include in its letter denying benefits a notice that the employee has a right to dispute the claim denial through the Virginia Workers' Compensation Commission.

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Published in Richmond, Virginia, by the Division of Legislative Services, an agency of the General Assembly of Virginia. Contact the Division at 201 North 9th Street, 4th Floor, Richmond, VA 23219, online at <http://dls.virginia.gov>, or by phone at 804-698-1810.

