

# **Virginia General Assembly**

## **2023 Session Summary**



**Virginia Division of Legislative Services**



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# Introduction

This publication presents a summary of legislation considered by the Virginia General Assembly at its 2023 Regular Session through adjournment sine die on **February 25, 2023**. Detailed information on any piece of legislation in Virginia may be found on the Virginia Legislative Information System (<http://lis.virginia.gov>).

Bill summaries are organized by alphabetical subject areas that correspond to titles in the Code of Virginia. Bills that affect more than one Code title have been placed under the dominant subject area of the legislation. Bills that do not amend the Code of Virginia are also listed under the subject headings. Within each subject heading, the bills are further differentiated as *Passed* or *Failed*. Passed bills are subject to review and veto by the Governor; thus, some of the bills listed as passed in this volume may be amended and some may not become law. Bills that have been vetoed by the Governor or that have received Governor's recommendations and may be acted upon by the General Assembly at the Reconvened Session on April 12, 2023, include such notation accordingly.

The General Assembly sometimes incorporates provisions from one bill into another bill, so even if a bill has failed, one or more of its provisions may exist in legislation that has been passed. If a summary indicates that a bill must be reenacted by the 2024 Session of the General Assembly, its provisions will not become effective on July 1, 2023, unless the bill is amended at the Reconvened Session to remove that requirement.

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





# Administration of Government

## Passed

**P HB1490 Virginia Public Procurement Act; certain construction contracts; performance and payment bonds.** Allows localities to allow a contractor of indefinite delivery or quantity contracts, defined in the bill, who is otherwise required to furnish performance and payment bonds in the sum of the contract amount to the public body with which he contracted to furnish such bonds only the dollar amount of the individual tasks identified in the underlying contract. Such contractors shall not be required to furnish the sum of the contract amount if the governing locality has adopted such an ordinance.

*Patron - Davis*

**P HB1536 Department of Human Resource Management; Grievance Procedure Manual.** Directs the Department of Human Resource Management to update the Grievance Procedure Manual to require the Office of Equal Employment and Dispute Resolution to review and issue a written decision when a party is noncompliant with any of the requirements of the grievance procedure. This bill was vetoed by the Governor.

*Patron - Jenkins*

**P HB1569 Virginia Freedom of Information Act; disclosure of personnel records.** Clarifies that personnel records excluded from disclosure under the Virginia Freedom of Information Act include those of persons employed by (i) a public body engaged in emergency medical services or fire protection services, (ii) a law-enforcement agency, or (iii) an emergency 911 system or any other equivalent reporting system. The bill also contains technical amendments.

*Patron - Walker*

**P HB1591 Office of Data Governance and Analytics; Chief Data Officer.** Repeals the sunset provision enacted in 2021 that created the Office of Data Governance and Analytics (the Office) and the position of Chief Data Officer within the Office of the Secretary of Administration, making both permanent. The provision is currently scheduled to expire on July 1, 2023. The bill also requires the Office to oversee and support any workforce development data systems, to facilitate data sharing, to identify innovative technology solutions, and to support processes that create data-informed decisions. This bill is identical to SB 914.

*Patron - Davis*

**P HB1610 Virginia Public Procurement Act; cooperative procurement; installation of playground equipment.** Excludes the installation of playground equipment, including all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction.

*Patron - Tata*

**P HB1624 Department of Veterans Services; mental health and rehabilitative services; Military Spouse Liaison.** Adds military service members transitioning from military to civilian life to the list of persons supported by the program for mental health and rehabilitative services administered by the Department of Veterans Services. The bill requires the Commissioner of the Department of Veterans Services to include in the Department's annual report data related to such

transitioning service members and an overview of the activities of the Military Spouse Liaison, including any legislative recommendations. This bill is identical to SB 1071.

*Patron - Ballard*

**P HB1738 Virginia Freedom of Information Act; state public bodies; meetings; virtual public access.** Provides that all state public bodies may provide public access to meetings through electronic communication means and may provide the public with the opportunity to comment at such meetings through the use of such electronic communication means when public comment is customarily received.

*Patron - Carr*

**P HB1759 Commissioner of the Department of Veterans Services; workgroup; statewide strategic plan; report.** Directs the Commissioner of the Department of Veterans Services to convene a workgroup to study and develop recommendations for implementing a statewide strategic plan to guide legislation to make Virginia the best state for veterans. The Commissioner or his designee shall serve as chairman and be responsible for conducting the meetings of the workgroup, developing key performance indicators that can be compared with those of other states in determining veterans' quality of life, and reporting the workgroup's findings and recommendations to the Governor and the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology.

*Patron - Reid*

**P HB1769 MEI Project Approval Commission; review procedures.** Adds to the incentive packages for economic development, film, and episodic television projects that require MEI Project Approval Commission (the Commission) review and approval any incentive package in which one of the incentives being sought includes a cash payment of more than \$3.5 million from any fund prior to any performance metrics being met by the proposed project. The bill clarifies that in calculating whether the value of proposed incentives exceeds \$10 million and thus requires review under current law, the value of existing nondiscretionary tax credits, tax incentives, and grants shall not be considered, with the exception of the sales tax exemption for data centers and the motion picture tax credit. In addition, the bill provides that economic development projects that propose to relocate or expand operations in one area of the Commonwealth while closing or reducing operations in another area of the Commonwealth shall be subject to Commission review only if the value of the proposed incentives exceeds \$2.5 million.

The bill also requires state agencies and political subdivisions that have significant involvement in a proposed individual incentive package to verify the job creation and investment data before they are presented to the Commission. Finally, the bill allows the Commission to also review potential economic development projects that are not required to be presented to the Commission that would be financed through entitlements to sales taxes or through personal or corporate income tax incentives or modifications.

*Patron - Marshall*

**P HB1842 Economic development; Virginia Business Ready Sites Acquisition Fund and Program.** Creates the Virginia Business Ready Sites Acquisition Program for the purposes of (i) acquiring sites for the purpose of creating and maintaining a portfolio of project-ready sites to promote economic development in the Commonwealth, (ii) developing such sites to increase their marketability, and (iii) entering into development agreements with private employers for large-scale economic development projects. The Virginia Economic Development Partnership Authority shall administer

the Program, in consultation with the Department of General Services.

The bill requires Program activities to be reviewed by the MEI Project Approval Commission (the Commission), who shall review proposals for site acquisitions, site development activities, and development agreements with private employers and determine whether the proposals are consistent with the objective of the Program. If the Commission issues a negative finding, it shall communicate such finding to the Governor and to the General Assembly, and the Authority shall not implement the proposal unless the proposal, either in its original or revised form, is authorized by the General Assembly at its next session and enacted into law. This bill received Governor's recommendations.

*Patron - Knight*

**P HB1911 State and Local Government Conflict of Interests Act; certain gifts prohibited; foreign countries of concern.** Prohibits officers and employees of state and local governments, including legislators or members of their immediate family who may accept such a gift on behalf of the Commonwealth, from receiving a gift with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged from foreign countries of concern, defined in the bill. This bill is identical to SB 1002.

*Patron - Batten*

**P HB1912 Treasury Board; powers and duties.** Provides that the Treasury Board shall have the power and duty to make recommendations to the Governor on bonds, public-private partnerships, or other financing arrangements executed by private foundations for housing or other capital projects with respect to which an educational institution that is not a covered institution is obligated to provide financial or other types of support. This bill is identical to SB 1094.

*Patron - Batten*

**P HB1998 Native plant species; state agencies.** Directs the Secretaries of Natural and Historic Resources, Agriculture and Forestry, and Administration to coordinate the development of strategic actions for state agencies to take to prioritize the use of native plant species on state properties.

*Patron - Krizek*

**P HB2006 Virginia Freedom of Information Act; public records charges; electronic payment method.** Provides that any local public body that charges for the production of public records pursuant to the Virginia Freedom of Information Act may provide an electronic method of payment through which all payments for the production of such records to such locality may be made.

*Patron - Roem*

**P HB2007 Virginia Freedom of Information Act; posting of fee policy.** Requires a public body to make available upon request and post on its website or otherwise publish a written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any, by the public body for accessing and searching for the requested records.

*Patron - Roem*

**P HB2038 State employees; health insurance coverage; incapacitated adult children.** Provides that the plan established by the Department of Human Resource Management for the provision of health insurance coverage for state employees shall allow for an incapacitated child, defined in the bill, to be enrolled under a participating state employee's

coverage without regard to whether such child lives with the covered employee as a member of the employee's household so long as the child is dependent upon the employee for more than half of the child's financial support and the child is receiving residential support services.

*Patron - Shin*

**P HB2101 Administrative Process Act; Department of Wildlife Resources; guidance documents; endangered species.** Directs that certain guidance documents developed and used by the Department of Wildlife Resources relating to threatened and endangered species shall expire on December 31, 2023, unless such documents are filed for publication with the Virginia Registrar of Regulations and made available for public comment pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) by November 1, 2023.

*Patron - Bulova*

**P HB2113 Virginia Economic Development Partnership Authority; Virginia Tourism Authority; Commonwealth of Virginia Innovation Partnership Authority; adoption of procurement policies; exemptions.** Requires the governing boards of the Virginia Economic Development Partnership Authority, the Virginia Tourism Authority, and the Commonwealth of Virginia Innovation Partnership Authority (the Authorities) to adopt policies for the procurement of goods and services by the respective authority. The bill requires such policies to incorporate certain provisions of the Virginia Public Procurement Act (VPPA); under current law, the Authorities are exempt from the VPPA. The bill requires the Authorities to submit such policies every five years to the Governor, the Department of General Services, and the Chairs of the Senate Committee on General Laws and Technology and the House Committee on General Laws beginning November 1, 2024.

*Patron - Bulova*

**P HB2122 State and Local Government Conflict of Interests Act; Virginia Conflict of Interest and Ethics Advisory Council; training for members of appointed school boards.** Adds members of appointed school boards to the list of persons for whom the Virginia Conflict of Interest and Ethics Advisory Council is required to provide certain training sessions. The bill also changes from January 15 to February 1 the annual date for certain employees to file a disclosure statement with the Council. This bill is a recommendation of the Virginia Conflict of Interest and Ethics Advisory Council. This bill is identical to SB 1460.

*Patron - Watts*

**P HB2153 Department of Human Resource Management; alternative application process for the employment of persons with a disability; policy update.** Directs the Department of Human Resource Management to update the policy related to the alternative application process for the employment of persons with a disability to allow individuals currently employed with the Commonwealth of Virginia an equal opportunity to apply for and obtain a Certification of Disability.

*Patron - Guzman*

**P HB2195 Department of Workforce Development and Advancement created; consolidation of the Commonwealth's workforce development policies and programs; report.** Creates the Department of Workforce Development and Advancement (the Department) to administer workforce development programs. The bill consolidates statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bill provides for the Virginia Board of Workforce Development to conduct an independent

evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bill also (i) transfers administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) directs the State Council of Higher Education for Virginia to collaborate with the Department to grow and expand the Innovative Internship Fund and Program, and (iii) directs the Secretary of Labor (the Secretary) to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. The Secretary is also required to convene a stakeholder work group to advise the Secretary during the transition period. As introduced, this bill was a recommendation of the Small Business Commission and is identical to SB 1470.

*Patron - Byron*

**P HB2220 GO Virginia grants; matching funds; sunset.** Extends to July 1, 2025, the sunset date of the provision that allows a locality to use grant funds awarded by the Tobacco Region Revitalization Commission as matching funds for GO Virginia grants.

*Patron - Wampler*

**P HB2223 State and Local Government Conflict of Interests Act; statement of economic interests; board of directors of the Virginia Innovation Partnership Authority.** Adds the members of the board of directors of the Virginia Innovation Partnership Authority to the list of persons required to file the state and local statement of economic interests annually with the Virginia Conflict of Interest and Ethics Advisory Council. The bill contains technical amendments.

*Patron - Batten*

**P HB2256 Fort Monroe Authority; fees; security.** Grants the Fort Monroe Authority the ability to (i) charge certain fees for services within Fort Monroe and (ii) utilize security enhancement devices to enhance the safety of persons or property within Fort Monroe. This bill is identical to SB 860.

*Patron - Cordoza*

**P HB2332 Virginia Economic Development Partnership Authority; eligible site for site development grant; minimum acreage requirement.** Reduces from 100 acres to 50 acres the minimum number of contiguous acres required for a site that is not a brownfield to satisfy the acreage requirement to be considered eligible to receive a site development grant from the Virginia Business Ready Sites Program Fund by the Virginia Economic Development Partnership Authority. This bill is identical to SB 1308. This bill received Governor's recommendations.

*Patron - Campbell, E.H.*

**P HB2371 Alexandria Historical Restoration and Preservation Commission; surety bonds for membership.** Removes the requirement that each member of the Alexandria Historical Restoration and Preservation Commission give a surety bond in the sum of \$10,000 that is executed by a surety company, payable to the Governor and his successors in office, and conditioned upon the member's faithful performance of his duties. This bill is identical to SB 942.

*Patron - Bennett-Parker*

**P HB2394 Virginia Freedom of Information Act; exclusions; proprietary records and trade secrets; Fort Monroe Authority.** Excludes from mandatory disclosure under the Virginia Freedom of Information Act trade secrets, proprietary information, or financial information supplied by

an individual or a private or nongovernmental entity to the Fort Monroe Authority for the purpose of complying with the obligations of any lease, easement, license, permit, or other agreement, whether of a commercial or residential real-estate nature, pertaining to the use or occupancy of any portion of Fort Monroe. The bill provides that in order for such trade secrets, proprietary information, or financial information to be excluded, the applicant shall (i) invoke this exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify with specificity the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary. This bill is identical to SB 1497.

*Patron - Cordoza*

**P HB2450 Virginia Public Procurement Act; construction management; contract requirements.** Excludes construction management contracts involving infrastructure projects from the requirement that no more than 10 percent of the construction work be performed by the construction manager with its own forces and that the remaining 90 percent of the construction work be performed by subcontractors of the construction manager. This bill is identical to SB 1491.

*Patron - Campbell, J.L.*

**P HB2498 Virginia Freedom of Information Act; training for local officials; members of park authorities' boards.** Adds members of any boards governing any authority established pursuant to the Park Authorities Act to the list of persons to whom the Virginia Freedom of Information Advisory Council or the local government attorney is required to provide training. The bill requires such members to complete such training sessions within two months after assuming the local elected office and requires the clerk of each governing body or school board to maintain records indicating the names of such members and the dates of training completion.

*Patron - Kory*

**P HB2500 Virginia Public Procurement Act; private contracts; payment of subcontractors.** Clarifies certain definitions throughout the Code for consistency between public and private construction contracts. The bill updates the notice required when a general contractor withholds all or a part of the amount invoiced by a subcontractor in a public construction contract and when an owner withholds payment from a general contractor to include language specifically identifying the contractual noncompliance, the dollar amount being withheld, and the lower-tier subcontractor responsible for the contractual noncompliance. This bill is identical to SB 1313.

*Patron - Wiley*

**P SB824 Substance Abuse Services Council; name change; membership.** Renames the Substance Abuse Services Council as the Virginia Addiction Recovery Council and increases from 29 to 32 the membership of the Council by adding two members representing the problem gambling recovery community and one member representing the board of directors of the Opioid Abatement Authority.

*Patron - Bell*

**P SB860 Fort Monroe Authority; fees; security.** Grants the Fort Monroe Authority the ability to (i) charge certain fees for services within Fort Monroe and (ii) utilize security enhancement devices to enhance the safety of persons or property within Fort Monroe. This bill is identical to HB 2256.

*Patron - Locke*

**P SB914 Office of Data Governance and Analytics; Chief Data Officer.** Repeals the sunset provision enacted in 2021 that created the Office of Data Governance and Ana-

lytics (the Office) and the position of Chief Data Officer within the Office of the Secretary of Administration, making both permanent. The provision is currently scheduled to expire on July 1, 2023. The bill also requires the Office to oversee and support any workforce development data systems, to facilitate data sharing, to identify innovative technology solutions, and to support processes that create data-informed decisions. This bill is identical to HB 1591.

*Patron - Hanger*

**P SB942 Alexandria Historical Restoration and Preservation Commission; surety bonds for membership.**

Removes the requirement that each member of the Alexandria Historical Restoration and Preservation Commission give a surety bond in the sum of \$10,000 that is executed by a surety company, payable to the Governor and his successors in office, and conditioned upon the member's faithful performance of his duties. This bill is identical to HB 2371.

*Patron - Saslaw*

**P SB1002 State and Local Government Conflict of Interests Act; certain gifts prohibited; foreign countries of concern.**

Prohibits officers and employees of state and local governments, including legislators or members of their immediate family who may accept such a gift on behalf of the Commonwealth, from receiving a gift with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged from foreign countries of concern, defined in the bill. This bill is identical to HB 1911.

*Patron - Cosgrove*

**P SB1061 Private activity bonds; public hearings.** Updates notice requirements for public hearings on private activity bonds throughout the Code. The bill also removes the requirement that an applicant provide the approving authority with a form specified in relevant law when requesting private activity bond financing.

*Patron - Stuart*

**P SB1071 Department of Veterans Services; mental health and rehabilitative services; Military Spouse Liaison.**

Adds military service members transitioning from military to civilian life to the list of persons supported by the program for mental health and rehabilitative services administered by the Department of Veterans Services. The bill requires the Commissioner of the Department of Veterans Services to include in the Department's annual report data related to such transitioning service members and an overview of the activities of the Military Spouse Liaison, including any legislative recommendations. This bill is identical to HB 1624.

*Patron - Bell*

**P SB1081 Office of the Children's Ombudsman.**

Repeals the Children's Advocacy Fund, created to support the Office of the Children's Ombudsman (Office), as general funds are used to fund the Office. The definition of "abused and neglected child" is amended to match the definition in Title 63.2. The bill removes the authority previously granted to the Office to investigate "adoption attorneys." The bill also clarifies that the Office is exempt from the Virginia Freedom of Information Act. Finally, the bill contains several technical amendments. This bill received Governor's recommendations.

*Patron - Edwards*

**P SB1082 Department of Veterans Services; post-traumatic stress disorder or traumatic brain injury treatments; data collection.**

Allows the Department of Veterans Services to contract with any hyperbaric clinic providing medical-grade 100 percent oxygen in U.S. Food and Drug

Administration-approved chambers in the Commonwealth or any hospital that furnishes a comprehensive treatment program that includes medication, psychotherapy, and hyperbaric oxygen therapy, from an accredited program, to any veteran in the Commonwealth who has been certified by the U.S. Department of Veterans Affairs or any branch of the United States Armed Forces as having post-traumatic stress disorder or traumatic brain injury. The Department shall include in any contract with such clinic or hospital the requirement that data be collected to assess the efficacy of such treatments for veterans and any other information deemed relevant by the Department.

*Patron - DeSteph*

**P SB1094 Treasury Board; powers and duties.**

Provides that the Treasury Board shall have the power and duty to make recommendations to the Governor on bonds, public-private partnerships, or other financing arrangements executed by private foundations for housing or other capital projects with respect to which an educational institution that is not a covered institution is obligated to provide financial or other types of support. This bill is identical to HB 1912.

*Patron - Norment*

**P SB1208 Virginia Economic Development Partnership Authority; Virginia-Taiwan Trade Office.**

Directs the Virginia Economic Development Partnership Authority to conduct a cost-benefit analysis of establishing a Virginia-Taiwan Trade Office to serve as the official representation of the Commonwealth in Taiwan by promoting and offering services relating to economic development and trade.

*Patron - Reeves*

**P SB1308 Virginia Economic Development Partnership Authority; eligible site for site development grant; minimum acreage requirement.**

Reduces from 100 acres to 50 acres the minimum number of contiguous acres required for a site that is not a brownfield to satisfy the acreage requirement to be considered eligible to receive a site development grant from the Virginia Business Ready Sites Program Fund by the Virginia Economic Development Partnership Authority. This bill is identical to HB 2332. This bill received Governor's recommendations.

*Patron - Deeds*

**P SB1313 Virginia Public Procurement Act; private contracts; payment of subcontractors.**

Clarifies certain definitions throughout the Code for consistency between public and private construction contracts. The bill updates the notice required when a general contractor withholds all or a part of the amount invoiced by a subcontractor in a public construction contract and when an owner withholds payment from a general contractor to include language specifically identifying the contractual noncompliance, the dollar amount being withheld, and the lower-tier subcontractor responsible for the contractual noncompliance. This bill is identical to HB 2500.

*Patron - Bell*

**P SB1414 Commonwealth Opioid Abatement and Remediation Fund; established.**

Establishes the Commonwealth Opioid Abatement and Remediation Fund to receive funds from a direct settlement, judgment, verdict, or other court order relating to consumer protection claims regarding the manufacturing, marketing, distribution, or sale of opioids that are intended to be used for opioid abatement or remediation, excluding funds designated for transfer to the Opioid Abatement Authority. The bill provides that such funds shall be deposited by the Office of the Attorney General. Monies in the Fund shall be administered pursuant to the appropriation act and shall be used solely for the purposes of efforts to treat, prevent, or reduce opioid use disorder or the misuse of

opioids or to otherwise abate or remediate the opioid epidemic, or for any other approved purposes described in a related settlement, judgment, verdict, or other court order.

*Patron - Pillion*

**P SB1459 Administration of state government; prohibited applications and websites.** Prohibits any employee or agent of any public body or person or entity contracting with any such public body from downloading or using any application, including TikTok or WeChat, or accessing any website developed by ByteDance Ltd. or Tencent Holdings Ltd. (i) on any government-issued device or government-owned or government-leased equipment, including mobile phones, desktop computers, laptop computers, tablets, or other devices capable of connecting to the Internet, or (ii) while connected to any wired or wireless Internet network owned, operated, or maintained by the Commonwealth. This bill received Governor's recommendations.

*Patron - McDougle*

**P SB1460 State and Local Government Conflict of Interests Act; Virginia Conflict of Interest and Ethics Advisory Council; training for members of appointed school boards.** Adds members of appointed school boards to the list of persons for whom the Virginia Conflict of Interest and Ethics Advisory Council is required to provide certain training sessions. The bill also changes from January 15 to February 1 the annual date for certain employees to file a disclosure statement with the Council. This bill is a recommendation of the Virginia Conflict of Interest and Ethics Advisory Council. This bill is identical to HB 2122.

*Patron - McClellan*

**P SB1470 Department of Workforce Development and Advancement created; consolidation of the Commonwealth's workforce development policies and programs; report.** Creates the Department of Workforce Development and Advancement (the Department) to administer workforce development programs. The bill consolidates statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bill provides for the Virginia Board of Workforce Development to conduct an independent evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bill also (i) transfers administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) directs the State Council of Higher Education for Virginia to collaborate with the Department to grow and expand the Innovative Internship Fund and Program, and (iii) directs the Secretary of Labor (the Secretary) to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. The Secretary is also required to convene a stakeholder work group to advise the Secretary during the transition period. As introduced, this bill was a recommendation of the Small Business Commission and is identical to HB 2195.

*Patron - Ruff*

**P SB1491 Virginia Public Procurement Act; construction management; contract requirements.** Excludes construction management contracts involving infrastructure projects from the requirement that no more than 10 percent of the construction work be performed by the construction manager with its own forces and that the remaining 90 percent of the construction work be performed by subcontractors of the construction manager. This bill is identical to HB 2450.

*Patron - Bell*

**P SB1497 Virginia Freedom of Information Act; exclusions; proprietary records and trade secrets; Fort Monroe Authority.** Excludes from mandatory disclosure under the Virginia Freedom of Information Act trade secrets, proprietary information, or financial information supplied by an individual or a private or nongovernmental entity to the Fort Monroe Authority for the purpose of complying with the obligations of any lease, easement, license, permit, or other agreement, whether of a commercial or residential real estate nature, pertaining to the use or occupancy of any portion of Fort Monroe. The bill provides that in order for such trade secrets, proprietary information, or financial information to be excluded, the applicant shall (i) invoke this exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify with specificity the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary. This bill is identical to HB 2394.

*Patron - Locke*

**P SB1513 State Executive Council for Children's Services; membership.** Adds the Commissioner of the Department for Aging and Rehabilitative Services to the State Executive Council for Children's Services. The bill also adds a representative from the Department for Aging and Rehabilitative Services to the state and local advisory team tasked with advising the Council, managing cooperative efforts at the state level, and supporting local community efforts.

*Patron - Mason*

## Failed

**F HB1366 Executive branch agencies; posting of regulations.** Requires all executive branch agencies to post on the Virginia Regulatory Town Hall at each stage of the regulatory process any agency action that is subject to certain provisions of the Virginia Register Act (§ 2.2-4100 et seq.).

*Patron - Head*

**F HB1483 Study; Secretary of Commerce and Trade; effects of daylight saving time on the Commonwealth; report.** Requests the Secretary of Commerce and Trade to study the effects of the Commonwealth's continued observance of daylight saving time under the federal Uniform Time Act of 1966 and the potential consequences of a decision to use either standard time or daylight saving time year-round in the Commonwealth.

*Patron - McNamara*

**F HB1491 Department of Small Business and Supplier Diversity; definitions; small business.** Redefines "small business" for the purposes of programs for the Department of Small Business and Supplier Diversity and the Virginia Public Procurement Act to mean a business that together with its affiliates has both 250 or fewer employees and average annual gross receipts, less the cost of goods sold by the business, of \$10 million or less averaged over the previous three years. Currently for these programs, a business qualifies as a small business if, together with its affiliates, it has either 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

*Patron - Davis*

**F HB1594 Department of Human Resource Management; health insurance coverage for employees of multijurisdictional community services boards.** Adds employees of community services boards that serve more than one locality to the definition of "state employee" for the purpose of allowing such employees to be eligible for the health

insurance coverage provided to state employees by the Department of Human Resource Management.

*Patron - Gooditis*

**F HB1611 Virginia Public Procurement Act; competitive negotiation; allows localities to post public notice on appropriate websites.** Removes the requirement that if a local public body elects not to publish notice of a Request for Proposal in a newspaper of general circulation in the area in which the contract is to be performed, then such local public body shall post such notice on the Department of General Services' central electronic procurement website. The bill allows local public bodies to post such notice on any appropriate website without requiring local public bodies to post such notice in a newspaper.

*Patron - Williams Graves*

**F HB1618 Revenue Stabilization Fund and Revenue Reserve Fund; required deposits.** Requires deposit of any revenues that would be required to be deposited in the Revenue Stabilization Fund or Revenue Reserve Fund to be deposited in the Taxpayer Relief Fund, established by the bill, in certain circumstances. Such deposits shall be made if the combined balance in the Revenue Stabilization Fund or Revenue Reserve Fund exceeds 15 percent of the Commonwealth's average annual tax revenues derived from taxes on income and retail sales.

*Patron - McNamara*

**F HB1705 Attorney General; instituting or conducting criminal prosecutions for violations of criminal sexual assault and commercial sex trafficking committed against children.** Authorizes the Attorney General to institute or conduct criminal prosecutions in cases involving a violation of criminal sexual assault or commercial sex trafficking when such crimes are committed against children.

*Patron - Bell*

**F HB1743 Virginia Public Procurement Act; competitive sealed bidding; Invitation to Bid; required statements.** Requires every written Invitation to Bid issued pursuant to the Virginia Public Procurement Act to incorporate certain statements of qualifications for potential contractors related to responsible contracting, direct hiring, prevailing wages, and participation in apprenticeship programs.

*Patron - Carr*

**F HB1758 Department of Regulatory Innovation; Virginia Regulatory Sandbox Program; created.** Creates the Department of Regulatory Innovation to oversee the Virginia Regulatory Sandbox Program, also created by the bill, which allows an individual or business to demonstrate a product, production method, or service under a waiver or suspension of one or more state laws or regulations. The bill sets out the process by which an individual or business may apply for participation in the Program, the role of the Department in reviewing such applications for approval or denial, and the requirements for participation in the Program, including provisions related to consumer protection.

*Patron - Webert*

**F HB1799 Opioid Abatement Authority; membership.** Increases from 11 to 13 the membership of the Opioid Abatement Authority board of directors by adding two representatives of the addiction and recovery community.

*Patron - Freitas*

**F HB1808 Virginia Commercial Space Flight Authority; emergency.** Overrides a provision in the appropriation act that required a certain approval from the National

Aeronautics and Space Administration prior to disbursement of funds to the Virginia Commercial Space Flight Authority. The bill contains an emergency clause.

*Patron - Bloxom*

**F HB1810 Administration of government; rights of state and local employees; freedoms of conscience and expression.** Protects local government employees from being penalized by their employer for expressing their opinion regarding a current or proposed regulation, rule, policy, position, or other action or purpose of a public body at an open meeting of such public body during the time designated for public comment when such employees are speaking on their own behalf as members of the public. The bill exempts from such protection expressions made by state government employees during a public meeting of a committee or subcommittee of the General Assembly or State Corporation Commission.

*Patron - Davis*

**F HB1816 Dangers and victims of communism; recognition; Standards of Learning and programs of instruction.** Requires the Governor to annually issue a proclamation setting the seventh day of November as Victims of Communism Day and requiring such day to be suitably observed in each public elementary and secondary school in the Commonwealth as a day honoring the approximately 100 million individuals who have fallen victim to communist regimes around the world and to be suitably observed by a public exercise in the Capitol and elsewhere as the Governor may designate in such proclamation. The bill also requires the Board of Education to include in the history and social science Standards of Learning and each school board to emphasize in its Standards-aligned program of instruction the study of the dangers of communism.

*Patron - Avoli*

**F HB1829 Grant and procurement awards; certification for small, women-owned, or minority-owned businesses.** Requires that for any grant or contract issued or entered into by the Governor, a state agency, or a locality, such entity shall inquire whether the grant recipient, bidder, offeror, or contractor is a small, women-owned, or minority-owned business and whether it is certified by the Department of Small Business and Supplier Diversity (DSBSD) for procurement enhancement. If such business is eligible but not certified, the bill directs DSBSD to provide it with information on the certification process and encourage it to apply for certification.

*Patron - Torian*

**F HB1841 Revenue Stabilization Fund and Revenue Reserve Fund; required deposits.** Eliminates the requirement that certain revenues be deposited in the Revenue Stabilization Fund that are in excess of the deposits required by the Constitution of Virginia and adds a new requirement that additional deposits be made to the Revenue Reserve Fund if general fund revenues exceed certain amounts in a fiscal year.

*Patron - Knight*

**F HB1876 Firefighter's Fertility Protection Act; local government employees; health insurance program; fertility services.** Requires that a health insurance plan established by the Department of Human Resource Management for employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, officers, teachers, and retirees, shall include coverage for the diagnosis and treatment of infertility and for standard fertility preservation procedures, defined in the bill.

*Patron - Helmer*

**F HB1878 Virginia Freedom of Information Act; exclusions to application of chapter; local administrative investigations; disclosure.** Clarifies that personal contact information, to include a home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device, when furnished in confidence to a local governing body with respect to complainants in local investigations, is exempt from disclosure under the Virginia Freedom of Information Act. The bill expands the applicability of the exemption to zoning enforcement complaints to all such complaints, not just individual enforcement complaints. The bill also provides that information in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators.

*Patron - Williams Graves*

**F HB1891 Transcranial magnetic stimulation; pilot program.** Requires the Department of Behavioral Health and Developmental Services to establish a pilot program to make electroencephalogram combined transcranial magnetic stimulation available for veterans, first responders, and law-enforcement officers. The bill requires the State Board of Behavioral Health and Developmental Services to establish regulations for the pilot program.

*Patron - McGuire*

**F HB1898 Virginia Public Procurement Act; prohibition on boycotting Israel.** Requires all public bodies to include in every contract in excess of \$100,000 with a business that employs more than 10 employees and in every sub-contract or purchase order in excess of \$10,000 a provision that states that during the performance of the contract, neither the contracting business, nor any of its affiliates, shall engage in a boycott of Israel.

*Patron - McGuire*

**F HB1902 Administrative Process Act; appeal of case decisions regarding grant or denial of public assistance.** Removes the prohibition against appeals regarding the adequacy of standards of need and payment levels for public assistance and social services programs and provisions limiting the court to ascertaining whether there was evidence in the agency record to support the case decision of the agency acting as the trier of fact. Current law allows court review of agency decisions regarding the grant or denial of Temporary Assistance for Needy Families, Medicaid, food stamps, general relief, auxiliary grants, or state-local hospitalization but limits such review to whether the agency relied on evidence to support its decision.

*Patron - Hope*

**F HB1913 Virginia Public Procurement Act; prohibited contracts; agency-branded marketing materials.** Prohibits state agencies from entering into any contract for the purchase of goods that (i) are branded with such state agency's name, logo, insignia, or other designation and (ii) are being purchased for the purpose of advertising, marketing, or promotion.

*Patron - Batten*

**F HB1934 Administrative Process Act; certain regulations to require legislative approval.** Requires any agency that estimates that a proposed regulation will have an adverse impact on economic growth or increase regulatory costs by more than \$500,000 within five years of its implementation to advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations no later than 30 days

prior to the next regular legislative session. The bill requires the Joint Commission on Administrative Rules to review such regulation and issue a statement containing the Commission's findings.

*Patron - Fowler*

**F HB1953 Virginia Freedom of Information Act; closed meeting exemption; home instruction of children.** Creates an exemption from the open meeting requirements of the Virginia Freedom of Information Act for discussion, consideration, or decisions relating to home instruction of children, unless objected to by a parent or guardian in an open meeting, that are exempt from disclosure pursuant to relevant law.

*Patron - Greenhalgh*

**F HB1957 Virginia Public Procurement Act; construction management and design-build contracting; applicability.** Requires a two-step process consisting of (i) a preconstruction contract and (ii) competitive sealed bidding for construction services for certain projects totaling less than \$125 million. Complex projects, defined in the bill, may request an exemption from the provisions of the bill and relevant law from the Secretary of Administration. If a complex project totals more than \$125 million, the bill provides that an exemption from the provisions of the bill and relevant law is not required. Finally, the bill states that competitive sealed bidding is the preferred method of procurement for construction services in the Commonwealth.

*Patron - Leftwich*

**F HB1965 Virginia Freedom of Information Act; required release of law-enforcement disciplinary records; exceptions.** Requires the release of law-enforcement disciplinary records related to completed disciplinary investigations. The bill defines "law-enforcement disciplinary records" as any record created in furtherance of a law-enforcement disciplinary proceeding or any other administrative or judicial proceeding arising from the law-enforcement officer's conduct, whether such proceeding takes place in the Commonwealth or in another jurisdiction. The bill requires the redaction of (i) certain personal contact information of the law-enforcement officer, complainant, and witness and of their families; (ii) social security numbers; (iii) certain medical and identifying information of the law-enforcement officer and complainant; and (iv) any technical infraction, as defined in the bill, by the law-enforcement officer.

*Patron - Mullin*

**F HB2018 Children's Services Act; information sharing; confidentiality exception.** Allows family assessment and planning teams (FAPT) and community policy and management teams (CPMT) to share information with local law enforcement or threat assessment teams established by local school boards if a FAPT or CPMT obtains information from which the team determines that a child poses a threat of violence or physical harm to himself or others. Under current law, all information about specific children and families obtained by FAPT and CPMT members must be kept confidential.

*Patron - Adams, L.R.*

**F HB2036 Department of Veterans Services; veterans care center in Northern Virginia; report.** Directs the Department of Veterans Services to study and develop a plan for the establishment of a veterans care center in the eastern portion of the Northern Virginia region and to report such plan to the Governor and the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions



and the Senate Committees on Finance and Appropriations and Education and Health by November 1, 2023.

*Patron - Sewell*

**F HB2050 Virginia Freedom of Information Act; electronic meetings; local and regional public bodies.** Allows, with certain exceptions, local and regional public bodies to convene as many all-virtual public meetings as each such public body deems acceptable in its individual remote participation meeting policy, to be adopted at least once annually by recorded vote at a public meeting. Current law limits all-virtual public meetings to no more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, and prohibits any such meeting from being held consecutively with another all-virtual public meeting.

*Patron - Bennett-Parker*

**F HB2059 Noncitizens of the United States; aliens; terminology.** Removes the term "alien" as it pertains to persons who are not citizens or nationals of the United States and replaces it with synonymous language, as appropriate, throughout the Code of Virginia.

*Patron - Lopez*

**F HB2192 Department of Behavioral Health and Developmental Services; Catawba Hospital; substance abuse treatment and recovery services.** Directs the Department of Behavioral Health and Developmental Services to transform Catawba Hospital into a state-of-the-art facility at which a continuum of substance abuse treatment and recovery services is provided in addition to the array of behavioral health and other services currently provided to geriatric individuals in need of mental health care.

*Patron - Rasoul*

**F HB2207 Information Technology Access Act.** Makes numerous organizational changes to the Information Technology Access Act. The bill defines "information and communications technology" that is used to promote digital accessibility, also defined in the bill, for all persons with disabilities. The bill requires the head of each covered entity, defined in the bill, to designate an employee to serve as such covered entity's digital accessibility coordinator and to be responsible for developing and implementing such covered entity's digital accessibility policy and report. The bill has a delayed effective date of January 1, 2024.

*Patron - Tran*

**F HB2217 Interagency task force on Workforce Innovation and Opportunity Act.** Directs the Secretaries of Education and Labor to convene a task force of relevant state agencies who house Title I, II, and III programs and the state's Registered Apprenticeship program, as well as representatives from the Virginia Community College System, the Virginia Economic Development Partnership Authority, the Virginia Board of Workforce Development, the Virginia Association of Workforce Directors, and organized labor, to consider possible alternatives for the alignment of Titles I, II, and III funded by the Workforce Innovation and Opportunity Act. The task force shall include in its review the challenges, opportunities, and costs for each considered reorganization model. The task force shall also consult with the Virginia representative from the U.S. Department of Labor and consider the December 2021 Workforce System Evaluation report submitted to the Governor and the Virginia Board of Workforce Development. The Secretaries of Education and Labor shall submit their executive summary and report by June 30, 2024.

*Patron - Tran*

**F HB2347 Department of Planning and Budget; Regulatory Budget Program; report.** Directs the Department of Planning and Budget, under the direction of the Secretary of Finance, to establish a continuous Regulatory Budget Program with the goal of setting a two-year target for each executive branch agency subject to the Administrative Process Act to (i) reduce regulations and regulatory requirements, (ii) maintain the current number of regulations and regulatory requirements, or (iii) allow regulations and regulatory requirements to increase by a specific amount over a two-year period. The bill requires the Secretary of Finance to report to the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules on the status of the Program no later than October 1 of each odd-numbered year. Finally, the bill provides that the Department, in consultation with the Office of the Attorney General, shall, by March 1, 2024, issue guidance for agencies regarding the Program and how an agency can comply with the requirements of the Program. The bill has an expiration date of January 1, 2027.

*Patron - Webert*

**F HB2376 Virginia Creative Economy Grant Fund and Program.** Establishes the Virginia Creative Economy Grant Program and the Virginia Creative Economy Grant Fund, to be administered by the Virginia Economic Development Partnership Authority, for the purpose of awarding grants to independent content creators and creative entrepreneurs for the purpose of developing and expanding the creative economy in Virginia. The bill provides for the award of grants of no more than \$20,000 to any recipient.

*Patron - Glass*

**F HB2385 Administration of state government; prohibited actions; civil penalty.** Prohibits state agencies from entering into a contract for goods or services with a scrutinized company, defined in the bill as any company owned or operated by a foreign adversary, other than a company for which the Committee on Foreign Investment in the United States has determined that there are no unresolved national security concerns regarding the transaction that created such ownership or permitted such operation. The bill also requires any company that submits a bid or proposal to a state agency with respect to a contract for goods or services to certify in writing that it is not a scrutinized company and outlines the penalties for falsifying information in submitting such certification, including a civil penalty in an amount equal to the greater of \$250,000 or twice the amount of the contract for which the bid or proposal was submitted. Finally, the bill prohibits any employee or agent of any executive branch agency or person or entity contracting with any such agency from downloading or using any application, including TikTok or WeChat, or accessing any website developed by ByteDance Ltd. or Tencent Holdings Ltd. (i) on any state-issued device or state-owned or state-leased equipment, including mobile phones, desktop computers, laptop computers, tablets, or other devices capable of connecting to the Internet, or (ii) while connected to any wired or wireless Internet network owned, operated, or maintained by the Commonwealth.

*Patron - Brewer*

**F HB2391 Public-Private Partnership Advisory Commission; membership.** Makes the Secretary of Finance a permanent member of the Public-Private Partnership Advisory Commission and requires a responsible public entity to submit to the Secretary a copy of any proposal or proposed interim or comprehensive agreement for a qualifying project that it submits to the Commission and other enumerated entities.

*Patron - Austin*



**F HB2455 Regulation of charitable gaming and historical horse racing.** Transfers regulatory control of charitable gaming and historical horse racing from the Department of Agriculture and Consumer Services and the Virginia Racing Commission, respectively, to the Virginia Lottery, renamed in the bill as the Virginia Lottery and Gaming Department. The bill directs the Virginia Lottery Board, renamed as the Virginia Lottery and Gaming Oversight Board, to promulgate regulations necessary for the conduct of (i) historical horse racing, with the assistance of the Virginia Racing Commission, by December 1, 2023, and (ii) charitable gaming, with the assistance of the Department of Agriculture and Consumer Services, by July 1, 2024. All relevant regulations of the Department of Agriculture and Consumer Services and the Virginia Racing Commission shall remain in full force and effect until the effective transfer of such regulations to the Virginia Lottery and Gaming Oversight Board.

*Patron - Leftwich*

**F HB2460 Control of firearms by state agencies; rights of employees.** Prohibits state agencies other than the Department of Corrections, Department of Juvenile Justice, and Virginia Port Authority and public institutions of higher education from adopting any regulation or workplace rule preventing officers or employees of such agencies from storing a lawfully possessed firearm and ammunition in a locked private motor vehicle at their workplace unless the adoption of the regulation is expressly authorized by statute. The bill also provides that any such regulation or rule adopted prior to July 1, 2023, is invalid.

*Patron - Fariss*

**F HB2461 Secretary of Finance; COVID-19 penalty reimbursements; sunset.** Requires all state agencies to report to the Secretary of Finance the total amount of fines, fees, and interest imposed on individuals, businesses, and non-profit organizations, including any withdrawal, suspension, or cancellation of an individual's license or certification, resulting from violations of the Commonwealth's COVID-19 practices, guidelines, rules, or operating procedures and any state contracts that were not awarded as a result of noncompliance with the Commonwealth's COVID-19 guidelines. The bill also requires all state agencies to include in such report the fund into which such amounts were deposited. The bill directs the Secretary of Finance, in consultation with the Cabinet Secretaries with responsibility for the impacted agencies, to develop a procedure to provide reimbursement to such individuals, businesses, and nonprofit organizations up to the amount of fines, fees, or interest previously paid for such violations. The bill specifies that the procedure developed by the Secretary of Finance shall provide for the reimbursement of such amounts from the fund into which the original amounts were deposited. The bill has a sunset date of July 1, 2025.

*Patron - Durant*

**F HB2477 Care Economy Business Council created; powers and duties; membership.** Creates the 12-member Care Economy Business Council as an advisory council in the executive branch of state government to advise the Governor on policy and funding priorities to determine and implement equitable practices to support persons employed in the direct care workforce. The bill has an expiration date of June 30, 2026.

*Patron - Glass*

**F HB2478 Fast Food Industry Workers Standards Board established.** Establishes the Fast Food Industry Workers Standards Board as a policy board within the execu-

tive branch of government. The Board shall provide advice and standards to meet the needs of fast food industry workers, defined in the bill, to eliminate the low compensation and poor working conditions that impair the health, efficiency, and well-being of fast food industry workers. The bill authorizes the Board to establish certified worker organizations to provide training on the Board's standards for fast food industry workers and such workers' rights under current labor and employment law. The bill also permits localities to establish local fast food industry standards boards within the guidelines established by the Board. The bill requires fast food industry employers to post notices of any standards promulgated by the Board consistent with the Board's requirements for such notices. Finally, the bill prohibits discriminatory or retaliatory termination of fast food industry workers by fast food industry employers.

*Patron - Shin*

**F HB2484 Attorney General; White Collar Crime Task Force.** Creates in the Department of Law a White Collar Crime Task Force that may investigate and prosecute financially motivated nonviolent felony offenses, including any felony offense related to securities fraud, larceny, receiving stolen goods, embezzlement, fraudulent conversions, bribery, wage theft, or other crimes involving fraud. The Task Force shall consist of at least three assistant Attorneys General, at least one forensic accountant, and at least one investigator. Accordingly, the bill allows the Attorney General to institute or conduct criminal prosecutions for such felony offenses, with the concurrence of the local attorney for the Commonwealth.

*Patron - Subramanyam*

**F SB813 Virginia Freedom of Information Act; record exclusions; State Comptroller records.** Provides that the exclusions of the Virginia Freedom of Information Act related to the internal controls of the State Comptroller do not authorize the withholding of the name of any officer, official, or employee of a public body as it appears on a purchase card statement or other payment record or the description of an individual purchase appearing on any such purchase card statement or payment record.

*Patron - Surovell*

**F SB859 Virginia Public Procurement Act; competitive negotiation; allows localities to post public notice on appropriate websites.** Removes the requirement that if a local public body elects not to publish notice of a Request for Proposal in a newspaper of general circulation in the area in which the contract is to be performed, then such local public body shall post such notice on the Department of General Services' central electronic procurement website. The bill allows local public bodies to post such notice on any appropriate website without requiring local public bodies to post such notice in a newspaper.

*Patron - Cosgrove*

**F SB902 Attorney General; instituting or conducting criminal prosecutions for violations of criminal sexual assault and commercial sex trafficking committed against children.** Authorizes the Attorney General to institute or conduct criminal prosecutions in cases involving a violation of criminal sexual assault or commercial sex trafficking when such crimes are committed against children.

*Patron - McDougle*

**F SB912 Virginia Public Procurement Act; competitive negotiation; exceptions to contractual terms and conditions of the Request for Proposal.** Prohibits a public body from requiring an offeror to state in a proposal any exception to any contractual terms or conditions, including any liability provisions, contained in a Request for Proposal for

information technology. The bill also requires the offeror to state any such exception in writing at the beginning of negotiations, which exception shall be considered during negotiations. Current law only prohibits a public body from requiring an offeror to state in a proposal any exception to the liability provisions of the Request for Proposal.

*Patron - Ruff*

**F SB934 State agencies; telecommuting policy.** Increases the target for eligible state employee participation in telecommuting from 20 percent to 45 percent by January 1, 2024.

*Patron - Hashmi*

**F SB936 Department of Emergency Management; comprehensive extreme heat emergency response plan.** Directs the Department of Emergency Management to develop a comprehensive extreme heat emergency response plan by November 1, 2023. Such plan shall include criteria for (i) developing a heat adaptation plan, (ii) convening a heat emergency coordination team to facilitate coordination across state agencies, (iii) establishing public cooling spaces, (iv) developing extreme heat health warning systems and protocols, (v) establishing partnerships with community-based organizations to provide services and support to all communities, and (vi) examining housing cooling needs.

*Patron - Hashmi*

**F SB937 Television Production Development Grant Program and Fund; established; report.** Establishes the Television Production Development Grant Program and Fund that allows the Virginia Tourism Authority, with assistance from the Virginia Film Office, to award competitive grants to businesses in the television industry for filming or investing in television production or television production related infrastructure projects in the Commonwealth. The Office and the Authority shall submit a report every two years detailing television industry and related infrastructure spending in the Commonwealth and information related to the issuance of such grants through the Program from the Fund.

*Patron - Hashmi*

**F SB954 Virginia Public Procurement Act; construction management and design-build contracting; applicability.** Requires a two-step process consisting of (i) a preconstruction contract and (ii) competitive sealed bidding for construction services for certain projects totaling less than \$125 million. Complex projects, defined in the bill, may request an exemption from the provisions of the bill and relevant law from the Secretary of Administration. If a complex project totals more than \$125 million, the bill provides that an exemption from the provisions of the bill and relevant law is not required. Finally, the bill states that competitive sealed bidding is the preferred method of procurement for construction services in the Commonwealth.

*Patron - Petersen*

**F SB998 Administrative Process Act; appeal of case decisions regarding grant or denial of public assistance.** Removes the prohibition against appeals regarding the adequacy of standards of need and payment levels for public assistance and social services programs and provisions limiting the court to ascertaining whether there was evidence in the agency record to support the case decision of the agency acting as the trier of fact. Current law allows court review of agency decisions regarding the grant or denial of Temporary Assistance for Needy Families, Medicaid, food stamps, general relief, auxiliary grants, or state-local hospitalization but limits

such review to whether the agency relied on evidence to support its decision.

*Patron - Mason*

**F SB1012 State and local prohibition on single-use plastic and expanded polystyrene products.** Prohibits state agencies beginning July 1, 2024, from contracting for the purchase, sale, and distribution of (i) single-use plastic bags, cutlery, straws, or water bottles and (ii) single-use plastic food service containers and expanded polystyrene food service containers, except during a declared state of emergency. The bill directs the Department of General Services to post public notice of all prohibited goods on its public procurement website. The bill also authorizes any locality to prohibit by ordinance the purchase, sale, or provision, whether free or for a cost, of (a) single-use plastic bags, cutlery, straws, or water bottles and (b) single-use plastic food service containers and expanded polystyrene food service containers, with certain exceptions enumerated in the bill.

*Patron - Edwards*

**F SB1023 Children's Services Act; special education programs.** Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 (George Washington Regional) for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.

*Patron - Stuart*

**F SB1036 Virginia Tourism Authority; exemption from personnel and procurement procedures; repeal.** Repeals the exemption of the Virginia Tourism Authority from the provisions of the Virginia Public Procurement Act and the Virginia Personnel Act.

*Patron - McPike*

**F SB1115 Virginia Public Procurement Act; preference for products made or manufactured in Virginia and the U.S.; recyclable content; report.** Provides preference for a bidder who is a resident of Virginia over a bidder who is a resident of any other state in determining the award for any contract for goods, services, or construction under the Virginia Public Procurement Act. The bill requires a state agency to decrease by seven percent the price of any offer for a Virginia end product, defined in the bill, and to decrease by two percent the price of any offer for a U.S. end product, defined in the bill, when evaluating bids for purposes of making an award determination. When the lowest responsive and responsible bidder, after price preferences have been taken into account, is a resident of Virginia and the offer price is within \$10,000 or five percent, whichever is less, of the lowest responsive and responsible bidder who is a resident of another state, the Virginia resident shall be given the option to match the price of the nonresident bidder. Current allowance for granting price preferences to Virginia residents is made mandatory by the bill. The bill directs the Secretary of Commerce and Trade to convene a stakeholder work group to recommend revisions to the recyclable materials tax credit and report on the work group's recommendations by November 1, 2023. This bill is a recommendation of the Manufacturing Development Commission.

*Patron - DeSteph*

**F SB1176 Virginia Public Procurement Act; preference for products made or manufactured in Virginia and the U.S.; recyclable content; report.** Provides preference for a bidder who is a resident of Virginia over a bidder who is a resident of any other state in determining the award for any contract for goods, services, or construction under the Virginia Public Procurement Act. The bill requires a state agency to decrease by seven percent the price of any offer for a Virginia end product, defined in the bill, and to decrease by two percent the price of any offer for a U.S. end product, defined in the bill, when evaluating bids for purposes of making an award determination. When the lowest responsive and responsible bidder, after price preferences have been taken into account, is a resident of Virginia and the offer price is within \$10,000 or five percent, whichever is less, of the lowest responsive and responsible bidder who is a resident of another state, the Virginia resident shall be given the option to match the price of the nonresident bidder. Current allowance for granting price preferences to Virginia residents is made mandatory by the bill. The bill directs the Secretary of Commerce and Trade to convene a stakeholder work group to recommend revisions to the recyclable materials tax credit and report on the work group's recommendations by November 1, 2023. This bill is a recommendation of the Manufacturing Development Commission.

*Patron - McPike*

**F SB1234 Transcranial magnetic stimulation; pilot program.** Requires the Department of Behavioral Health and Developmental Services to establish a pilot program to make electroencephalogram combined transcranial magnetic stimulation available for veterans, first responders, and law-enforcement officers. The bill requires the State Board of Behavioral Health and Developmental Services to establish regulations for the pilot program.

*Patron - Cosgrove*

**F SB1309 Virginia Freedom of Information Act; allow local public bodies to hold virtual meetings.** Allows local public bodies, except for boards with the authority to deny, revoke, or suspend a professional or occupational license, to hold all-virtual public meetings in accordance with the other provisions of the Virginia Freedom of Information Act. The bill limits the requirement that public bodies do not convene all-virtual public meetings consecutively or more than twice per year to state public bodies.

*Patron - Deeds*

**F SB1348 Administrative Process Act; Department of Wildlife Resources; exemptions not to extend to agency actions regarding certain wildlife.** Excludes from the exemptions from the Administrative Process Act granted to the Department of Wildlife Resources (the Department) certain regulations and case decisions of the Department. The bill provides that certain guidance documents in use by the Department as of July 1, 2023, shall expire on December 31, 2023, unless such documents are filed for publication with the Virginia Registrar of Regulations by August 1, 2023, and made available for public comment as prescribed in the Administrative Process Act by December 31, 2023.

*Patron - Mason*

**F SB1351 Virginia Freedom of Information Act; electronic meetings; local and regional public bodies.** Allows, with certain exceptions, local and regional public bodies to convene no more than 50 percent of the meetings held per calendar year rounded up to the next whole number as an all-virtual public meeting. Current law limits all-virtual public meetings to no more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to

the next whole number, whichever is greater, and prohibits any such meeting from being held consecutively with another all-virtual public meeting.

*Patron - Marsden*

**F SB1368 Department of Human Resource Management; health insurance coverage for employees of multijurisdictional community services boards.** Adds employees of community services boards that serve more than one locality to the definition of "state employee" for the purpose of allowing such employees to be eligible for the health insurance coverage provided to state employees by the Department of Human Resource Management.

*Patron - Vogel*

**F SB1375 Virginia Public Procurement Act; public institutions of higher education; prohibition on boycotting Israel; civil penalty.** Prohibits public bodies from entering into a contract in excess of \$100,000 with any contractor having more than an average of 10 employees for the previous 12 months that boycotts Israel. The bill requires any such contractor seeking to contract with a public body under the provisions of the Virginia Public Procurement Act to certify in writing that it will not, during the performance of the contract, boycott Israel. The bill provides that any contractor that violates the provisions of the bill shall be debarred from contracting with all public bodies of the Commonwealth until it can prove that it no longer boycotts Israel. Such contractor is also subject to a civil penalty in an amount equal to three times the amount of the contract. Public bodies are required to maintain and report to the Department of General Services, for inclusion in a publicly available online database, a list of contractors that violated the prohibition and have been debarred. The bill also prohibits public institutions of higher education from boycotting Israel and directs the governing board of each public institution of higher education to establish guidelines that require (i) any entity under the control of the governing board to certify in writing that it shall not boycott Israel; (ii) a quarterly review and report by the governing board of all such entities to determine whether any such entity has boycotted Israel; (iii) appropriate penalties for any entity that has boycotted Israel; and (iv) all written certifications, quarterly reports, and penalty information to be sent to the State Council of Higher Education for Virginia for inclusion in a publicly available online database.

*Patron - Vogel*

**F SB1493 Virginia School for the Deaf and the Blind; Board of Visitors to report to the Governor.** Moves the Board of Visitors of the Virginia School for the Deaf and the Blind (the Board of Visitors) from under the responsibility of the Secretary of Education to under the direction and supervision of the Governor. The bill exempts the Board of Visitors from the definition of "executive branch agency" with respect to the responsibilities of the Virginia Information Technologies Agency. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Bell*

**F SB1521 Revenue reserves and budgetary amendments.** Increases the maximum combined amount in the Revenue Stabilization Fund and the Revenue Reserve Fund from 15 percent to 20 percent of the Commonwealth's average annual tax revenues derived from taxes on income and retail sales for the preceding three years. The bill also increases from five percent to eight percent the estimated amount of general fund revenues that exceed the actual general fund revenues for the immediately preceding fiscal year to trigger additional

deposits to the Revenue Stabilization Fund that shall be included in the Governor's budget recommendations.

*Patron - Barker*

## Agriculture, Animal Care, and Food

### Passed

**P HB1577 Rabid animals; quarantine; access by the local health director or designee.** Requires any person who confines a dog or cat for active signs of rabies or suspected rabies, and any person who confines any other suspected rabid animal that may have exposed a person, to allow the local health director or his designee access to the animal during its confinement.

*Patron - Wachsmann*

**P HB1660 Dairy Producer Margin Coverage Premium Assistance Program; Fund; sunset.** Creates the Dairy Producer Margin Coverage Premium Assistance Program Fund. The bill extends the expiration date of the provisions of the Dairy Producer Margin Coverage Premium Assistance Program from July 1, 2023, to July 1, 2028. This bill is identical to SB 1239.

*Patron - Wilt*

**P HB1664 Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program.** Establishes the Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program and authorizes the Governor to award grants to political subdivisions from the Governor's Agriculture and Forestry Industries Development Fund as part of the Program. Such grants, in amounts up to \$250,000, shall be awarded as reimbursable grants to support blue catfish processing, flash freezing, and infrastructure projects. The bill directs the Secretary of Agriculture and Forestry to develop certain guidelines as provided in the bill on behalf of the Governor to facilitate the Program. This bill is identical to SB 897.

*Patron - Hodges*

**P HB2096 Noxious weeds; invasive plant species; report.** Removes the current prohibition on the movement, transportation, delivery, shipment, or offering for shipment of any noxious weed into or within the Commonwealth without a permit from the Commissioner of Agriculture and Consumer Services and grants the Board of Agriculture and Consumer Services the authority to adopt regulations governing the conditions under which a permit will be required for such actions. The bill also adds requirements related to invasive plant species, including directing the Department of Conservation and Recreation to create an invasive plant species list and update it quadrennially. The bill directs the Department of Conservation and Recreation to convene the Virginia Invasive Species Working Group to develop industry resources and recommendations to be submitted to the Chairmen of the Senate Committees on Agriculture, Conservation and Natural Resources and Finance and Appropriations and the House Committees on Agriculture, Chesapeake and Natural Resources and Appropriations.

*Patron - Bulova*

**P HB2297 Cattle Industry Board; collection and disposition of assessment by handler.** Extends from July 1, 2023, to July 1, 2028, the \$0.50 per head assessment from the sale of cattle in the Commonwealth that is collected and depos-

ited in the Virginia Cattle Industry Fund to support the activities of the Cattle Industry Board. This bill is identical to SB 795.

*Patron - Ware*

**P HB2348 Animal testing facilities; public notification.** Requires any animal testing facility, contract testing facility, or manufacturer, as defined in the bill, that uses an animal test method to display a link to its annual report (APHIS Form 7023) on the homepage or landing page of the facility's or manufacturer's website on or before December 1 for the preceding federal fiscal year. The bill requires an animal testing facility to make certain inspection reports publicly available by displaying a link to access such reports on the home page or landing page of the animal testing facility's website or, if such animal testing facility does not have a website, making such information available by means of a press release or other similar publication. The bill requires any animal testing facility operated by an institution of higher education that receives a citation for critical noncompliance, as defined in the bill, under the Animal Welfare Act or regulations adopted thereunder to notify the leadership of such institution, including the president, dean, and board of visitors or board of trustees. The provisions of the bill do not apply to any federal facility or privately owned licensed veterinary practice. This bill is identical to SB 1271.

*Patron - Webert*

**P SB795 Cattle Industry Board; collection and disposition of assessment by handler.** Extends from July 1, 2023, to July 1, 2028, the \$0.50 per head assessment from the sale of cattle in the Commonwealth that is collected and deposited in the Virginia Cattle Industry Fund to support the activities of the Cattle Industry Board. This bill is identical to HB 2297.

*Patron - Hanger*

**P SB897 Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program.** Establishes the Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program and authorizes the Governor to award grants to political subdivisions from the Governor's Agriculture and Forestry Industries Development Fund as part of the Program. Such grants, in amounts up to \$250,000, shall be awarded as reimbursable grants to support blue catfish processing, flash freezing, and infrastructure projects. The bill directs the Secretary of Agriculture and Forestry to develop certain guidelines as provided in the bill on behalf of the Governor to facilitate the Program. This bill is identical to HB 1664.

*Patron - Stuart*

**P SB903 Tetrahydrocannabinol; industrial hemp; regulated hemp products.** Establishes provisions for the registration of a retail facility for regulated hemp products, as defined in the bill, and establishes product packaging, labeling, and testing requirements for such products. The bill requires any person who manufactures an industrial hemp extract, as defined in the bill, or food containing an industrial hemp extract to obtain a permit from the Commissioner of Agriculture and Consumer Services. The bill creates a Class 1 misdemeanor and a civil penalty of up to \$10,000 for certain hemp-related violations and increases from \$50 to \$500 the civil penalty for certain actions relating to sales of cigarettes and hemp products. The bill requires topical hemp products, as defined in the bill, to include a bittering agent and imposes a \$500 penalty for violations of such requirement. The bill removes tetrahydrocannabinol from the Schedule I list of controlled substances and permits the Board of Pharmacy to schedule, deschedule, or reschedule a tetrahydrocannabinol

isomer, except delta-9-tetrahydrocannabinol, or salts of such isomer in accordance with the provisions of the bill. The bill (i) provides that oversight of certain provisions of the bill, including provisions related to the registration requirement for retail facilities and packaging, labeling, and testing requirements, shall transfer from the Virginia Department of Agriculture and Consumer Services to the Virginia Cannabis Control Authority on July 1, 2024, and (ii) directs the Board of Directors of the Virginia Cannabis Control Authority to promulgate regulations regarding the maximum amount of tetrahydrocannabinol that may be contained in a regulated hemp product. This bill received Governor's recommendations.

*Patron - Hanger*

**P SB1239 Dairy Producer Margin Coverage Premium Assistance Program; Fund; sunset.** Creates in the state treasury a special nonreverting fund to be known as the Dairy Producer Margin Coverage Premium Assistance Program Fund. The bill extends the expiration date of the provisions of the Dairy Producer Margin Coverage Premium Assistance Program from July 1, 2023, to July 1, 2028. This bill is identical to HB 1660.

*Patron - Obenshain*

**P SB1271 Animal testing facilities; public notification.** Requires any animal testing facility, contract testing facility, or manufacturer, as defined in the bill, that uses an animal test method to display a link to its annual report (APHIS Form 7023) on the homepage or landing page of the facility's or manufacturer's website on or before December 1 for the preceding federal fiscal year. The bill requires an animal testing facility to make certain inspection reports publicly available by displaying a link to access such reports on the home page or landing page of the animal testing facility's website or, if such animal testing facility does not have a website, making such information available by means of a press release or other similar publication. The bill requires any animal testing facility operated by an institution of higher education that receives a citation for critical noncompliance, as defined in the bill, under the Animal Welfare Act or regulations adopted thereunder to notify the leadership of such institution, including the president, dean, and board of visitors or board of trustees. The provisions of the bill do not apply to any federal facility or privately owned licensed veterinary practice. This bill is identical to HB 2348.

*Patron - Boysko*

**P SB1546 Department of Health; definition of restaurant; emergency.** Adds any place or operation that prepares or stores food for distribution to child or adult day care centers or schools, regardless of whether the receiving day care center or school holds a restaurant license, to the definition of "restaurant" as it applies to Title 35.1 (Hotels, Restaurants, Summer Camps, and Campgrounds). The bill has an emergency clause.

*Patron - Ebbin*

## Failed

**F HB1381 Marine Resources Commission; regulations for the management of menhaden.** Removes the restriction preventing the Marine Resources Commission from adopting regulations for the management of menhaden outside of the time period between October 1 and December 31.

*Patron - Anderson*

**F HB1382 Declawing cats; prohibition; civil penalty.** Makes unlawful the practice of declawing cats except as necessary for a therapeutic purpose, as defined in the bill,

and creates a civil penalty of \$500 for the first violation, \$1,000 for the second violation, and \$2,500 for the third or any subsequent violation. The bill also entitles any animal control officer, humane investigator, or state or local law-enforcement officer to bring a civil action for a violation of this section.

*Patron - Gooditis*

**F HB1406 License tax; ownership of dogs and cats.** Eliminates the requirement to pay a license tax for owning a dog or cat and eliminates the misdemeanor penalty for failing to pay such license tax.

*Patron - Anderson*

**F HB1441 Tobacco Indemnification and Community Revitalization Fund; Tobacco Region Revolving Fund; eligible localities; Giles County; Pulaski County.** Adds Giles County and Pulaski County to a group of localities that is eligible to receive funds from the Tobacco Indemnification and Community Revitalization Fund and the Virginia Tobacco Region Revolving Fund.

*Patron - Ballard*

**F HB1451 Pet shops; posting of information about dogs; civil penalty.** Provides for the assessment of a civil penalty of up to \$1,000 per violation when (i) any owner of a pet shop that sells dogs does not maintain a written record for each dog in its possession containing certain information or (ii) a pet shop that sells dogs fails to post a notice stating that USDA's Animal and Plant Health Inspection Service inspection reports are available prior to purchase. Currently, such violations are subject to the enforcement provisions of the Virginia Consumer Protection Act.

*Patron - Orrock*

**F HB1468 Rabies vaccination of companion animals; maximum charge.** Provides that no licensed veterinarian, licensed veterinary technician, or other employee under the direction of such veterinarians shall (i) charge a fee or impose other costs for a rabies vaccination exceeding \$20 or (ii) require additional services alongside such vaccination.

*Patron - Ware*

**F HB1527 Cats; trap, neuter, and return programs; civil penalty.** Authorizes any public or private animal shelter, releasing agency, or hospital or clinic that is operated under the immediate supervision of a duly licensed veterinarian to operate a trap, neuter, and return program (TNR program), as defined in the bill. The bill exempts volunteers of such program from provisions relating to abandonment and licensing of animals and exempts the operator of such a program from general requirements of shelters related to holding periods, release of animals, and recordkeeping. A person who violates certain required provisions for such a program is subject to a civil penalty not to exceed \$150 brought by any animal control officer, humane investigator, releasing agency, or the State Veterinarian or State Veterinarian's representative.

*Patron - Convirs-Fowler*

**F HB1548 Aerial pesticide application; civil penalty.** Requires any commercial applicator or private applicator of pesticides who uses fixed-wing or rotary-wing aircraft for the aerial application of such pesticides to any lands lying west of the Blue Ridge Mountains to submit the following information to the Commissioner of Agriculture and Consumer Services no less than seven days prior to such application: (i) the location of such proposed application, (ii) the date and time of such proposed application, and (iii) the brand name or common product name of the pesticide to be used in such proposed application. The bill provides that any commercial applicator or private applicator who violates the provisions of the bill

shall be subject to a civil penalty of \$500 for a first offense and \$2,500 for each additional offense.

*Patron - Campbell, J.L.*

**F HB1692 Tobacco Indemnification and Community Revitalization Fund; Virginia Tobacco Region Revolving Fund; eligible localities; City of Petersburg.** Adds the City of Petersburg to a group of localities that is eligible to receive funds from the Tobacco Indemnification and Community Revitalization Fund and the Virginia Tobacco Region Revolving Fund.

*Patron - Taylor*

**F HB1802 Food product sales; waive government inspection.** Exempts from certain inspection and permitting requirements food products that are otherwise permitted by state law and are sold either at a farmers market or on the premises where such products were grown or produced. Consumers purchasing exempt food products will sign a waiver provided by the seller that includes information about the products and the producers of such products.

*Patron - Freitas*

**F HB1973 Tetrahydrocannabinol; industrial hemp; regulated hemp products.** Establishes provisions for the registration of a retail facility for regulated hemp products, as defined in the bill, establishes product packaging, labeling, and testing requirements for such products, and creates a civil penalty of up to \$1,000 for certain violations relating to such products. The bill requires any person who manufactures an industrial hemp extract, as defined in the bill, or food containing an industrial hemp extract to obtain a permit from the Commissioner of Agriculture and Consumer Services and creates a Class 1 misdemeanor and a civil penalty of up to \$10,000 for certain violations. The bill clarifies that any substances containing a concentration of total tetrahydrocannabinol, as defined in the bill, of more than 0.3 percent, including a hemp product or industrial hemp extract, are included in the definition of marijuana and also clarifies that the definition of marijuana does not include any substance containing tetrahydrocannabinol that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act. The bill increases the civil penalty for certain actions relating to sales of cigarettes and hemp products from \$50 to \$500. The bill also removes tetrahydrocannabinol from the Schedule I list of controlled substances and permits the Board of Pharmacy to schedule, deschedule, or reschedule a tetrahydrocannabinol isomer, except delta-9-tetrahydrocannabinol, or salts of such isomer in accordance with the provisions of the bill.

*Patron - Leftwich*

**F HB1984 Care of companion animals; adequate water.** Amends the definition of "adequate water" as it relates to the care of companion animals to align with the federal Animal Welfare Act by specifying that water be provided in receptacles that are cleaned and sanitized before being used to provide water to a different dog or cat or a different social grouping of dogs or cats and to specify the intervals at which dogs and cats must be provided clean, fresh, potable water unless restricted by a veterinarian.

*Patron - Kory*

**F HB1985 Pet shops; sale of dogs or cats.** Codifies regulations proposed by the Virginia Department of Agriculture and Consumer Services governing the keeping of dogs and cats by pet shops, defined in the bill. The bill requires such pet shops to register and pay a \$250 annual registration fee to the Department. The bill requires pet shops in existence on July 1, 2023, to register with the Department by January 1,

2024. The bill prohibits pet shops from offering dogs or cats for sale to research facilities and establishes certain standards of care for the keeping of dogs or cats. The bill directs the State Animal Welfare Inspector to conduct at least one unannounced, annual inspection of each pet shop and provides certain standards for the Inspector and pet shop owner in order to address any violations.

*Patron - Kory*

**F HB2000 Procurement of dogs and cats for research; public institutions of higher education.** Permits public institutions of higher education to purchase or otherwise acquire dogs and cats for use in research, experimentation, or testing from any person or company only if the State Veterinarian or his assistant has inspected such person or company and has determined that no violations of state law regarding the care, control, or protection of or property rights in animals have occurred.

*Patron - Kory*

**F HB2042 Animal testing; annual report; whistle blower protections created; Animal Welfare Whistle Blower Reward Fund established; civil penalty.** Requires state and private facilities using animal test methods to annually submit on or before December 1 to the Department of Agriculture and Consumer Services a report regarding the use of animals in biomedical or behavioral research for the preceding year. The bill also creates whistle blower protections for any violations of any animal care requirements and establishes the Animal Welfare Whistle Blower Reward Fund to provide monetary rewards to persons who have disclosed any such violations. Finally, the bill provides that violations will result in a civil penalty of not less than \$500 nor more than \$2,500.

*Patron - Shin*

**F HB2123 Food inspections; private homes; pickles and acidified vegetables; gross sales.** Removes the \$3,000 gross sales annual revenue cap for sales of pickles and other acidified vegetables that have an equilibrium pH value of 4.6 or lower that are processed and prepared in a private home without an inspection as otherwise required to operate a food establishment. The bill retains other restrictions that apply in current law to the sales of such pickles and vegetables that are processed and prepared in a private home without an inspection.

*Patron - Hudson*

**F HB2265 Industrial hemp; maximum THC concentration.** Increases from 0.3 percent to one percent, in the definition of industrial hemp, the maximum concentration of tetrahydrocannabinol (THC) in the plant *Cannabis sativa* and excludes hemp products with a THC concentration of one percent or less from (i) the definition of marijuana and (ii) tetrahydrocannabinols as found on Schedule I of the Drug Control Act. The bill allows the Commissioner of Agriculture and Consumer Services to destroy *Cannabis sativa* found to have a THC concentration greater than one percent only if such *Cannabis sativa* is intended for human consumption; reduces the application and registration requirements for any person seeking to grow, deal in, or process industrial hemp; and prohibits the Board of Agriculture and Consumer Services and the Commissioner from adopting any regulation that prohibits the use of industrial hemp or hemp products in the production of any commercial feed product regulated by the Board.

*Patron - Wilt*

**F HB2331 Animal care; seizure of animals; zoos.** Adds animals located at a zoo or petting zoo, defined in

the bill, with agricultural animals as exceptions to the standards for seizure or impoundment of companion animals.

*Patron - Campbell, E.H.*

**F HB2417 Financing of dogs and cats prohibited.** Prohibits financial institutions, access partners, or covered persons, as defined in relevant law, from offering, arranging, brokering, negotiating, placing, finding, or servicing in Virginia any type of loan, credit, or financing agreement for the financing, rental, lease, sale, or other transfer of a dog or cat. Current law prohibits financial institutions from offering a loan or financing agreement for the rental, lease, or sale of a dog or cat where the animal is subject to repossession upon default under the terms of the financing agreement. The bill also adds the financing of a dog or cat to a Virginia consumer as a prohibited activity. Current law prohibits the rental or leasing of a dog or cat to a Virginia consumer.

*Patron - VanValkenburg*

**F HB2453 Department of Conservation and Recreation; two-year pilot program; all-terrain power wheelchairs in state parks.** Provides that the Department of Conservation and Recreation shall establish a two-year pilot program beginning October 1, 2023, and ending September 30, 2025, 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 bill 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 bill allows the Department to adopt regulations to administer the pilot program and requires the Department to submit a report on the outcomes of the pilot program to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and Senate Committee on Agriculture, Conservation and Natural Resources by November 1, 2025.

*Patron - Tran*

**F HB2470 Hunting and fishing licenses.**

*Patron - Edmunds*

**F HB2483 Elephants; pain-inflicting training tools prohibited; penalty.** Adds elephants to the definition of "dangerous captive animal." The bill also prohibits (i) the use of a bullhook, ankus, baseball bat, axe handle, pitchfork, or similar instrument or a tool designed to inflict pain for the purpose of training or controlling the behavior of an elephant and (ii) poking an elephant with such an instrument or tool for the purpose of training or controlling the behavior of the elephant. A violation is a Class 2 misdemeanor.

*Patron - Kory*

**F SB919 Tobacco Indemnification and Community Revitalization Fund; Virginia Tobacco Region Revolving Fund; eligible localities; City of Petersburg.** Adds the City of Petersburg to a group of localities that is eligible to receive funds from the Tobacco Indemnification and Community Revitalization Fund and the Virginia Tobacco Region Revolving Fund.

*Patron - Morrissey*

**F SB1230 Animal testing facilities; noncompliance with federal laws and regulations; civil penalty.** Establishes certain restrictions and civil penalties for animal testing facilities, as defined in the bill, that have received citations for noncompliance with the federal Animal Welfare Act or regulations adopted thereunder. The bill requires animal testing facilities to register annually with the Department of Agriculture and Consumer Services, to pay an annual registration fee to the Department, and to report citations received for violations of

the federal Animal Welfare Act or regulations adopted thereunder to the Department.

*Patron - Stanley*

**F SB1393 Hemp products; license and label requirements.** Requires the Board of Agriculture and Consumer Services to adopt certain regulations relating to industrial hemp and industrial hemp extracts intended for inhalation, as defined in the bill, that include labeling requirements, batch testing requirements, and tolerances for contaminants of such products. The bill requires any manufacturer of a hemp product, wholesale supplier that sells hemp products, or retail establishment that sells hemp products to register with the Board and pay an annual fee for a license to sell such products and also requires hemp products sold or offered for sale to have certain information included on the label. The bill updates the definition of industrial hemp to match the definition in federal law.

*Patron - Lewis*

## Alcoholic Beverage and Cannabis Control

### Passed

**P HB1598 Medical cannabis program; transition from Board of Pharmacy to Virginia Cannabis Control Authority.** Transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. The bill has a delayed effective date of January 1, 2024, and is identical to SB 788. This bill received Governor's recommendations.

*Patron - Robinson*

**P HB1730 Alcoholic beverage control; grounds for suspension or revocation of license; exception.** Allows a licensee to employ a person who has been convicted of a felony or a crime involving moral turpitude if (i) except for violations involving the adulteration of food, drink, and other substances with the intent to kill or injure any individual who ingests, inhales, or uses such substances, two years have elapsed following the conviction and the person has completed and been released from the term of any probation or parole, if applicable, or (ii) the licensee has obtained written approval for such employment from the Virginia Alcoholic Beverage Control Authority and, in instances in which the person has not completed or been released from the term of any probation or parole, the Authority has consulted with the person's probation and parole officer. This bill received Governor's recommendations.

*Patron - Bennett-Parker*

**P HB1753 Alcoholic beverage control; mixed beverage carrier license; airport passenger lounge.** Allows mixed beverage carrier licenses to be granted to financial institutions, subsidiaries of a financial institution, and certain persons under contract with a financial institution or subsidiary that are operating a passenger lounge located within an airport in the Commonwealth, which would authorize the licensee to sell and serve mixed beverages to ticketed air carrier passengers in designated areas of such passenger lounge. The bill contains an emergency clause. This bill is identical to SB 1100.

*Patron - Robinson*

**P HB1979 Alcoholic beverage control; displays of wine and beer.** Requires persons licensed to sell wine and



beer for off-premises consumption that display such wine and beer outside a clearly discernible location reserved for alcoholic beverages to (i) not place such wine or beer in an area immediately adjacent to nonalcoholic beverages containing the same or similar brand name, logo, or packaging as an alcoholic beverage and (ii) equip any such display with signage that indicates the product is an alcoholic beverage, is clearly visible to consumers, and is of sufficient size to notify the consumer that the product contains alcohol. The bill clarifies that its provisions do not prohibit the placement of nonalcoholic wine or beer in or near a display of alcoholic beverages that contain the same or similar brand name, logo, or packaging as the nonalcoholic wine or beer. This bill is identical to SB 809.

*Patron - Leftwich*

**P HB2258 Alcoholic beverage control; beer distribution.** Creates a restricted wholesale beer license that authorizes the licensee to provide wholesale beer distribution services to brewery and limited brewery licensees, provided that no more than 500 barrels of beer shall be distributed by the corporation to each licensee in any one calendar year. The bill requires the Commissioner of Agriculture and Consumer Services to establish and operate a nonprofit, nonstock corporation to hold such license to promote, develop, and sustain markets for brewery and limited brewery licensees. The bill prohibits the Board of Directors of the Virginia Alcoholic Beverage Control Authority from (i) granting a wholesale wine license to any entity that is owned, in whole or in part, by any manufacturer of alcoholic beverages, any subsidiary or affiliate of such manufacturer, or any person under common control with such manufacturer and (ii) granting a wholesale beer license to any officer, director, or principal stockholder of a manufacturer of alcoholic beverages or to the spouse of such person; however, the bill exempts from such prohibition any spouse of an officer, director, or principal stockholder of a brewery or limited brewery licensee that was granted such license prior to January 1, 2024. The bill has a delayed effective date of July 1, 2024.

*Patron - Robinson*

**P HB2294 Tetrahydrocannabinol; hemp products; packaging, labeling, and testing; penalties.** Limits the amount of tetrahydrocannabinol (THC) that can be included in a hemp product or industrial hemp extract to 0.3 percent and two milligrams per package. The bill (i) clarifies that persons who manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract are subject to the existing food and drink permit requirement and (ii) requires such persons to indicate their intent to manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract on such permit application. The bill also creates labeling, packaging, and testing requirements for industrial hemp extracts and foods containing an industrial hemp extract. The bill creates a civil penalty of \$10,000 for the following: (a) manufacturing, selling, or offering for sale an industrial hemp extract or food containing an industrial hemp extract without a permit; (b) continuing to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (c) failing to disclose on a form prescribed by the Commissioner of the Virginia Department of Agriculture and Consumer Services that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid; (d) manufacturing, selling, or offering for sale a food that contains more than 0.3 percent of THC or more than two milligrams of THC per package; (e) manufacturing, offering for sale, or selling in violation of food and drink laws or regulations a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (f) otherwise violating

any provision of the Commonwealth's food and drink laws or regulations. The bill also makes it a Class 1 misdemeanor to engage in such actions, except for those set forth in clause (d). The bill makes it unlawful under the Consumer Protection Act to (1) sell or offer for sale any substance intended for human consumption that contains a synthetic derivative of THC or (2) sell or offer for sale a topical hemp product that does not contain a bittering agent, does not include a label stating that the product is not intended for human consumption, or contains more than 0.3 percent THC. The bill also increases existing civil penalties for certain hemp-related violations. The bill removes tetrahydrocannabinol from the list of Schedule I controlled substances and contains other technical amendments. This bill received Governor's recommendations.

*Patron - Kilgore*

**P HB2336 Alcoholic beverage control; marketplace license fees.** Lowers the annual state license fee from \$1,000 to \$500 and the annual local license tax from \$200 to \$100 for marketplace licenses when the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year.

*Patron - Wampler*

**P HB2428 Marijuana; advertising restrictions; penalties.** Makes it a Class 1 misdemeanor to advertise in or send any advertising matter into the Commonwealth regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol other than those that may be legally sold in the Commonwealth. The bill provides that for violations of certain distance and zoning restrictions on outdoor advertising, as set forth in the bill, the Board of Directors of the Virginia Cannabis Control Authority must give the advertiser written notice to take corrective action and that, if such corrective action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor. The bill establishes numerous restrictions on marijuana advertisements, including provisions that prohibit advertisements from (i) targeting minors; (ii) being placed near schools, playgrounds, and certain other places; (iii) being displayed at a sporting event or on a billboard; (iv) being misleading, deceptive, or false; (v) referencing the intoxicating effects of marijuana; or (vi) promoting overconsumption or consumption by minors. This bill is identical to SB 1233.

*Patron - Wilt*

**P SB788 Medical cannabis program; transition from Board of Pharmacy to Virginia Cannabis Control Authority.** Transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. The bill has a delayed effective date of January 1, 2024, and is identical to HB 1598. This bill received Governor's recommendations.

*Patron - Favola*

**P SB809 Alcoholic beverage control; displays of wine and beer; report.** Requires persons licensed to sell wine and beer for off-premises consumption that display such wine and beer outside a clearly discernible location reserved for alcoholic beverages to (i) not place such wine or beer in an area immediately adjacent to nonalcoholic beverages containing the same or similar brand name, logo, or packaging as an alcoholic beverage and (ii) equip any such display with signage that indicates the product is an alcoholic beverage, is clearly visible to consumers, and is of sufficient size to notify the consumer that the product contains alcohol. The bill clarifies that its provisions do not prohibit the placement of nonalcoholic wine or beer in or near a display of alcoholic beverages that contain the



same or similar brand name, logo, or packaging as the nonalcoholic wine or beer. This bill is identical to HB 1979.

*Patron - Favola*

**P SB983 Alcoholic beverage control; winery and farm winery licenses; requirements and privileges.** Makes numerous changes to the privileges of and requirements for winery and farm winery licenses. Such changes relate to the characteristics of and tasks to be performed on the licensed premises, license qualifications, manufacturing and sale requirements and limitations, and utilization of contract wine-making services.

*Patron - Mason*

**P SB1100 Alcoholic beverage control; mixed beverage carrier license; airport passenger lounge; emergency.** Allows mixed beverage carrier licenses to be granted to financial institutions, subsidiaries of a financial institution, and certain persons under contract with a financial institution or subsidiary that are operating a lounge for air carrier passengers located within an airport in the Commonwealth, which would authorize the licensee to sell and serve mixed beverages in designated areas of such passenger lounge. The bill has an emergency clause. This bill is identical to HB 1753.

*Patron - Boysko*

**P SB1233 Marijuana; advertising restrictions; penalties.** Makes it a Class 1 misdemeanor to advertise in or send any advertising matter into the Commonwealth regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol other than those that may be legally sold in the Commonwealth. The bill provides that for violations of certain distance and zoning restrictions on outdoor advertising, as set forth in the bill, the Board of Directors of the Virginia Cannabis Control Authority must give the advertiser written notice to take corrective action and that, if such corrective action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor. The bill establishes numerous restrictions on marijuana advertisements, including provisions that prohibit advertisements from (i) targeting minors; (ii) being placed near schools, playgrounds, and certain other places; (iii) being displayed at a sporting event or on a billboard; (iv) being misleading, deceptive, or false; (v) referencing the intoxicating effects of marijuana; or (vi) promoting overconsumption or consumption by minors. This bill is identical to HB 2428.

*Patron - Obenshain*

## Failed

**F HB1464 Cannabis control; retail market; transitional sales; penalties.** Establishes a framework for the creation of a retail marijuana market in the Commonwealth, to be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing marijuana licenses on July 1, 2024, and, beginning July 1, 2023, allows certain pharmaceutical and industrial hemp processors, pending establishment of the retail market, to cultivate, manufacture, and sell cannabis products to persons 21 years of age or older.

*Patron - Hodges*

**F HB1597 Medical cannabis program; transition from Board of Pharmacy to Virginia Cannabis Control Authority.** Transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority.

*Patron - Robinson*

**F HB1750 Cannabis control; retail market; transitional sales; penalties.** Establishes a framework for the creation of a retail marijuana market in the Commonwealth, to be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing marijuana licenses on January 1, 2024, but provides that no marijuana sales may occur prior to January 1, 2025.

*Patron - Webert*

**F HB1866 Alcoholic beverage control; suspension or revocation of certain retail licenses; reinstatement.** Provides that if the Board of Directors of the Virginia Alcoholic Beverage Control Authority suspends or revokes the license of a retail establishment due solely to the fact that the establishment's food establishment permit from the Department of Health was revoked or suspended, the Board shall automatically reinstate such license once the Department of Health has reinstated the food establishment permit, provided that the licensee is in compliance with all applicable provisions of law.

*Patron - Scott, P.A.*

**F HB1881 Industrial hemp; monopolies; registration and renewal fees.** Imposes limits on the powers of the Commissioner of the Department of Agriculture and Consumer Services by prohibiting the Commissioner from granting, suspending, or revoking any registration for growing, dealing in, or processing of industrial hemp or hemp products in a manner that allows for the creation of a monopoly or otherwise lessens competition in the industrial hemp or hemp product industries in the Commonwealth. The bill also provides that all citizens of the Commonwealth shall have equal access to apply to the Commissioner for any such registration and prohibits the Commissioner from setting the fee for such any registration or renewal thereof in excess of \$250.

*Patron - Freitas*

**F HB1922 Delta-8 tetrahydrocannabinol; distribution; penalty.** Makes it a Class 1 misdemeanor to sell, give, distribute, or possess with intent to sell, give, or distribute delta-8 tetrahydrocannabinol, except as authorized in the Drug Control Act. The bill directs the Department of Forensic Science to determine the proper methods for detecting delta-8 tetrahydrocannabinol in substances.

*Patron - McGuire*

**F HB1971 Alcoholic beverage control; slotting fees.** Requires retail licensees to keep complete, accurate, and separate records of all slotting fees, as defined in the bill, received from a manufacturer of both alcoholic and nonalcoholic beverages, including a manufacturer that licenses its non-alcoholic products brand to another manufacturer for use with an alcoholic product.

*Patron - Leftwich*

**F HB2001 Alcoholic beverage control; disclosure of alcohol by volume content by certain retail licensees; civil penalty.** Requires retail licensees that are authorized to sell and serve alcoholic beverages for on-premises consumption to provide customers with information regarding the alcohol by volume content for each type of alcoholic beverage sold and served on the premises, subject to a civil penalty for violations of this requirement. The bill has a delayed effective date of January 1, 2024.

*Patron - Krizek*

**F SB885 Virginia Alcoholic Beverage Control Authority; work group; alternative beer distribution program; report.** Directs the Virginia Alcoholic Beverage Control

trol Authority, in coordination with the Department of Agriculture and Consumer Services, to convene a work group to evaluate alternative avenues of distribution that could be made available to limited brewery and certain brewery licensees. The bill establishes the membership of the work group and directs the work group to develop a legislative proposal that includes (i) analysis of a distribution program similar to the Virginia Winery Distribution Company; (ii) criteria for determining which limited brewery or brewery licensees will be eligible to participate in the distribution program; (iii) criteria for determining which products and the quantity of products that may be distributed through the program; (iv) an implementation plan that includes all actions, including the phasing and sequencing of actions, necessary to make the distribution program operational; (v) a funding model; and (vi) resolution of all issues that remain to be undertaken from the Department's work group required by Chapter 334 of the Acts of Assembly of 2022. The bill requires the Authority to 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 September 15, 2023.

*Patron - Favola*

**F SB1133 Cannabis control; retail market; transitional sales; regulated hemp products; penalties.** Establishes a framework for the creation of a retail marijuana market in the Commonwealth, which would be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing marijuana licenses on July 1, 2024, and, beginning July 1, 2023, allows certain pharmaceutical processors, pending establishment of the retail market, to cultivate, manufacture, and sell cannabis products to persons 21 years of age or older. The bill transitions from the Virginia Department of Agriculture and Consumer Services to the Authority the authority to regulate the testing, labeling, packaging, and advertising of regulated hemp products, as defined in the bill. The bill creates a process by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2022, who remain incarcerated or on community supervision on July 1, 2023, may receive an automatic hearing to consider modification of such person's sentence.

*Patron - Ebbin*

**F SB1366 Virginia Cannabis Incubator Project.** Establishes a framework for the creation of the Virginia Cannabis Incubator Project in the Commonwealth. The bill creates a regulatory structure for such Incubator Project to be administered by the Virginia Cannabis Control Authority. The bill has a delayed effective date pending legalization of the manufacture, sale, and distribution of cannabis in the Commonwealth.

*Patron - McClellan*

**F SB1371 Alcoholic beverage control; brewery licensees; tied house exception.** Creates an exception to the tied house restriction on the retail sale of beer by allowing brewery licensees to sell no more than 5,000 barrels of beer per year to retail licensees for resale. Current law only allows the holder of a brewery license to sell directly to retail licensees under certain conditions.

*Patron - Vogel*

**F SB1387 Alcoholic beverage control; slotting fees.** Requires retail licensees to keep complete, accurate, and separate records of all slotting fees, as defined in the bill, received from a manufacturer of both alcoholic and nonalcoholic beverages, including a manufacturer that licenses its non-alcoholic products brand to another manufacturer for use with an alcoholic product.

*Patron - Norment*

## Aviation

### Failed

**F HB2260 Peninsula Airport Commission.** Adds to the Peninsula Airport Commission (the Commission) one member from the City of Poquoson, one member from the City of Williamsburg, one member from James City County, one member from York County, and one additional member for every 65,000 residents in any member locality, appointed by the respective governing body. The bill requires the addition of one member, to be appointed by the Governor, when there are an even number of members eligible to be appointed to the Commission. The bill provides that any locality is automatically excluded from the Commission if it fails to pay its proportionate share of the cost of participation by June 30, 2024. The bill repeals various provisions authorizing certain localities to join the Commission upon the terms and consent of the Commission. The bill requires the chairman position to rotate between the member localities annually beginning with a representative from the locality with the lowest population and continuing in order to the locality with the highest population. The bill provides a staggered schedule for original appointments of new members, requires the Cities of Hampton and Newport News to determine which one of the two members currently representing each locality will continue as members, and provides that the terms of the other members representing the Cities of Hampton and Newport News shall expire on July 1, 2023.

*Patron - Cordoza*

## Behavioral Health and Developmental Services

### Passed

**P HB1465 Department of Behavioral Health and Developmental Services; Problem Gambling Treatment and Support Advisory Committee established.** Directs the Commissioner of Behavioral Health and Developmental Services to establish and maintain the Problem Gambling Treatment and Support Advisory Committee to enable collaboration among prevention and treatment providers and operators of legal gaming in the Commonwealth on efforts to reduce the negative effects of problem gambling. This bill is identical to SB 836.

*Patron - Krizek*

**P HB1525 Background checks; peer recovery specialists; barrier crime exceptions.** Permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist. This bill is identical to SB 846.

*Patron - Coyner*

**P HB1659 Department of Behavioral Health and Developmental Services; Department of Education; best practice standards related to the transition of records and transfer of services for students with disabilities.** Directs the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education and relevant

stakeholders, to develop and disseminate best practice standards for the transition of services and transfer of records for students with disabilities who reach the age of majority. This bill is identical to SB 830.

*Patron - Bell*

**P HB1792 Temporary detention in hospital for testing, observation, or treatment; mental or physical conditions resulting from intoxication.** Clarifies that when a mental or physical condition appears to be a result of intoxication, a licensed physician who has attempted to obtain informed consent of an adult person for treatment of such mental or physical condition appearing to be a result of intoxication may seek an order from the magistrate or court in the jurisdiction where the respondent is located authorizing temporary detention of the adult person in a hospital emergency department or other appropriate facility for testing, observation, or treatment, provided that certain conditions are met. This bill is identical to SB 1302.

*Patron - Ransone*

**P HB1900 Provisional licenses issued to providers of behavioral health and developmental services; notice requirement; waiver of appeal right by consent agreement.** Requires the Department of Behavioral Health and Developmental Services to direct any provider who is issued a provisional license to review all pertinent state and federal regulations and other contractual agents with payor sources to determine any limitations that may be placed on such provider by any other agency of the Commonwealth, including restrictions on reimbursement that may be imposed by the Department of Medical Assistance Services. The bill requires that a consent agreement signed by such provider waiving his right to appeal a provisional license issuance decision shall direct the provider to review all pertinent state and federal regulations and contractual agents to determine any restrictions on reimbursement that may be imposed by other state agencies or payor sources and that a copy of the signed consent agreement be provided to the Department of Medical Assistance Services. The bill requires the Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services to develop a joint agency protocol that requires the Department of Medical Assistance Services to collaborate and consult with the Department of Behavioral Health and Developmental Services prior to imposing limitations on a provider that could lead to restrictions on reimbursement. This bill received Governor's recommendations.

*Patron - Hope*

**P HB1931 Civil commitment of sexually violent predators; penalty.** Creates a Class 6 felony for any civilly committed sexually violent predator who tampers with or in any way attempts to circumvent the operation of his GPS equipment while on conditional release. This bill is identical to SB 973.

*Patron - Durant*

**P HB1945 Department of Behavioral Health and Developmental Services; data reporting on children and adolescents; reporting requirements.** Removes the requirement that the Department of Behavioral Health and Developmental Services collect certain data relating to children and adolescents from each community policy and management team and each community services board or behavioral health authority.

*Patron - Durant*

**P HB1976 Temporary detention; release of detained individual.** Permits the director of a facility where a person is awaiting transport to the facility of temporary deten-

tion pursuant to a temporary detention order to release the person if an employee or a designee of the local community services board, in consultation with the person's treating physician, (i) conducts an evaluation of the person, (ii) determines that the person no longer meets the commitment criteria, (iii) authorizes the release of the person, and (iv) provides a discharge plan. This bill is identical to SB 1299.

*Patron - Bell*

**P HB2054 Information to certain defendants; services of community services boards.** Requires general district courts, juvenile and domestic relations district courts, and circuit courts, in cases in which a defendant is found not guilty of any offense after a trial at which evidence of the defendant's mental condition at the time of the alleged offense was introduced, to make available to the defendant information regarding services provided by the community services board and how such services may be accessed. The bill requires each community services board to develop, regularly update, and make available to such courts in the same locality information regarding the services provided by the community services board and information about how to access such services. This bill is identical to SB 1267.

*Patron - Hope*

**P HB2185 Community services boards; behavioral health authorities; performance contracts.** Modifies and reorganizes provisions related to the requirements of performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities. As introduced this bill was a recommendation of the Behavioral Health Commission and the Joint Legislative Audit and Review Commission. This bill is identical to SB 1169. This bill received Governor's recommendations.

*Patron - Rasoul*

**P HB2255 Department of Behavioral Health and Developmental Services; regulations impacting providers; report.** Directs the Department of Behavioral Health and Developmental Services to review its regulations that impact providers licensed by the Department and develop reforms to increase efficiency, reduce redundancy, and decrease regulatory burdens on providers. The bill requires the Department to report its recommendations to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2023. This bill is identical to SB 1155.

*Patron - Hodges*

**P HB2342 Background checks; services for children and developmental services; adult substance abuse and mental health services.** Separates background check requirements for direct care positions with service providers and community services boards. The bill separates provisions regarding background checks of employees in direct care positions providing adult substance abuse and mental health services from those of background checks of employees in direct care positions providing services for children and developmental services.

*Patron - Campbell, E.H.*

**P HB2410 Duration of involuntary temporary detention.** Includes the termination of a period of involuntary temporary detention, if the minor or individual has been admitted to a facility of temporary detention, on any day or part of a day on which the clerk's office is lawfully closed as a reason to extend the duration of the period of involuntary temporary detention for adults and juveniles.

Current law allows the period to extend past 72 hours for an adult only if the detention would terminate on a Saturday, Sunday, legal holiday, or day on which the court is closed and allows the period to extend past 96 hours for a juvenile only if the detention terminates on a Saturday, Sunday, or legal holiday.

*Patron - Watts*

**P HB2411 Attorney fees; emergency custody and voluntary and involuntary civil admissions.** Increases the fee that a court-appointed attorney receives for representation during emergency custody and voluntary and involuntary civil admissions from \$75 to \$120 for each hearing and from \$43.25 to \$70 for each certification hearing.

*Patron - Watts*

**P SB830 Department of Behavioral Health and Developmental Services; Department of Education; best practice standards related to the transition of records and transfer of services for students with disabilities.** Directs the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education and relevant stakeholders, to develop and disseminate best practice standards for the transition of services and transfer of records for students with disabilities who reach the age of majority. This bill is identical to HB 1659.

*Patron - Favola*

**P SB836 Department of Behavioral Health and Developmental Services; Problem Gambling Treatment and Support Advisory Committee established.** Directs the Commissioner of Behavioral Health and Developmental Services to establish and maintain the Problem Gambling Treatment and Support Advisory Committee to enable collaboration among prevention and treatment providers and operators of legal gaming in the Commonwealth on efforts to reduce the negative effects of problem gambling.

*Patron - Reeves*

**P SB846 Background checks; peer recovery specialists; barrier crime exceptions.** Permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist. This bill is identical to HB 1525.

*Patron - Favola*

**P SB872 Emergency custody; temporary detention; alternative transportation; use of restraint.** Requires magistrates to authorize alternative transportation of a person subject to an emergency custody order or temporary detention order if appropriate alternative transportation is available. The bill allows an employee or contractor of an entity providing alternative transportation services pursuant to a contract with the Department of Behavioral Health and Developmental Services who has completed training approved by the Department in the proper and safe use of restraint to use restraint (i) if restraint is necessary to ensure the safety of the person or others or prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the person or others from harm or to prevent escape.

*Patron - Newman*

**P SB973 Civil commitment of sexually violent predators; penalty.** Creates a Class 6 felony for any civilly committed sexually violent predator who tampers with or in any way attempts to circumvent the operation of his GPS

equipment while on conditional release. This bill is identical to HB 1931.

*Patron - Peake*

**P SB1155 Department of Behavioral Health and Developmental Services; regulations impacting providers; report.** Directs the Department of Behavioral Health and Developmental Services to review its regulations that impact providers licensed by the Department and develop reforms to increase efficiency, reduce redundancy, and decrease regulatory burdens on providers. The bill requires the Department to report its recommendations to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2023. This bill is identical to HB 2255.

*Patron - Mason*

**P SB1169 Community services boards; behavioral health authorities; performance contracts.** Modifies and reorganizes provisions related to the requirements of performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities. As introduced this bill was a recommendation of the Behavioral Health Commission and the Joint Legislative Audit and Review Commission. This bill is identical to HB 2185. This bill received Governor's recommendations.

*Patron - Hanger*

**P SB1267 Information to certain defendants; services of community services boards.** Requires general district courts, juvenile and domestic relations district courts, and circuit courts, in cases in which a defendant is found not guilty of any offense after a trial at which evidence of the defendant's mental condition at the time of the alleged offense was introduced, to make available to the defendant information regarding services provided by the community services board and how such services may be accessed. The bill requires each community services board to develop, regularly update, and make available to such courts in the same locality information regarding the services provided by the community services board and information about how to access such services. This bill is identical to HB 2054.

*Patron - Favola*

**P SB1299 Temporary detention; release of detained individual.** Permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person if an employee or a designee of the local community services board, in consultation with the person's treating physician, (i) conducts an evaluation of the person, (ii) determines that the person no longer meets the commitment criteria, (iii) authorizes the release of the person, and (iv) provides a discharge plan. This bill is identical to HB 1976.

*Patron - Deeds*

**P SB1302 Temporary detention in hospital for testing, observation, or treatment; mental or physical conditions resulting from intoxication.** Clarifies that when a mental or physical condition appears to be a result of intoxication, a licensed physician who has attempted to obtain informed consent of an adult person for treatment of such mental or physical condition appearing to be a result of intoxication may seek an order from the magistrate or court in the jurisdiction where the respondent is located authorizing temporary detention of the adult person in a hospital emergency department or other appropriate facility for testing, observation, or

treatment, provided that certain conditions are met. This bill is identical to HB 1792.

*Patron - Deeds*

**P SB1465 Community services boards; behavioral health authorities; purpose; performance contracts.** Provides that the purpose of behavioral health services provided by community services boards and behavioral health authorities is to enable individuals with mental illness, developmental disabilities, or substance use disorder that significantly impair their functioning to access effective, timely, and cost-efficient services that help them (i) overcome or manage functional impairments caused by the mental illness, or substance use disorder and (ii) remain in the community to the greatest extent possible, consistent with the individual's well-being and public safety. The bill also requires that performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities include certain information, as specified in the bill. The bill reorganizes certain other provisions related to community services boards and behavioral health authorities. Certain provisions of the bill have a delayed effective date of July 1, 2025.

*Patron - Hanger*

**P SB1544 Department of Behavioral Health and Developmental Services; review of regulations relating to licensed provider reporting requirements.** Directs the Department of Behavioral Health and Developmental Services to review its regulations that require providers licensed by the Department to report allegations of abuse, neglect, and exploitation and incidents classified as Level II and Level III. The bill requires the Department to collaborate with stakeholders to develop solutions to reduce administrative burdens on licensed providers. The bill requires the Department to report its recommendations to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2023. This bill incorporates SB 1177.

*Patron - Rouse*

## Failed

**F HB1791 Veterans' Behavioral Health Services Grant Matching Fund; established.** Creates the Veterans' Behavioral Health Services Grant Matching Fund for the purpose of providing matching funds to local nonprofit organizations to establish and expand community behavioral health programs to serve service members, veterans, and their families. The Fund is administered by the Department of Behavioral Health and Developmental Services.

*Patron - Filler-Corn*

**F HB2117 Substance abuse counselors; barrier crimes; exception.** Allows persons with convictions for possession of a controlled substance to work at adult substance abuse or adult mental health treatment programs.

*Patron - Hudson*

**F HB2315 Department of Medical Assistance Services; Department of Behavioral Health and Developmental Services; information about Intellectual/Developmental Disability services; work group; report.** Directs the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services to convene a work group, including representatives of community services boards, local departments of social services, the Department for Aging and Rehabilitative Services, the Arc of Virginia, the Virginia Board for People with Disabilities, the

Department of Education, the Board of Education, and other relevant stakeholders, to study methods for and develop recommendations for disseminating information about Intellectual/Developmental Disability services. The bill requires the work group to report its findings and recommendations to the Chairmen of the Senate Committees on Finance and Appropriations and Education and Health and the House Committees on Appropriations and Health, Welfare and Institutions by October 1, 2023.

*Patron - Kory*

**F HB2456 Weapons; possession or transportation; facility that provides mental health services or developmental services; penalty.** Makes it a Class 1 misdemeanor for any person to possess in or transport into any facility that provides mental health services or developmental services in the Commonwealth, including a hospital or an emergency room or other facility rendering emergency medical care, any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) other dangerous weapon, including explosives and stun weapons. The bill provides that any such firearm, knife, explosive, or weapon is subject to seizure by a law-enforcement officer and specifies exceptions to the prohibition.

*Patron - Williams Graves*

**F SB808 Temporary detention in hospital for testing, observation, or treatment; mental or physical conditions resulting from intoxication.** Clarifies that in the case where a mental or physical condition is a result of intoxication, a licensed physician who has attempted to obtain informed consent of an adult person for treatment of such mental or physical condition resulting from intoxication may seek an order from the magistrate or court in the jurisdiction where the respondent is located authorizing temporary detention of the adult person in a hospital emergency department or other appropriate facility for testing, observation, or treatment, provided that certain conditions are met.

*Patron - Favola*

**F SB1177 Department of Behavioral Health and Developmental Services; licensed provider reporting requirements.** Directs the Department of Behavioral Health and Developmental Services to amend its regulations to require providers licensed by the Department to report allegations of abuse, neglect, and exploitation and incidents classified as Level II and Level III incidents by the end of the next business day following the receipt of the allegation or discovery of the Level II or Level III incident.

*Patron - Lucas*

**F SB1489 Weapons; possession or transportation; facility that provides mental health services or developmental services; penalty.** Makes it a Class 1 misdemeanor for any person to possess in or transport into any facility that provides mental health services or developmental services in the Commonwealth, including a hospital or an emergency room or other facility rendering emergency medical care, any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) other dangerous weapon, including explosives and stun weapons. The bill provides that any such firearm, knife, explosive, or weapon is subject to seizure by a law-enforcement officer and specifies exceptions to the prohibition.

*Patron - DeSteph*

**F SB1512 Temporary detention; certified evaluators; report.** Authorizes hospitals with a psychiatric emer-

gency department to employ certain trained individuals to perform evaluations to determine whether a person meets the criteria for temporary detention for behavioral health treatment. The bill requires participating hospitals with psychiatric emergency departments to annually report the number of temporary detention order evaluations completed, the number of temporary detention orders petitioned, the number of individuals evaluated for temporary detention who were determined to not meet the criteria for temporary detention, and the number of individuals under a temporary detention order admitted to a state facility to the Chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Behavioral Health Commission. The bill has an expiration date of July 1, 2025.

*Patron - Mason*

## Civil Remedies and Procedure

### Passed

**P HB1374 Civil action for trafficking in persons; charge or conviction not required.** Provides that a person may maintain a civil action against an individual for trafficking in persons whether or not an individual has been charged with or convicted of certain alleged violations.

*Patron - Taylor*

**P HB1440 Finding of guilt in absentia; proof of such finding in a civil action.** Requires evidence of a finding of guilt made in absentia in a criminal prosecution or traffic infraction to be admissible in a civil action whenever such finding is contended. The bill further requires the court hearing the civil case to admit evidence as to whether such finding was made if the criminal court records are silent or ambiguous as to whether such a finding occurred. These evidentiary requirements exist under current law for pleas of guilt and nolo contendere and forfeitures.

*Patron - Ballard*

**P HB1647 Civil cause of action; sexual abuse by person of authority; limitations period.** Creates a civil cause of action for injury to a person 18 years of age or older resulting from sexual abuse by a person of authority, defined in the bill. The bill further specifies that any such action shall be brought within 15 years after the cause of action accrues.

*Patron - Anderson*

**P HB1755 Partition of property.** Directs the court to consider certain factors when it orders a partition in kind, including (i) evidence of the collective duration of ownership or possession of any portion of the property by a party and one or more predecessors in title or predecessors in possession of the property who are or were related to the party; (ii) a party's sentimental attachment to any portion of the property, including any attachment arising because such portion of the property has ancestral or other unique or special value to the party; (iii) the lawful use being made of any portion of the property by a party and the degree to which the party would be harmed if the party could not continue the same use of such portion of the property; and (iv) the degree to which a party has contributed to the physical improvement, maintenance, or upkeep of any portion of the property. The bill also provides that counsel for a party to a partition action may serve as a commissioner unless there is an objection by another party; current law requires commissioners to be disinterested and impartial and not a party

to or participant in the partition action. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Campbell, J.L.*

**P HB1756 Attorney-issued subpoenas; release of witness.** Provides that, in a civil case only, a person to whom an attorney-issued subpoena is directed may be released from compliance with such subpoena by the attorney who issued the subpoena or a person acting on such attorney's behalf. As introduced, this bill is a recommendation of the Boyd-Graves Conference.

*Patron - Campbell, J.L.*

**P HB1757 Immunity of persons; tort actions; assertion of immunity; attorney fees and costs.** Provides that a person shall be immune from tort liability if the tort claim is based solely on statements (i) regarding matters of public concern that would be protected under the First Amendment to the Constitution of the United States made by that person that are communicated to a third party; (ii) made at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies, and authorities thereof, and other governing bodies of any local governmental entity concerning matters properly before such body; or (iii) made by an employee against his employer and where retaliatory action against an employee by such employer is otherwise prohibited by law. The bill also provides that any person who prevails in such a legal action may be awarded reasonable attorney fees and costs. This bill is identical to SB 845.

*Patron - Campbell, J.L.*

**P HB1836 Writs of eviction; returns to issuing clerk; report.** Requires the sheriff executing a writ of eviction to return such executed writ to the clerk of court who issued such writ. The bill further directs the Office of the Executive Secretary of the Supreme Court of Virginia to report annually to the Chairmen of the Senate Committee on the Judiciary, the Senate Committee on General Laws and Technology, the House Committee for Courts of Justice, the House Committee on General Laws, and the Virginia Housing Commission on the number of executed writs returned during the preceding fiscal year and directs the Virginia Housing Commission to direct an existing stakeholder work group to study for a period of one year a more comprehensive data collection process to track the resolution of writs of unlawful detainers filed in the Commonwealth. This bill is identical to SB 1089.

*Patron - Jenkins*

**P HB2105 Civil actions; standards governing consolidation and transfer; allocation of attorney fees.** Specifies that, in a combined civil action, the court may allocate attorney fees to separate issues into common questions that require treatment on a consolidated basis and individual cases that do not. Current law allows the court to allocate fees but does not specify attorney fees. The bill contains technical amendments.

*Patron - Bourne*

**P HB2343 Mutual liability for necessities; furnishing of medical care.** Provides that liability shall not be imposed upon one spouse for medical care furnished to the other spouse by a physician licensed to practice medicine in the Commonwealth or by a hospital located in the Commonwealth while the spouses are living together. This bill received Governor's recommendations.

*Patron - Williams Graves*

**P HB2424 Interpreters for persons who are deaf or hard of hearing.** Provides that if the Department for the Deaf and Hard-of-Hearing cannot procure a qualified inter-

preter to assist a party or witness in a civil proceeding who is speech-impaired or who is deaf or hard of hearing, then the court may appoint a readily available interpreter with full certification from the Registry of Interpreters for the Deaf, Inc., or an equivalent national certification. This bill is identical to SB 814.

*Patron - Seibold*

**P HB2429 Emergency care; exemption from liability; athletic trainers.** Authorizes licensed athletic trainers under contract with a local school division to administer albuterol inhalers and valved holding chambers or nebulized albuterol to students and exempts athletic trainers from liability for such administration. The bill permits prescribers to authorize licensed athletic trainers to possess and administer IV saline for use in emergency situations and subcutaneous lidocaine for wound closure.

*Patron - Avoli*

**P SB810 Review of injunctions; petitions for review.** Removes permanent injunctions from the current provision that when a circuit court (i) grants a preliminary or permanent injunction, (ii) refuses such an injunction, or (iii) having granted such an injunction, dissolves or refuses to enlarge it, an aggrieved party may file a petition for review with the clerk of the Supreme Court of Virginia. The bill increases from seven days to 15 days the period after the date of service of a copy of such petition during which an opposing party may file a response. This bill received Governor's recommendations.

*Patron - Petersen*

**P SB814 Interpreters for persons who are deaf or hard of hearing.** Provides that if the Department for the Deaf and Hard-of-Hearing cannot procure a qualified interpreter to assist a party or witness in a civil proceeding who is speech-impaired or who is deaf or hard of hearing, then the court may appoint a readily available interpreter with full certification from the Registry of Interpreters for the Deaf, Inc., or an equivalent national certification. This bill is identical to HB 2424.

*Patron - Surovell*

**P SB845 Immunity of persons; tort actions; assertion of immunity; attorney fees and costs.** Provides that a person shall be immune from tort liability if the tort claim is based solely on statements (i) regarding matters of public concern that would be protected under the First Amendment to the Constitution of the United States made by that person that are communicated to a third party; (ii) made at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies, and authorities thereof, and other governing bodies of any local governmental entity concerning matters properly before such body; or (iii) made by an employee against his employer and where retaliatory action against an employee by such employer is otherwise prohibited by law. The bill also provides that any person who prevails in such a legal action may be awarded reasonable attorney fees and costs. This bill is identical to HB 1757.

*Patron - Petersen*

**P SB895 Appeals of certain interlocutory decrees or orders; report.** Prohibits the appeal of certain interlocutory decrees or orders relating to affirmance or annulment of a marriage, divorce, custody of a minor child, spousal or child support, control or disposition of a minor child, any other domestic relations matter arising under Title 16.1 (Courts Not of Record) or 20 (Domestic Relations), or any protective order other than a final protective order issued by a circuit court. The bill requires the Virginia Family Law Coalition to study appeals of interlocutory decrees and orders involving domestic

relations matters in the Commonwealth and to report the findings of such study to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by October 1, 2024. This bill received Governor's recommendations.

*Patron - Surovell*

**P SB1025 Exclusion of witnesses; governmental agencies and other entities.** Adds an officer or agent of a partnership, governmental agency, or other entity to the list of persons who are exempt from the rule allowing the exclusion of witnesses during a proceeding in a civil case.

*Patron - Stuart*

**P SB1089 Writs of eviction; returns to issuing clerk; report.** Requires the sheriff executing a writ of eviction to return such executed writ to the clerk of court who issued such writ. The bill further directs the Office of the Executive Secretary of the Supreme Court of Virginia to report annually to the Chairmen of the Senate Committee on the Judiciary, the Senate Committee on General Laws and Technology, the House Committee for Courts of Justice, the House Committee on General Laws, and the Virginia Housing Commission on the number of executed writs returned during the preceding fiscal year and directs the Virginia Housing Commission to direct an existing stakeholder work group to study for a period of one year a more comprehensive data collection process to track the resolution of writs of unlawful detainers filed in the Commonwealth. This bill is identical to HB 1836.

*Patron - Ebbin*

**P SB1515 Civil liability for publishing or distributing material harmful to minors on the Internet.** Creates a civil cause of action for any commercial entity that knowingly or intentionally publishes or distributes on the Internet material harmful to minors, as defined in the bill, and that does not take reasonable steps to verify that the age of a person attempting to access such material harmful to minors is 18 years of age or older. The bill also clarifies the definition of "sexual conduct" so that it is neutral regarding sexual orientation for the purpose of crimes related to prohibited sales and loans to juveniles. This bill received Governor's recommendations.

*Patron - Stanley*

## Failed

**F HB1431 Contributory negligence bar; abolished.** Provides that the negligence of a plaintiff shall not automatically bar plaintiff's recovery in any action for injury, wrongful death, or property damage unless the plaintiff's negligence is (i) a proximate cause of the plaintiff's injury and (ii) greater than the aggregated total amount of negligence of all the defendants that proximately caused the plaintiff's injury. The bill further provides that any damages recoverable by the plaintiff shall be diminished by an amount that is proportionately equal to the percentage of negligent conduct of the plaintiff.

*Patron - Scott, P.A.*

**F HB1586 Wrongful incarceration; compensation.** Provides that any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony shall receive, in addition to the compensation for wrongful incarceration specified under current law, not less than \$25,000 for each year (i) of imprisonment after being sentenced to death; (ii) served on parole or postrelease supervision; or (iii) such person was



required to register with the Sex Offender and Crimes Against Minors Registry.

*Patron - Sullivan*

**F HB1615 Statute of limitations; medical debt.**

Provides that the statute of limitations for an action on any contract, written or unwritten, to collect medical debt, including actions brought by the Commonwealth, is three years from the original date of a health care service unless the contract with a hospital or health care provider is for a payment plan that allows for a longer period of time for the collection of debt by the hospital or health care provider.

*Patron - Clark*

**F HB2227 Civil action against parent; minor's possession and use of firearm.**

Creates a civil cause of action against a parent, guardian, legal custodian, or other person standing in loco parentis of a minor for injury to the person or property of another or for wrongful death resulting from the minor's possession and use of a firearm if it can be shown by a preponderance of the evidence that the minor came into possession of such firearm because of the failure of the civil defendant to reasonably secure the firearm.

*Patron - Murphy*

**F HB2291 Infants left in newborn safety devices or left with hospital or emergency medical services agency personnel; placement protocol.**

Establishes protocols for the placement of infants who are left in newborn safety devices or who are left with any personnel of a hospital or emergency medical services agency. Under the bill, a hospital or emergency medical services agency who receives an infant left in a newborn safety device or left with any personnel of a hospital or emergency medical services agency shall immediately transport the infant to a hospital for a physical examination and contact the local board of social services to inform it that an infant has been left at a hospital or emergency medical services agency and of the location of the hospital to which the infant was transported. The bill directs local boards of social services to contact licensed child-placing agencies from a rotating list maintained by the local board to take custody of the infant. Under the bill, the hospital or emergency medical services agency that receives the infant shall complete the Commonwealth's program of medical assistance services application process on behalf of the infant. The bill also describes the requirements for licensed child-placing agencies to be placed on the rotating list maintained by the local board of social services.

*Patron - Brewer*

**F HB2459 Firearm-free zones designated by the Commonwealth or a locality; waiver of sovereign immunity.**

*Patron - McGuire*

**F SB811 Appeal of interlocutory orders.** Restores the Court of Appeals' jurisdiction over appeals of orders granting or denying a plea of sovereign, absolute, or qualified immunity. Under current law, such orders are appealable to the Supreme Court of Virginia. The bill also directs the Supreme Court of Virginia to promulgate rules consistent with the provisions of the bill by July 1, 2023.

*Patron - Petersen*

**F SB863 Virginia Prisoner Litigation Reform Act.**

Expands the Virginia Prisoner Litigation Reform Act to apply to civil actions brought by prisoners who are represented by counsel. Under current law, the provisions of the Act apply only to pro se prisoners. The bill clarifies that the Act shall apply to all civil actions for money damages brought under the

laws of the Commonwealth and civil actions for injunctive, declaratory, or mandamus relief brought under the laws of the Commonwealth or federal law. The bill also provides that the Act shall apply to civil actions brought by prisoners who are currently or were formerly incarcerated in any state or local correctional facility or a facility operated under the Corrections Private Management Act and that all such civil actions shall be brought in the circuit court of the city or county in which the prison is located where the prisoner was housed when his cause of action arose. The bill also clarifies when a genuine issue of material fact exists for the purposes of a summary judgment.

*Patron - Stanley*

**F SB1105 Board of Medicine; Board of Nursing; joint licensing of nurse practitioners and licensed certified midwives.** Moves the professions of nurse practitioners and licensed certified midwives from being licensed jointly by the Board of Medicine and the Board of Nursing to being licensed by the Board of Nursing only.

*Patron - Boysko*

**F SB1113 Liability for sale of alcohol to impaired customer; injury to another person due to operation of vehicle while intoxicated.** Creates a cause of action against an alcoholic beverage control retail licensee that sells alcohol to a customer who subsequently injures another by driving while impaired if the consumption of the alcohol caused or contributed to an injury to person or property while the customer operated a motor vehicle.

*Patron - Hanger*

**F SB1226 Liability for sale of alcohol to an underage person.** Creates a cause of action against an alcoholic beverage control retail licensee who sells alcohol to an underage person who was visibly intoxicated if the consumption of the alcohol caused or contributed to an injury to person or property while the underage person operated a motor vehicle. The plaintiff must prove such negligence by a clear and convincing evidence standard.

*Patron - Obenshain*

**F SB1237 Legal notices; online publications.** Provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement instead may be published in an online publication, subject to certain requirements specified in the bill.

*Patron - Obenshain*

**F SB1243 Abortion or other reproductive health care services; prohibitions on extradition for certain crimes; prohibited practices under Virginia Consumer Protection Act.** Provides that no demand for extradition of a person charged with a criminal violation of law of another state shall be recognized by the Governor if such alleged violation involves the receipt of or assistance with reproductive health care services unless the alleged violation would also constitute a criminal offense under the laws of the Commonwealth. The bill adds obtaining, disclosing, selling, or disseminating certain enumerated personal reproductive or sexual health information without the consent of the consumer as a prohibited practice under the Virginia Consumer Protection Act.

*Patron - Surovell*

**F SB1288 Wrongful death; death of parent or guardian of child resulting from driving under the influence; child support.** Provides that in any action for death by wrongful act where the defendant, as a result of driving a motor vehicle or operating a watercraft under the influence, unintentionally caused the death of another person who was the



parent or legal guardian of a child, the person who has custody of such child may petition the court to order that the defendant pay child support.

*Patron - DeSteph*

**F SB1379 Local and regional correctional facilities; provision of medical services; waiver of sovereign immunity.** Waives sovereign immunity for health care providers employed by localities or by local or regional correctional facilities to provide medical services to prisoners for a claim of wrongful death or injury resulting from a negligent or wrongful act or omission in the provision of such medical services. This bill is in response to *Patterson v. City of Danville*, 875 Va. S.E.2d 65 (2022).

*Patron - Deeds*

## Commonwealth Public Safety

### Passed

**P HB1459 Retired state law-enforcement officers; retention of badge.** Provides that on and after July 1, 2023, upon the retirement of a state law-enforcement officer who is not a State Police officer, the employing department or agency shall, upon request of the retiree, award the retiree his badge or other insignia of his office for permanent keeping, provided that the employing department or agency has the badge or insignia mounted in such a manner that it will be impossible for anyone to display such badge or insignia upon his person. Under current law, only a State Police officer may keep a mounted badge or insignia after his retirement.

*Patron - Wilt*

**P HB1524 Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund; established.** Establishes the Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund to be administered by the Department of Criminal Justice Services for the purpose of funding and supporting the planning and implementation of locally administered jail-based addiction recovery and substance use disorder treatment and transition programs in local and regional jails. The bill has a delayed effective date of July 1, 2024. This bill is identical to SB 820.

*Patron - Coyner*

**P HB1691 School Resource Officer Grants Program and Fund.** Provides that matching grants from the School Resource Officer Incentive Grants Fund may be awarded to local law-enforcement agencies and local school boards for the expenses related to the equipment necessary for uniformed school resource officers, school security officers, and other relevant school safety personnel and the enhancement of the school-law enforcement partnership through training and programming as determined by the Department; provided, however, that such grants shall not be used for any expense related to the purchase of firearms, handcuffs or other wrist restraints, or any stun weapon. This bill is identical to SB 1099.

*Patron - Greenhalgh*

**P HB2133 State Fire Marshal; authority.** Clarifies that the State Fire Marshal, or his designee, is the authority having jurisdiction over state-owned buildings, properties, or structures for purposes of fire safety and fire prevention in accordance with the Virginia Statewide Fire Prevention Code.

*Patron - Wilt*

**P HB2175 Secretary of Public Safety and Homeland Security; fire service needs, sustainability of funding, and alternative funding models work group; report.** Directs the Secretary of Public Safety and Homeland Security (the Secretary) to establish a work group to study existing fire service needs, analyze sustainability of current funding, and review alternative funding models from other states. In conducting its study, the work group may hire an outside consultant and shall create a needs assessment survey that analyzes existing fire service needs, the sustainability of current funding, any gaps in current funding, how other states fund fire and EMS services, and best practices from other states. The Secretary shall report the work group's findings and any recommendations to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before October 1, 2023.

*Patron - Sickles*

**P HB2250 Department of Criminal Justice Services; powers and duties; training for law-enforcement personnel.** Requires the Department of Criminal Justice Services, under the direction of the Criminal Justice Services Board, to establish training standards and publish a model policy for the identification of, communication with, and facilitation of the safe return of individuals diagnosed with dementia by law-enforcement personnel. Under current law, such training standards and model policies are focused solely on individuals diagnosed with Alzheimer's disease.

*Patron - Cordoza*

**P HB2451 Firefighters; training; electric vehicle fires.** Directs the Executive Director of the Department of Fire Programs to develop a training program on the risks of fires in electric vehicles and how to safely and effectively manage such fires to be completed by all firefighters, including volunteer firefighters, and requires the Executive Director to make such training program available by July 1, 2024. Effective July 1, 2024, all firefighters, including volunteer firefighters, are required to complete such training program. The bill provides that every person engaged in firefighting activities on July 1, 2024, has until December 1, 2025, to complete such training program.

*Patron - O'Quinn*

**P SB820 Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund; established.** Establishes the Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund to be administered by the Department of Criminal Justice Services for the purpose of funding and supporting the planning and implementation of locally administered jail-based addiction recovery and substance use disorder treatment and transition programs in local and regional jails. The bill has a delayed effective date of July 1, 2024. This bill is identical to HB 1524.

*Patron - Favola*

**P SB1046 Definition of law-enforcement officer; fire marshal with police powers; report.** Provides that fire marshals who have been appointed with police powers are included in the definition of law-enforcement officer that applies in numerous applications in the Code. The bill contains a reenactment clause that applies to these amendments to the Code and directs the Department of Criminal Justice Services to convene a work group composed of various stakeholders to examine and make recommendations on the inclusion of fire marshals with police powers in such definition of law-enforcement officer. The bill provides that the work group shall com-

plete its work and submit its findings and recommendations to the General Assembly no later than November 1, 2023.

*Patron - McPike*

**P SB1099 School Resource Officer Grants Program and Fund.** Provides that matching grants from the School Resource Officer Incentive Grants Fund may be awarded to local law-enforcement agencies and local school boards for the expenses related to the equipment necessary for uniformed school resource officers, school security officers, and other relevant school safety personnel and the enhancement of the school-law enforcement partnership through training and programming as determined by the Department; provided, however, that such grants shall not be used for any expense related to the purchase of firearms, handcuffs or other wrist restraints, or any stun weapon. This bill is identical to HB 1691.

*Patron - Norment*

**P SB1292 Department of Criminal Justice Services; two-year pilot program; safe harbor for sex trafficked youth.** Provides that the Department of Criminal Justice Services, in consultation with the Virginia State Crime Commission, shall identify a suitable locality to administer a two-year Demand Reduction and Safe Harbor for Domestic Minor Sex Trafficked Youth pilot program that focuses on (i) implementing proactive reverse sting operations that target buyers of sex services, (ii) utilizing a multidisciplinary response team to coordinate assessment and treatment for victims of sex trafficking, and (iii) designing an alternative to an arrest protocol. The bill provides that the goal of the program is to reduce the arrest of sex trafficking victims, reduce demand for commercial sex exploitation by focusing on buyers, and establish high-quality education, alternative employment opportunities, and life skills for victims.

*Patron - Deeds*

## Failed

**F HB1401 Community Policing Act; repeal.** Repeals the Community Policing Act that, under current law, prohibits law-enforcement officers and State Police officers from engaging in bias-based profiling in the performance of their official duties. The bill also repeals the provisions requiring the State Police to create the Community Policing Reporting Database into which sheriffs, police forces, and State Police officers report certain data pertaining to, among other law-enforcement activities, investigatory motor vehicle stops.

*Patron - March*

**F HB1501 Law-enforcement civilian oversight bodies; requirements.** Requires every member appointed to a locality's law-enforcement civilian oversight body to observe within 90 days of the member's appointment a law-enforcement officer employed with such locality's law-enforcement agency while such law-enforcement officer is engaged in his official duties and that such observation total no fewer than 24 hours, a portion of which includes a ride-along with a law-enforcement officer. The bill also provides that any disciplinary determination recommended by a law-enforcement civilian oversight body shall be advisory and that if any law-enforcement agency declines to implement such recommendation, such agency shall create and make available to the public within 30 days from the date such recommendation is reported to such agency a written public record of its rationale for declining to implement such recommendation. Finally, the bill requires each law-enforcement civilian oversight body to include at least one retired law-enforcement officer as a voting member; under current law, a retired law-enforcement officer

may serve on such body as an advisory, nonvoting ex officio member.

*Patron - Runion*

**F HB1556 Employment of K-9 Detection Teams in public schools permitted.** Permits any school board to employ or hire on a contract basis in any public elementary or secondary school in the local school division a full-time or part-time K-9 Detection Team, defined in the bill as a safety assessment team that (i) consists of a canine and a canine handler who are trained specifically to detect explosives, firearms, narcotics, and tobacco products and nicotine vapor products, as those terms are defined in relevant law, and (ii) is employed by a school board or hired by a school board on a contract basis to provide such detection services in public elementary and secondary schools in the local school division pursuant to a contract with an entity that is approved by the State Council of Higher Education for Virginia to train canines and canine handlers to provide such detection services.

*Patron - Brewer*

**F HB1654 Civilian deaths in custody; report.** Requires every law-enforcement agency and correctional facility to report to the Department of Criminal Justice Services certain information regarding the death of any person who is detained, under arrest or in the process of being arrested, en route to be incarcerated, incarcerated, or otherwise in the custody of such law-enforcement agency or correctional facility. The bill provides that any law-enforcement agency or correctional facility that fails to comply may, at the discretion of the Department, be declared ineligible for state grants or funds. The bill also requires the Department to analyze the submitted data to (i) determine the means by which such information can be used to reduce the number of such deaths and (ii) examine the relationship, if any, between the number of such deaths and the actions of management of such law-enforcement agencies and correctional facilities. Finally, the bill requires the Director of the Department to 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, 2024, and each July 1 thereafter.

*Patron - Price*

**F HB1687 Supplement to the Sex Offender and Crimes Against Minors Registry.** Expands the Supplement to the Sex Offender and Crimes Against Minors Registry to include information on persons who were convicted of certain sexual offenses on or after July 1, 1970, and before July 1, 1994, who are not currently on the Registry, and persons convicted of former sexual offenses on or after July 1, 1970 and before October 1, 1975, who are not currently on the Registry. The Supplement currently includes information on such persons who were convicted on or after July 1, 1980, and before July 1, 1994.

*Patron - Brewer*

**F HB1774 Training standards for law-enforcement officers; comprehensive harm reduction program; drug use.** Requires the Department of Criminal Justice Services to establish training standards and publish and periodically update model policies for law-enforcement personnel for a comprehensive harm reduction program that promotes scientifically proven methods of mitigating health risks associated with drug use and other high-risk behaviors, including the use of naloxone or other opioid antagonists to prevent opioid overdose deaths, in coordination with statewide naloxone training programs developed by the Department of Behavioral Health

and Developmental Services and the Virginia Department of Health.

*Patron - Carr*

**F HB2053 Protect Virginia Grant Fund and Program created.** Establishes the Protect Virginia Grant Fund and Program, to be administered by the Department of Criminal Justice Services, to award grants to establishments licensed by the Virginia Alcoholic Beverage Control Authority for the purpose of providing adequate security for such licensed establishments. The bill provides that prior to the close of each fiscal year, the Director of the Department shall determine whether there are any surplus payroll funds and deposit 10 percent of such funds into the Fund. Surplus payroll funds are defined in the bill as moneys that were appropriated to the agencies within the Secretariat of Public Safety and Homeland Security in a fiscal year for the purpose of providing salaries and other compensation to employees of such agencies that will remain unspent due to staffing shortages or the inability to find qualified personnel.

*Patron - Glass*

**F HB2131 Department of Criminal Justice Services; two-year pilot program; safe harbor for sex trafficked youth.** Provides that the Department of Criminal Justice Services, in partnership with the State Crime Commission, shall administer a two-year Demand Reduction and Safe Harbor for Domestic Minor Sex Trafficked Youth pilot program that shall focus on (i) implementing proactive reverse sting operations that target buyers of sex services and (ii) establishing programs and protocols to aid victims of sex trafficking. The bill provides that the goal of the program shall be to reduce arrest of sex trafficking victims regardless of age, reduce demand for commercial sex exploitation by focusing on buyers, and establish high-quality residential care, education, alternative employment opportunities, and life skills for victims.

*Patron - Delaney*

**F HB2236 Department of Criminal Justice Services; powers and duties; Secured Schools Program and Fund.** Establishes the Secured Schools Program and Secured Schools Program Fund, established by and implemented by the Department of Criminal Justice Services, as a comprehensive, prompt, and reliable first warning notification and emergency broadcast system for each public safety answering point (PSAP) in the Commonwealth to (i) allow elementary or secondary school faculty to alert the local PSAP of an imminent threat to public safety within the elementary or secondary school and (ii) alert administration at each elementary and secondary school located within such PSAP's service area in the case of an imminent threat to public safety within the proximity boundary of the elementary or secondary school, as established by school administrators and local law enforcement. The bill allows such alerts to be issued by means of website announcements; email notices; phone, cellular phone, or text messages; alert lines; public address systems; panic buttons; or any other means of communication. The bill directs the Department to adopt regulations governing the implementation of the Program, in accordance with criteria provided in the bill, and establish criteria for funding the Program through disbursements from the Fund.

*Patron - Hayes*

**F HB2329 Establishment of the Care for Retired Police Canines Grant Program and Fund.** Establishes the Care for Retired Police Canines Grant Program and Fund. The bill provides that the Program is established to award grants to eligible nonprofit organizations to provide stable funding for the veterinary care of eligible retired police

canines, as defined in the bill. The bill directs the Department of Criminal Justice Services to issue guidelines for the grant application process, criteria for the award of such grants, the process for disbursement of such grant funds, and limits on grant amounts.

*Patron - Cherry*

**F HB2488 Virginia Public Safety Communications Infrastructure Fund and Program; established.** Establishes the Virginia Public Safety Communications Infrastructure Fund and Program, to be administered by the Department of Emergency Management and financially managed by the Virginia Resources Authority, for the purpose of making loans and awarding grants to local governments for the purpose of assisting with improvement projects relating to public safety radio and communications infrastructure.

*Patron - Campbell, E.H.*

**F SB920 Employment of school protection officers in public schools.** Permits any local law-enforcement agency to employ in any public elementary or secondary school in the local school division, pursuant to an agreement with the local school board, a school protection officer, defined in the bill as a retired law-enforcement officer hired by the local law-enforcement agency on a part-time basis to provide limited law-enforcement and security services to public elementary and secondary schools in the Commonwealth. The bill requires each such school board and local law-enforcement agency to enter into a memorandum of understanding that sets forth the powers and duties of school protection officers. The bill requires the Department of Criminal Justice Services to establish compulsory training standards for school protection officers and requires the collection of certain data relating to the activities of such officers.

*Patron - Stuart*

**F SB1228 Line of Duty Act; campus police officers; contributing private institutions of higher education.** Provides employees of contributing nonprofit private institutions of higher education with the benefits granted to employees of participating employers under the Line of Duty Act. The bill defines "contributing nonprofit private institutions of higher education" as nonprofit private institutions of higher education that have established a campus police department and made an irrevocable election to provide the benefits under the Line of Duty Act and to fund the cost by participating in the Line of Duty Death and Health Benefits Trust Fund. The bill clarifies that the Line of Duty Act shall not apply to any private institution of higher education that is not a contributing nonprofit private institution of higher education.

*Patron - Obenshain*

**F SB1504 Sex Offender and Crimes Against Minors Registry; removal of name and identifying information.** Creates an additional process for a person required to register on the Sex Offender and Crimes Against Minors Registry to have his name and information removed from the Registry through a removal request form submitted to the Virginia State Police if such person is required to register for a single Tier I or Tier II misdemeanor offense and otherwise meets certain eligibility criteria. The bill requires the Virginia State Police to remove from the Registry the name of any person and all identifying information within 30 days of receipt of the removal request form upon determining that such person has met the eligibility requirements.

The bill directs the Virginia State Police to develop a form for requesting removal from the Registry and make such form available on its website on or before October 1, 2023; such form shall also include information on how to obtain a criminal history record check, the link to the record check form, the cost

of the record check, and the address to which the removal request should be returned. The bill also directs the Virginia State Police shall send a letter by first-class mail notifying every person currently on the Registry of the change in the name removal process on or before October 1, 2023. Current law only allows a person to petition the circuit court in which he was convicted or the circuit court in the jurisdiction where he resides for removal of his name and all identifying information from the Registry after such person is eligible.

*Patron - Petersen*

## Conservation

### Passed

**P HB1388 State parks; Virginia National Guard Passport established; free entry and parking.** Directs the Department of Conservation and Recreation to establish a Virginia National Guard Passport that authorizes a member of the Virginia National Guard to enter state parks without paying a parking or admission fee. This bill is identical to SB 915.

*Patron - Fowler*

**P HB1662 Conveyance of easement.** Authorizes the Department of Conservation and Recreation to grant and convey an easement and right-of-way at High Bridge Trail State Park to Woodrow R. Jackson, Sr. The easement, which will follow an existing driveway across a portion of the High Bridge Trail State Park, will allow ingress and egress from U.S. Highway 460 to the grantee's property. This bill is identical to SB 1055.

*Patron - Edmunds*

**P HB1663 Conveyance of easement.** Authorizes the Department of Conservation and Recreation to grant and convey an easement and right-of-way at High Bridge Trail State Park to Roy B. Stanton, Jr., and Pearl J. Stanton. The easement, which will follow an existing driveway across a portion of the High Bridge Trail State Park, will allow ingress and egress from U.S. Highway 460 to the Stantons' property. This bill is identical to SB 1056.

*Patron - Edmunds*

**P HB1675 Conveyance of easement.** Authorizes the Department of Conservation and Recreation to grant and convey an easement and right-of-way at Machicomoco State Park (i) to Patrick F. Lemon and Vickie M. Lemon and (ii) to Eric James Baldwin and Christy Willet Baldwin. The easement will allow ingress and egress from the existing Braeburn Lane and Timberneck Farm Road to the grantees' properties.

*Patron - Hodges*

**P HB1807 State agency compliance with flood plain management regulations.** Directs the Department of Conservation and Recreation, no later than September 30, 2023, and in cooperation with numerous Secretariats and the Special Assistant to the Governor for Coastal Adaptation and Protection, to establish standards for development in a flood plain for all state agencies and departments. Such standards shall require at least compliance with the National Flood Insurance Program and shall require that any development undertaken by an agency or department on state-owned land located in a Special Flood Hazard Area be protected or flood-proofed against flooding and flood damage. The bill also requires any state agency or department, when developing a facility on state-owned property located in a flood plain, to either adhere to all local flood plain management regulations or receive

Department approval of compliance with the applicable state standard for development in a flood plain, provided that such standard does not jeopardize a locality's participation in the National Flood Insurance Program. Such compliance shall be documented and provided by the Department to the applicant prior to preliminary design approval of a project by the Department of General Services. The bill allows the Department of General Services to issue a variance if no feasible alternative to developing a facility in the flood plain exists and if one of several other conditions provided in the bill is met. This bill is identical to SB 1392. This bill received Governor's recommendations.

*Patron - Bloxom*

**P HB1828 Conveyance of easement.** Authorizes the Department of Conservation and Recreation to grant and convey an easement and right-of-way over Neabsco Beach Way at Leesylvania State Park to the River Mouth Corporation. The easement will allow ingress and egress from Daniel K. Ludwig Drive to the River Mouth Condominiums via Neabsco Beach Way. This bill is identical to SB 1065.

*Patron - Torian*

**P HB1968 Department of Historic Resources; Green Book historic site designations.** Directs the Department of Historic Resources, in partnership with the Virginia Tourism Corporation and the Department of Transportation, to designate or approve supplementary signs for historic site signs identifying Green Book locations and businesses in the Commonwealth. The bill defines "Green Book" as The Negro Motorist Green Book published by Victor Hugo Green, which provided a list of hotels, guest houses, service stations, drug stores, taverns, barbershops, and restaurants known to be safe for traveling Black Americans during the Jim Crow era.

*Patron - Mullin*

**P HB2151 State parks; master planning requirements.** Increases from \$500,000 to \$2 million the value of physical improvements and structures in state parks that are considered substantial improvements, as defined in the bill. The bill also stipulates that the master planning process shall not be considered an impediment to the acquisition of inholdings, adjacent properties to be incorporated into an existing park, or properties acquired for the development of a new park. Such properties, when acquired, shall be incorporated into a park's existing master plan as part of that plan's next scheduled 10-year review and update, or for new parks, a master plan shall be initiated within five years of finalizing the acquisition.

*Patron - Fariss*

**P HB2244 Department of Historic Resources; appropriations for African American cemeteries and graves.** Requires appropriations by the Department of Historic Resources for African American cemeteries to be allocated on the bases of (i) the number of markers in a cemetery of African Americans who were alive prior to January 1, 1900, regardless of the date of interment, and (ii) the number of markers in a cemetery of African Americans who were born on or after January 1, 1900, and interred in such cemetery prior to January 1, 1948. Under current law, such appropriations are allocated on the basis of the number of markers in a cemetery of African Americans who were interred in such cemetery prior to January 1, 1948. This bill is identical to SB 1062.

*Patron - Cordoza*

**P HB2285 Conveyance of easement; Shenandoah River State Park.** Authorizes the Department of Conservation and Recreation to grant and convey an easement at Shenandoah River State Park (Park) to Front Royal Parcel 1, LLC (Grantee) for the purpose of conveying a right-of-way on

the location of the existing State Route 737 (Thunderbird Road) to the Grantee to provide access to the lands of the Grantee bisected by the Park. This bill is identical to SB 1059.

*Patron - Wiley*

**P HB2393 Coastal resilience policy; research university collaborative.** Authorizes the Secretary of Natural and Historic Resources and all relevant agencies, when setting coastal resilience policies, to seek input and consultation from the Commonwealth's research university collaborative, including the Virginia Coastal Policy Center, Virginia Sea Grant, Virginia Cooperative Extension, and Institute for Coastal Adaptation and Resilience. The bill permits the Secretary and all relevant agencies to utilize such research university collaborative's expertise, research, and data analysis for the implementation of water management techniques and coastal resilience strategies.

*Patron - Hodges*

**P SB915 State parks; Virginia National Guard Passport established; free entry and parking.** Directs the Department of Conservation and Recreation to establish a Virginia National Guard Passport that authorizes a member of the Virginia National Guard to enter state parks without paying a parking or admission fee. This bill is identical to HB 1388.

*Patron - Morrissey*

**P SB993 Virginia Land Conservation Board of Trustees; membership.** Expands from 19 to 20 members the total membership of the Virginia Land Conservation Board of Trustees by adding an additional nonlegislative citizen member and stipulates that the 12 nonlegislative citizen members shall include one person from each of the 11 congressional districts and one member of a state-recognized or federally recognized Virginia Indian Tribe. Current law stipulates that the 11 nonlegislative citizen members shall include one person from each congressional district, at least one of whom shall be a member of a state-recognized or federally recognized Virginia Indian Tribe.

*Patron - Marsden*

**P SB1050 Permit for coal ash landfill storage; provision of public water supply.** Prohibits the Department of Environmental Quality from approving an application for a new coal ash landfill permit if the facility boundary is located within one mile of an existing residential area that is not served by municipal water supply, unless the owner or operator of the coal ash landfill has offered to provide, at its expense, (i) municipal water supply service for such residential area and (ii) any requested service connections for residential properties in existence at the time such permit application is filed. The bill requires any such owner or operator of a coal ash landfill offering to provide such municipal water supply service or requested service connections to make such offer in writing to any resident located within one mile of the facility boundary and in coordination with the municipal water supply service authority in which the coal ash landfill will be located.

*Patron - McPike*

**P SB1055 Conveyance of easement.** Authorizes the Department of Conservation and Recreation to grant and convey an easement and right-of-way at High Bridge Trail State Park to Woodrow R. Jackson, Sr. The easement, which will follow an existing driveway across a portion of the High Bridge Trail State Park, will allow ingress and egress from U.S. Highway 460 to the grantee's property. This bill is identical to HB 1662.

*Patron - Peake*

**P SB1056 Conveyance of easement.** Authorizes the Department of Conservation and Recreation to grant and convey an easement and right-of-way at High Bridge Trail State Park to Roy B. Stanton, Jr., and Pearl J. Stanton. The easement, which will follow an existing driveway across a portion of the High Bridge Trail State Park, will allow ingress and egress from U.S. Highway 460 to the Stantons' property. This bill is identical to HB 1663.

*Patron - Peake*

**P SB1059 Conveyance of easement; Shenandoah River State Park.** Authorizes the Department of Conservation and Recreation to grant and convey an easement at Shenandoah River State Park (Park) to Front Royal Parcel 1, LLC (Grantee) for the purpose of conveying a right-of-way on the location of the existing State Route 737 (Thunderbird Road) to the Grantee to provide access to the lands of the Grantee bisected by the Park. This bill is identical to HB 2285.

*Patron - Hanger*

**P SB1062 Department of Historic Resources; appropriations for African American cemeteries and graves.** Requires appropriations by the Department of Historic Resources for African American cemeteries to be allocated on the bases of (i) the number of markers in a cemetery of African Americans who were alive prior to January 1, 1900, regardless of the date of interment, and (ii) the number of markers in a cemetery of African Americans who were born on or after January 1, 1900, and interred in such cemetery prior to January 1, 1948. Under current law, such appropriations are allocated on the basis of the number of markers in a cemetery of African Americans who were interred in such cemetery prior to January 1, 1948. This bill is identical to HB 2244.

*Patron - Spruill*

**P SB1065 Conveyance of easement.** Authorizes the Department of Conservation and Recreation to grant and convey an easement and right-of-way over Neabsco Beach Way at Leesylvania State Park to the River Mouth Corporation. The easement will allow ingress and egress from Daniel K. Ludwig Drive to the River Mouth Condominiums via Neabsco Beach Way. This bill is identical to HB 1828.

*Patron - Surovell*

**P SB1122 Open-Space Lands Preservation Trust Fund; use of funds; conservation easements to non-profit land trust.** Allows grants made from the Open Space Lands Preservation Trust Fund to be used to aid localities in providing funding for projects approved by the Virginia Outdoors Foundation to persons conveying conservation easements to nonprofit land trusts so long as such easement has a local coholder, as defined in the bill. In cases where a grant is used to purchase all or part of the value of a property interest, such property interest is required to be (i) compliant with the Open-Space Land Act or (ii) a conservation easement under the Virginia Conservation Easement Act, so long as the holder of such easement is accredited by the Land Trust Accreditation Commission or its designated subsidiary entity. If the Land Trust Accreditation Commission accreditation is not available at the time of the grant application for such holder, the Foundation is required to evaluate such holder on a case-by-case basis consistent with its established guidelines.

*Patron - Hanger*

**P SB1392 State agency compliance with flood plain management regulations.** Directs the Department of Conservation and Recreation, no later than September 30, 2023, and in cooperation with numerous Secretariats and the Special Assistant to the Governor for Coastal Adaptation and

Protection, to establish standards for development in a flood plain for all state agencies and departments. Such standards shall require at least compliance with the National Flood Insurance Program and shall require that any development undertaken by an agency or department on state-owned land located in a Special Flood Hazard Area be protected or flood-proofed against flooding and flood damage. The bill also requires any state agency or department, when developing a facility on state-owned property located in a flood plain, to either adhere to all local flood plain management regulations or receive Department approval of compliance with the applicable state standard for development in a flood plain, provided that such standard does not jeopardize a locality's participation in the National Flood Insurance Program. Such compliance shall be documented and provided by the Department to the applicant prior to preliminary design approval of a project by the Department of General Services. The bill allows the Department of General Services to issue a variance if no feasible alternative to developing a facility in the flood plain exists and if one of several other conditions provided in the bill is met. This bill is identical to HB 1807. This bill received Governor's recommendations.

*Patron - Lewis*

**P SB1501 Department of Environmental Quality regulations; civil penalties; written notice of violation.** Requires the Department of Environmental Quality, prior to assessing any civil penalty against any person for an alleged violation of a regulation adopted by the State Air Pollution Control Board, the Virginia Waste Management Board, or the State Water Control Board or permit issued by the Department, to inform such person in writing of the alleged violation, the potential penalties, and the actions necessary to achieve compliance and remediate the alleged violation. The Department may allow such person 30 days to take such actions and to provide any additional, relevant facts to the Department, including facts that demonstrate a good-faith attempt to achieve compliance.

*Patron - Stuart*

## Failed

**F HB1370 Landfill siting; proximity to private wells.** Prohibits the siting of a new municipal solid waste landfill within one mile upgradient of any existing private well.

*Patron - Ware*

**F HB1372 State Air Pollution Control Board; regulations; low-emissions and zero-emissions vehicle standards.** Repeals the State Air Pollution Control Board's authority to implement low-emissions and zero-emissions vehicle standards for vehicles with a model year of 2025 and later.

*Patron - Fowler*

**F HB1390 Fires; negligence; firefighting; recovery of costs.** Allows localities to collect the costs of firefighting from any person who negligently or intentionally without using reasonable care and precaution starts a fire or who negligently or intentionally fails to attempt to prevent its escape when such fire burns on any forestland, brushland, grassland, or wasteland. Current law allows localities to collect the costs of firefighting only when a person intentionally starts a fire and fails to attempt to prevent its escape when such fire burns on any forestland, brushland, grassland, or wasteland.

*Patron - Ballard*

**F HB1970 Virginia Coastal Resilience Technical Advisory Committee; Virginia Flood Protection Master Plan.** Renames the Virginia Coastal Resilience Technical

Advisory Committee as the Virginia Resilience Technical Advisory Committee, removes the provision in current law that members of the Committee shall include executive directors of planning district commissions or their designees from coastal areas only, and requires the Committee to assist the Department of Conservation and Recreation in developing, updating, and implementing the Virginia Flood Protection Master Plan.

*Patron - Bennett-Parker*

**F HB2004 Consultation with federally recognized Tribal Nations in the Commonwealth; permits and reviews with potential impacts on environmental, cultural, and historic resources.** Requires the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Historic Resources, and the Virginia Marine Resources Commission to establish policies and procedures for consulting with federally recognized Tribal Nations in the Commonwealth when evaluating certain permits and reviews relating to environmental, cultural, or historic resources that potentially impact those federally recognized Tribal Nations in the Commonwealth. The bill directs the Secretary of the Commonwealth to designate an Ombudsman for Tribal Consultation to facilitate communication and consultation with federally recognized Tribal Nations in the Commonwealth. The bill codifies Executive Order 82 (2021).

*Patron - Krizek*

**F HB2209 Pavement sealants containing a high polycyclic aromatic hydrocarbon; prohibition; civil penalty.** Permits a locality to prohibit the sale and distribution of any pavement sealant that contains polycyclic aromatic hydrocarbon concentrations greater than one percent by weight on or after July 1, 2023, except that a retailer may continue to sell any existing inventory that remains in stock on that date. The bill allows a local governing body to prohibit the use of such sealants beginning July 1, 2024, and subject any person who violates either prohibition to a civil penalty of \$250, to be paid into the Virginia Environmental Emergency Response Fund.

*Patron - Tran*

**F HB2326 Study; Department of Forestry; ecosystem services markets; report.** Directs the Department of Forestry to conduct a study to (i) assess the opportunities for forest landowners to participate in voluntary and regulated ecosystem services markets, (ii) assess the existing scope of participation in ecosystem services markets by public and private forest landowners in the Commonwealth, and (iii) make recommendations for potential programs or resources to inform forest landowner participation in ecosystem services markets and to provide a report on its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources and the House Committee on Agriculture, Chesapeake and Natural Resources no later than October 1, 2023.

*Patron - Runion*

**F SB778 State Air Pollution Control Board; regulations; low-emissions and zero-emissions vehicle standards.** Repeals the State Air Pollution Control Board's authority to implement low-emissions and zero-emissions vehicle standards for vehicles with a model year of 2025 and later.

*Patron - Stuart*

**F SB779 State Air Pollution Control Board; motor vehicle emissions standards.** Repeals the requirement that the State Air Pollution Control Board implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. The bill prohibits the Board from adopting or enforcing any model year standards related to control of emissions from new motor vehicles or new

motor vehicle engines, including low-emission vehicle and zero-emission vehicle standards pursuant to the federal Clean Air Act and prohibits the Commonwealth from requiring any new motor vehicle or new motor vehicle engine to be certified as compliant with model year standards related to the control of emissions adopted by California for which a waiver has been granted pursuant to the federal Clean Air Act.

*Patron - Newman*

**F SB781 State Air Pollution Control Board; motor vehicle emissions standards.** Repeals the requirement that the State Air Pollution Control Board implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. The bill prohibits the Board from adopting or enforcing any model year standards related to control of emissions from new motor vehicles or new motor vehicle engines, including low-emission vehicle and zero-emission vehicle standards pursuant to the federal Clean Air Act and prohibits the Commonwealth from requiring any new motor vehicle or new motor vehicle engine to be certified as compliant with model year standards related to the control of emissions adopted by California for which a waiver has been granted pursuant to the federal Clean Air Act.

*Patron - DeSteph*

**F SB782 State Air Pollution Control Board; motor vehicle emissions standards.** Repeals the requirement that the State Air Pollution Control Board implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. The bill prohibits the Board from adopting or enforcing any model year standards related to control of emissions from new motor vehicles or new motor vehicle engines, including low-emission vehicle and zero-emission vehicle standards pursuant to the federal Clean Air Act and prohibits the Commonwealth from requiring any new motor vehicle or new motor vehicle engine to be certified as compliant with model year standards related to the control of emissions adopted by California for which a waiver has been granted pursuant to the federal Clean Air Act.

*Patron - Reeves*

**F SB1001 Clean Energy and Community Flood Preparedness Act; repeal.** Repeals the Clean Energy and Community Flood Preparedness Act and directs the Director of the Department of Environmental Quality to take all steps necessary to suspend the Commonwealth's participation in the Regional Greenhouse Gas Initiative market-based trading program.

*Patron - Stuart*

**F SB1332 Consultation with federally recognized Tribal Nations in the Commonwealth; permits and reviews with potential impacts on environmental, cultural, and historic resources.** Requires the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Historic Resources, and the Virginia Marine Resources Commission to establish policies and procedures for consulting with federally recognized Tribal Nations in the Commonwealth when evaluating certain permits and reviews relating to environmental, cultural, or historic resources that potentially impact those federally recognized Tribal Nations in the Commonwealth. The bill directs the Secretary of the Commonwealth to designate an Ombudsman for Tribal Consultation to facilitate communication and consultation with federally recognized Tribal Nations in the Commonwealth. The bill codifies Executive Order 82 (2021).

*Patron - McClellan*

## Corporations

### Passed

**P HB1477 Corporations; filing and meeting requirements.** Eliminates the requirement that a document filed with the State Corporation Commission pursuant to the Virginia Stock Corporation Act include the terms, including the preferences, rights, and limitations, of each class or series of shares. The bill changes the timeframe during which a corporation must make available for inspection the shareholders list prepared for a shareholders' meeting from two business days after notice of such shareholders' meeting through such shareholders' meeting to five business days after notice of such shareholders' meeting through the close of business on the last business day before such shareholders' meeting. Finally, the bill eliminates the requirement that a corporation make available for inspection at either an in-person shareholders' meeting or a remote shareholders' meeting the list of shareholders entitled to vote at such shareholders' meeting. This bill is identical to SB 986.

*Patron - Ballard*

**P SB986 Corporations; filing and meeting requirements.** Eliminates the requirement that a document filed with the State Corporation Commission pursuant to the Virginia Stock Corporation Act include the terms, including the preferences, rights, and limitations, of each class or series of shares. The bill changes the timeframe during which a corporation must make available for inspection the shareholders list prepared for a shareholders' meeting from two business days after notice of such shareholders' meeting through such shareholders' meeting to five business days after notice of such shareholders' meeting through the close of business on the last business day before such shareholders' meeting. Finally, the bill eliminates the requirement that a corporation make available for inspection at either an in-person shareholders' meeting or a remote shareholders' meeting the list of shareholders entitled to vote at such shareholders' meeting. This bill is identical to HB 1477.

*Patron - Peake*

### Failed

**F HB1784 Securities; digital token exemption; decentralized autonomous organizations.** Provides an exemption from securities registration requirements for issuers or sellers of digital tokens, as defined in the bill, under certain circumstances. The bill directs the State Corporation Commission to develop a form and submission process for an issuer or seller of digital tokens to file a notice of intent with the Commission. The bill also creates a regulatory framework for decentralized autonomous organizations, which are a form of limited liability company, and provides that the entity seeking to become a decentralized autonomous organization must file its articles of organization with the Commission in order to seek a certificate of organization. The bill permits a limited liability company to elect to become a decentralized autonomous organization with management vested in its members or smart contracts and contains requirements for its articles of incorporation and operating agreements. The bill also contains provisions governing the relationships and rights of members of a decentralized autonomous organization and for the dissolution of a decentralized autonomous organization.

*Patron - Kilgore*



**F HB2092 Nonprofit corporations; residential address.** Provides that a nonprofit corporation with a registered office at a residential address shall be permitted, in any filing submitted to the State Corporation Commission pursuant to the Virginia Nonstock Corporation Act that requires the residential address of the nonprofit corporation or the residential address of its registered agent or any board members, to submit a post office box address instead of a residential address as part of such filing. The bill prohibits the Commission from disclosing any such residential address without prior approval from the nonprofit corporation.

*Patron - Mundon King*

## Counties, Cities and Towns

### Passed

**P HB1472 Emergency medical services agencies; ordinances or resolutions; designation as emergency response agencies.** Requires that ordinances or resolutions establishing an emergency medical services agency specify the geographic boundaries of the agency's primary service area within the locality. The bill also directs that emergency medical services agencies that respond to medical emergencies be a designated emergency response agency and be recognized as an integral part of the official public safety program of the locality with responsibility for providing emergency medical response. This bill is identical to SB 1246.

*Patron - Fowler*

**P HB1634 Comprehensive plan; strategies to address resilience.** Encourages localities to consider strategies to address resilience in their comprehensive plans. This bill is identical to SB 1187.

*Patron - Bulova*

**P HB1665 Extension of local land use approvals.** Extends from July 1, 2023, to July 1, 2025, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the housing crisis and that any extension of approvals outstanding as of July 1, 2020, shall apply to any such approvals granted subsequent to July 1, 2020, that expire prior to July 1, 2025. This provision is declarative of existing law. This bill is identical to SB 1205.

*Patron - Marshall*

**P HB1671 Residential land development and construction fee transparency; annual report.** Requires localities with a population greater than 3,500 to submit an annual report no later than March 1 to the Department of Housing and Community Development containing the total fee revenue collected by the locality over the preceding calendar year in connection with the processing, reviewing, and permitting of applications for residential land development and construction activities. The bill requires the report to be submitted by the locality in accordance with any guidelines and forms developed by the Department and the Commission on Local Government. The Department shall make the reports available on its website.

*Patron - Wyatt*

**P HB1674 Comprehensive plan; freight corridors.** Requires localities, when developing a transportation plan as part of the locality's comprehensive plan, to include

freight corridors when designating transportation facilities that support the planned development of the locality.

*Patron - Hodges*

**P HB1676 Annexation; extension of current moratorium.** Extends by eight years, from 2024 to 2032, the current moratorium on city annexations and county immunity actions. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2030-2032 biennium. This bill is identical to SB 1185.

*Patron - Hodges*

**P HB1944 Extension of land use approvals for solar photovoltaic projects.** Extends to July 1, 2026, the sunset date for various local land use approvals for solar photovoltaic projects that were valid and outstanding as of July 1, 2023. This bill is identical to SB 1390.

*Patron - Hodges*

**P HB2041 Local parks; walking trails; liability; property owners.** Authorizes a locality or park authority to establish, conduct, and regulate a system of walking trails and releases from certain civil liability the owner of any property leased, licensed, or provided by easement for such use in the absence of gross negligence or willful misconduct. This bill is identical to SB 807.

*Patron - Shin*

**P HB2161 Local government; standardization of public notice requirements for certain intended actions and hearings; report.** Standardizes the frequency and length of time that notices of certain meetings, hearings, and other intended actions of localities must be published in newspapers and other print media. The notice provisions included in the bill are organized into the following three groups: (i) publication required one week before the meeting, hearing, or intended action; (ii) publication required two consecutive weeks before the meeting, hearing, or intended action; and (iii) publication required three consecutive weeks before the meeting, hearing, or intended action. In addition, the bill amends provisions related to the content of notices for zoning ordinances and amendments to such ordinances by removing the requirement that such notices contain a descriptive summary of the proposed action and providing that such notices shall include the street address or tax map parcel number of the parcels subject to the action. In cases where the intended action affects more than 25 parcels, the notice must also include the approximate acreage subject to the intended action. For more than 100 parcels of land, the advertisement may instead include a description of the boundaries of the area subject to the changes and a link to a map of the subject area. The bill also removes the requirement that notices of proposed amendments to a zoning map state the general usage and density range of the proposed amendment and the general usage density set forth in the applicable part of the comprehensive plan. The bill directs the Virginia Code Commission to convene a work group to continue review of the notice requirements throughout the Code of Virginia and requires the Virginia Code Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2023.

*Patron - Williams*

**P HB2403 Smyth-Washington Regional Industrial Facilities Authority; dissolution.** Dissolves the Smyth-Washington Regional Industrial Facilities Authority upon the request of the Authority's board of directors and satisfaction of



the statutory requirements for the dissolution of regional industrial facilities authorities. This bill is identical to SB 1535.

*Patron - O'Quinn*

**P HB2433 Economic development authorities; appointments; Essex County.** Allows the board of supervisors of Essex County to appoint one employee of the locality to the Economic Development Authority of the County of Essex.

*Patron - Avoli*

**P HB2494 Local housing policy; report to the Department of Housing and Community Development.** Requires any locality with a population greater than 3,500 to submit an annual report to the Department of Housing and Community Development summarizing the adoption or amendment of any local policies, ordinances, or processes affecting the development and construction of housing during the preceding fiscal year. The bill requires such localities to submit the report annually by September 1 in accordance with any forms developed by the Department and requires the Department to make such reports available on its website.

*Patron - Ware*

**P SB807 Local parks; walking trails; liability; property owners.** Authorizes a locality or park authority to establish, conduct, and regulate a system of walking trails and releases from certain civil liability the owner of any property leased, licensed, or provided by easement for such use in the absence of gross negligence or willful misconduct. This bill is identical to HB 2041.

*Patron - Favola*

**P SB956 Localities; business improvement and recruitment districts.** Authorizes any locality to create a local business improvement and recruitment district plan, consisting of fees charged to businesses and used to fund business improvements, business promotions, and business recruitment activities. This bill received Governor's recommendations.

*Patron - Ruff*

**P SB1014 Restrictive covenants; prohibited; use of Loudoun County recreational property by general public.** Invalidates any restrictive covenant that prohibits the general public from using property voluntarily conveyed to Loudoun County by a nonprofit recreational association for recreational purposes.

*Patron - Bell*

**P SB1091 Local Stormwater Management Fund; condominiums.** Expands the allowable uses of grants from a local Stormwater Management Fund, established under current law to grant funds to private property owners and common interest communities for certain stormwater management and erosion control projects, to include joint flooding mitigation projects of condominium owners.

*Patron - Ebbin*

**P SB1151 Local government; standardization of public notice requirements for certain intended actions and hearings; report.** Standardizes the frequency and length of time that notices of certain meetings, hearings, and other intended actions of localities must be published in newspapers and other print media. The notice provisions included in the bill are organized into the following three groups: (i) publication required one week before the meeting, hearing, or intended action; (ii) publication required two consecutive weeks before the meeting, hearing, or intended action; and (iii) publication required three consecutive weeks before the meeting, hearing, or intended action. In addition, the bill amends provisions related to the content of notices for zoning ordi-

nances and amendments to such ordinances by removing the requirement that such notices contain a descriptive summary of the proposed action and providing that such notices shall include the street address or tax map parcel number of the parcels subject to the action. In cases where the intended action affects more than 25 parcels, the notice must also include the approximate acreage subject to the intended action. The bill also removes the requirement that notices of proposed amendments to a zoning map state the general usage and density range of the proposed amendment and the general usage density set forth in the applicable part of the comprehensive plan. The bill directs the Virginia Code Commission to convene a work group to continue review of the notice requirements throughout the Code of Virginia and requires the Virginia Code Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2023.

*Patron - Edwards*

**P SB1185 Annexation; extension of current moratorium.** Extends by eight years, from 2024 to 2032, the current moratorium on city annexations and county immunity actions. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2030-2032 biennium. This bill is identical to HB 1676.

*Patron - Lewis*

**P SB1187 Comprehensive plan; strategies to address resilience.** Encourages localities to consider strategies to address resilience in their comprehensive plans. This bill is identical to HB 1634.

*Patron - Lewis*

**P SB1205 Extension of local land use approvals.** Extends from July 1, 2023, to July 1, 2025, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the housing crisis and that any extension of approvals outstanding as of July 1, 2020, shall apply to any such approvals granted subsequent to July 1, 2020, that expire prior to July 1, 2025. This provision is declarative of existing law. This bill is identical to HB 1665.

*Patron - Lewis*

**P SB1246 Emergency medical services agencies; ordinances or resolutions; designation as emergency response agencies.** Requires that ordinances or resolutions establishing an emergency medical services agency specify the geographic boundaries of the agency's primary service area within the locality. The bill also directs that emergency medical services agencies that respond to medical emergencies be a designated emergency response agency and be recognized as an integral part of the official public safety program of the locality with responsibility for providing emergency medical response. This bill is identical to HB 1472.

*Patron - Obenshain*

**P SB1390 Extension of land use approvals for solar photovoltaic projects.** Extends to July 1, 2026, the sunset date for various local land use approvals for solar photovoltaic projects that were valid and outstanding as of July 1, 2023. This bill is identical to HB 1944.

*Patron - Lewis*

**P SB1394 Cutting of grass and weeds on certain property; localities in Planning District 22.** Exempts locali-

ties located in Planning District 22 from provisions that exclude agricultural land from requirements related to the cutting of grass and weeds when such land is one acre or less and is located in an area that is used for a residential purpose.

*Patron - Lewis*

**P SB1424 Department of Corrections; possession and administration of naloxone.** Adds employees of the Department of Corrections designated by the Director of the Department to the list of persons who are authorized to possess and administer naloxone or other opioid antagonists. Under current law, the only employees of the Department authorized to possess and administer naloxone or other opioid antagonists are those designated as probation and parole officers or as correctional officers. This bill is identical to HB 1709.

*Patron - Pillion*

**P SB1455 Civil disturbance; local curfew; penalty.** Enables the chief law-enforcement officer of a locality to enact a curfew under certain circumstances during a civil disturbance. The bill clarifies that such action in cities shall be in concurrence with the city manager and the mayor. The bill requires that such action specify the hours of the curfew and the geographic area to which the curfew applies and provide for various specified exceptions. The action authorizing the curfew shall provide for reasonable efforts to inform the public in advance of the curfew, which shall be valid for no more than 24 hours. The bill provides that such curfew shall not be extended or renewed unless by recorded vote of the local governing body or by judicial order. The bill provides that any violation is a Class 1 misdemeanor.

*Patron - Norment*

**P SB1495 Local enforcement action; willful disregard for applicable law; damages.** Provides that any person against whom an enforcement action is carried out by a locality, of any ordinance or regulation, where the enforcement action was based upon a willful disregard for applicable law, regulation, or ordinance, shall be entitled to an award of compensatory damages and to an order remanding the matter to the locality and may further be entitled to reasonable attorney fees and court costs.

*Patron - Surovell*

**P SB1535 Smyth-Washington Regional Industrial Facilities Authority; dissolution.** Dissolves the Smyth-Washington Regional Industrial Facilities Authority upon the request of the Authority's board of directors and satisfaction of the statutory requirements for the dissolution of regional industrial facilities authorities. This bill is identical to HB 2403.

*Patron - Pillion*

## Failed

**F HB1413 Industrial development authorities; safe and affordable housing; activation status of housing authority.** Allows an industrial development authority to promote safe and affordable housing with respect to facilities used primarily for single or multifamily residences regardless of the activation status of the housing authority in such industrial development authority's locality.

*Patron - Marshall*

**F HB1427 Control of firearms by localities.** Removes a locality's authority to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any public park owned or operated by the locality; (ii) any recreation or community center facility operated by the locality; or (iii) any public street, road, alley, or

sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

*Patron - LaRock*

**F HB1473 Land use plans; zoning; notice.** Alters the notice requirements related to local government adoption of land use plans and zoning ordinances by no longer requiring the notice to contain a descriptive summary of the proposed action but continues to require the locality to identify in the notice the place or places within the locality where copies of the proposed plans, ordinances, or amendments may be examined. Furthermore, such notice must include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. With regard to notice of proposed zoning actions, the bill also (i) removes the requirement to state general usage and density of the proposed zoning action and (ii) eliminates the requirement for an extra public hearing when land is zoned to a more intensive use classification than was contained in the previous public notice.

*Patron - Fowler*

**F HB1476 Auditor of Public Accounts; civil penalty for local noncompliance.** Provides that localities and localities' constitutional officers shall be subject to monetary penalties for failure to comply with various deadlines for preparing local financial audit reports and submitting such reports to the Auditor of Public Accounts.

*Patron - March*

**F HB1482 Vacant buildings; registration.** Permits any city and certain towns to require, by ordinance, the owner of any building that has been vacant for at least 12 months and that may endanger the public health, safety, or welfare 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.

*Patron - Ward*

**F HB1487 Meetings of local governing body; live broadcast and archive.** Requires localities to provide a live video broadcast of public meetings of the local governing body and to archive such broadcasts on their websites.

*Patron - March*

**F HB1532 Local rent stabilization authority; civil penalty.** Provides that any locality may by ordinance adopt rent stabilization provisions. The bill provides for notice and a public hearing prior to the adoption of such ordinance and specifies that all landlords who are under rent stabilization may be required to give up to a two-month written notice of a rent increase and cannot increase the rent by more than the locality's rent stabilization allowance, described in the bill as the maximum amount a landlord can increase a tenant's rent during any 12-month period, in effect at the time of the increase. The bill sets such allowance as equal to the annual increase in the Consumer Price Index for the region in which the locality sits, states that such allowance is effective for a 12-month period beginning July 1 each year, and requires the locality to annually by June 1 publish such allowance on its website. Certain facilities, as outlined in the bill, are exempt from any such ordinance. The bill also requires such ordinance to provide a procedure by which a landlord may apply for an exemption from the rent stabilization provisions in situations where the net operating income generated by the rental facility has not been maintained due to escalating operating expenses or for other appropriate reasons as established by the locality.

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

*Patron - Clark*

**F HB1540 Fee for solid waste disposal; Prince Edward County.** Adds Prince Edward County to the list of counties that may by ordinance, and after a public hearing, levy a fee for the (i) disposal of solid waste not to exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving the landfill and for such reserves as may be necessary for capping and closing such landfill in the future and (ii) management of solid waste not to exceed the actual cost incurred by the county in removing and disposing of solid waste. The bill also grants Prince Edward County various powers with regard to collection of the fee, including to levy penalties and interest for late payment and unpaid fees, to require payment of the fee prior to approval of certain land use applications, and to provide discounts to the standard fee rates for certain older and disabled persons based on ability to pay.

*Patron - Edmunds*

**F HB1607 Localities; penalties for violation of ordinances; civil penalties.** Permits any locality to adopt an ordinance that establishes a uniform schedule of civil penalties for violations of ordinances. The bill provides that the civil penalty, unless elsewhere authorized, shall not exceed (i) \$500 for the initial summons, (ii) \$1,000 for the second violation, or (iii) \$1,500 for the third or subsequent violation. The bill further provides that a locality that has charged an individual criminally under the ordinance may also issue summonses for civil penalties for continued or additional violations of the ordinance.

*Patron - Tata*

**F HB1612 Vacant buildings; registration.** Permits any city and certain towns to require, by ordinance, the owner of any building that has been vacant for at least 12 months and that may endanger the public health, safety, or welfare 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.

*Patron - Williams Graves*

**F HB1667 Local land use approvals; extension of approvals to address the COVID-19 pandemic.** Extends from July 1, 2023, to July 1, 2025, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the housing crisis and that any extension of approvals outstanding as of July 1, 2020, shall apply to any such approvals granted subsequent to July 1, 2020 that expire prior to July 1, 2025.

*Patron - Marshall*

**F HB1708 Prohibited sales and loans of materials deemed harmful to juveniles; exceptions; repeal.** Repeals the exceptions to application of the penalties for unlawfully selling, renting, or loaning to a juvenile or knowingly displaying for commercial purpose certain material that depicts sexually explicit nudity, sexual conduct, or sadomasochistic abuse and that is harmful to juveniles where such exceptions are provided in current law for (i) the purchase, distribution, exhibition, or loan of any work of art, book, magazine, or other printed or manuscript material by an accredited museum, library, school, or institution of higher education and (ii) the exhibition or performance of any play, drama, tableau,

or motion picture by any theatre, museum, school, or institution of higher education that is either supported by public appropriation or is an accredited institution supported by private funds.

Any locality that adopted an ordinance pursuant to § 15.2-926.2 that provided exceptions provided in § 18.2-391.1, repealed by the bill, would have to amend such ordinance to reflect no exceptions or repeal such ordinance.

*Patron - LaRock*

**F HB1746 Regional planning; climate resilience.** Requires planning district commissions to include climate resilience as part of their strategic plans.

*Patron - Willett*

**F HB1780 Small modular reactor plant revenue-sharing agreement among certain localities.** Requires the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise and the City of Norton to enter into a perpetual revenue-sharing agreement regarding advanced nuclear technologies and an advanced nuclear reactor to be located in one of these localities. The measure establishes the percentage of the revenue to be allocated to each locality and provides that the host locality shall retain the remaining six percent of the revenue. The bill requires any direct costs of infrastructure improvements incurred by the host locality for purposes of the small modular reactor plant or facility to be allocated among the localities in the same proportion as the revenues from the plant or facility.

*Patron - O'Quinn*

**F HB1798 Comprehensive plan; healthy communities strategy.** Authorizes cities with populations greater than 20,000 and counties with populations greater than 100,000, beginning July 1, 2023, to consider, at the next and all subsequent reviews of the comprehensive plan, adopting a healthy communities strategy. The bill provides that the locality's strategy may include identifying neighborhoods with major sources of pollution or hazardous waste and identifying objectives and policies to reduce health risks in such neighborhoods, to promote civic engagement by residents of such neighborhoods, and to prioritize improvements and programs that address the needs of such neighborhoods.

*Patron - Simonds*

**F HB1856 Restrictive covenants; prohibited; use of Loudoun County recreational property.** Invalidates any restrictive covenant that prohibits the public from using property acquired by Loudoun County for recreational purposes.

*Patron - Subramanyam*

**F HB1880 Localities; record of legal settlement or judgment; disclosure.** Requires localities to retain a public record of certain legal settlements and judgments and requires the record of such amount to be subject to disclosure if requested pursuant to the Virginia Freedom of Information Act.

*Patron - Bennett-Parker*

**F HB1994 Minimum qualifications for law-enforcement officers; citizenship; waiver.** Allows individuals who are lawfully admitted for permanent residence who have resided in the United States for no less than 60 months and who are both eligible for and have applied for United States citizenship to qualify for the positions of chief of police and all police officers of any locality, all deputy sheriffs and jail officers in the Commonwealth, and all law-enforcement officers. The bill allows any agency or department employing law-enforcement

officers to hire, recruit, or refer an individual who is a citizen of the United States over another individual who meets such qualifications if such individuals are equally qualified.

Current law only allows citizens of the United States to qualify for the named positions; the citizenship requirement can only be waived for good cause upon request of a sheriff or chief of police or the director or chief executive of any agency or department employing law-enforcement officers to the Department of Criminal Justice Services.

*Patron - Herring*

**F HB2047 Affordable housing; local zoning ordinance authority; comprehensive plan.** Authorizes any locality in the Commonwealth to provide for an affordable housing dwelling unit program by amending the zoning ordinance of such locality. Current law restricts such authorization to counties with an urban county executive form of government or county manager plan of government and certain other localities. The bill also requires the comprehensive plan of each locality to show the connection between affordable housing and other needs of its residents, such as job creation, educational opportunities, and parks and recreational activities.

*Patron - Carr*

**F HB2100 Accessory dwelling units.** Establishes authority and requirements for localities in the development and use of accessory dwelling units (ADUs). An ADU is defined in the bill as an independent dwelling unit on a single-family dwelling (SFD) lot with its own living, bathroom, and kitchen space. An ADU may be within or attached to an SFD or in a detached structure on a lot containing an SFD. An ADU may include, but is not limited to, basements, attics, flats, guest houses, cottages, and converted structures such as garages and sheds. The bill specifies that an ADU is not permitted in cases where it would violate historic preservation rules, deed restrictions, or property owners' association rules.

*Patron - Hudson*

**F HB2103 Special exceptions; short-term rentals.** Allows any locality to impose a condition upon any special exception or special use permit relating to short-term rentals that provides that such special exception or special use permit will automatically expire upon a change of ownership of the property, a change in the owner of the business or a transfer of majority control of a business entity, a change in possession, a change in the operation or management of a facility, or the passage of a specific period of time.

*Patron - Hudson*

**F HB2144 Minimum qualifications for law-enforcement officers; citizenship; waiver.** Allows individuals who are lawfully admitted for permanent residence who have resided in the United States and who are eligible for United States citizenship or individuals granted Deferred Action for Childhood Arrivals by U.S. Citizenship and Immigration Services to qualify for the positions of chief of police and all police officers of any locality, all deputy sheriffs and jail officers in the Commonwealth, and all law-enforcement officers. The bill allows any agency or department employing law-enforcement officers to hire, recruit, or refer an individual who is a citizen of the United States over another individual who meets such qualifications if such individuals are equally qualified. Current law allows only citizens of the United States to qualify for the named positions; the citizenship requirement can be waived only by the Department of Criminal Justice Services for good cause shown, upon the request of a sheriff or chief of police or the director or chief executive of any agency or department employing law-enforcement officers.

*Patron - Guzman*

**F HB2243 Fund to Assist Localities with Translation of Essential Documents established.** Establishes the Fund to Assist Localities with Translation of Essential Documents to be administered by the Department of Housing and Community Development for the purpose of making grants to local governments to address the availability of translated essential documents for those citizens and taxpayers of the Commonwealth and its localities for whom English is a second language. The bill provides that the Fund shall make grants to local governments for the purpose of translating essential documents into foreign languages.

*Patron - Cordoza*

**F HB2271 Short-term rental property; locality's ability to restrict property managed by a Virginia realtor.** Provides that a locality may not restrict by ordinance any short-term rental property managed by a Virginia realtor, defined in the bill. The bill provides that a locality may not enforce an ordinance against such property where the ordinance (i) prohibits short-term rentals; (ii) limits occupancy in a short-term rental property to less than what is allowed under the building code or local zoning regulations; (iii) limits the number of days in a calendar year for which a short-term rental property can be rented; (iv) requires an owner to occupy the short-term rental property as his primary residence for any number of days in a calendar year; (v) requires any type of remote monitoring device to be installed on the short-term rental property, including decibel, audio, or video; (vi) requires exterior or interior inspections of the short-term rental property pertaining to any items defined under the building code more frequently than every five years, unless a complaint has been filed with the locality or building authority; (vii) requires repairs, renovations, or updates to the structure of the short-term rental property that are greater than those required under the applicable building code; or (viii) requires an owner to add additional or otherwise alter existing parking spaces for the short-term rental property. The provisions of the bill shall apply to any short-term rental property managed by a realtor and operating as such on or after January 1, 2023.

*Patron - Marshall*

**F HB2352 Removal of hate symbol defacement.** Requires localities by ordinance to undertake or contract for the removal or repair of the hate symbol defacement of any public building, wall, fence, or other structure or any private building, wall, fence, or other structure where such hate symbol defacement is visible from any public right-of-way. The bill requires the ordinance to provide that whenever the property owner, after reasonable notice, fails to remove or repair the hate symbol defacement, the locality shall have such hate symbol defacement removed or repaired by its agents or employees. The bill defines "hate symbol defacement" as the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type intended to intimidate or harass any individual or group because of race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin. The bill provides that if the hate symbol defacement occurs on a structure located on an unoccupied property, and the locality removes or repairs the hate symbol defacement after complying with notice provisions, the actual cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected; however, no lien shall be chargeable to the owners of such property unless the locality has given a minimum of 15 days notice to the property owner prior to the removal of the hate symbol defacement.

*Patron - Subramanyam*

**F HB2446 Receipt of mail at courthouse.**

Requires every county and city courthouse to accept mail at the physical address where the courthouse is located.

*Patron - Fariss*

**F SB805 Control of firearms by localities.**

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

*Patron - Chase*

**F SB838 Vacant buildings; registration.**

Permits any city and certain towns 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", (ii) that meets the definition of "criminal blight", or (iii) in which a locality has determined a person is living without the authority of the owner or owners 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.

*Patron - Locke*

**F SB933 Single-use plastic carrier bags; local prohibition.**

Authorizes a locality to prohibit by ordinance the purchase, sale, or provision, whether free or for a cost, of any single-use plastic carrier bag that is not recyclable from grocery stores, retail stores, and convenience stores.

*Patron - Edwards*

**F SB949 C-PACE loans; residential dwellings and condominiums.**

Removes an exclusion for residential dwellings with fewer than five dwelling units and condominium projects from certain requirements related to a voluntary special assessment lien that secures a loan for the initial acquisition and installation of clean energy, resiliency, or stormwater management improvements.

*Patron - Petersen*

**F SB1078 Siting of data centers; impacts on resources; site assessment.**

Provides that any local government land use application required for the siting of a data center shall only be approved in areas where the data center (i) will have a minimal impact on historic, agricultural, and cultural resources and (ii) will not be within one mile of a national park or state park or other historically significant site. The bill also requires that prior to any such approval, a site assessment shall be performed to examine the effect of the data center on water usage and carbon emissions as well as any impacts on agricultural resources.

*Patron - Petersen*

**F SB1111 Powers of cities and certain towns; vacant building registration fees; civil penalty.**

Increases from \$100 to \$500 the maximum annual registration fee that cities and certain towns can impose on an owner of any building that has been vacant for at least 12 months and meets the definition of "derelict building". The bill increases the civil penalty for failing to pay such fee from \$200 to \$500 for the first violation and to \$2000 for any subsequent violations and increases the civil penalty for failure to register such real property in conservation and rehabilitation districts designated by the governing body or in other areas designated as blighted from \$400 to \$1,000 for the first violation and to \$4,000 for any subsequent violations.

*Patron - Hashmi*

**F SB1141 Affordable housing; local zoning ordinance authority; comprehensive plan.**

Authorizes any locality in the Commonwealth to provide for an affordable housing dwelling unit program by amending the zoning ordinance of such locality. Current law restricts such authorization to counties with an urban county executive form of government or county manager plan of government and certain other localities. This bill has a delayed effective date of July 1, 2024 and incorporates SB 1331.

*Patron - McPike*

**F SB1158 Regulation of garbage and refuse pickup and disposal services; exclusive service areas; Planning District 8.**

Grants localities in Planning District 8 (Northern Virginia) authority to establish exclusive service areas and award such service areas to businesses that as of July 1, 2024, are legally engaged in the pickup and disposal of garbage, trash, or refuse, wherein service will be provided to the residents of the locality. For each such business, the locality may establish a separate service area with a customer base that approximates the number of residential customers served by the business in the locality on July 1, 2023. The ordinance shall establish procedures for removing or adding businesses and adjusting the boundaries of such service areas as needed. Property owners' associations may continue to contract with properly licensed businesses of their choice notwithstanding the establishment of exclusive service areas. The bill contains a reenactment clause.

*Patron - Marsden*

**F SB1163 Community revitalization fund; Accomack County.**

Adds Accomack County to existing provisions that allow the City of Richmond to establish a community revitalization fund for the purpose of preventing neighborhood deterioration. The community revitalization fund shall be exclusively composed of appropriated local monies.

*Patron - Lewis*

**F SB1236 Control of firearms by localities.**

Removes a locality's authority to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any public park owned or operated by the locality; (ii) any recreation or community center facility operated by the locality; or (iii) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

*Patron - Obenshain*

**F SB1278 Local rent stabilization authority; civil penalty.**

Provides that any locality may by ordinance adopt rent stabilization provisions. The bill provides for notice

and a public hearing prior to the adoption of such ordinance and specifies that all landlords who are under rent stabilization may be required to give up to a two-month written notice of a rent increase and cannot increase the rent by more than the locality's rent stabilization allowance, described in the bill as the maximum amount a landlord can increase a tenant's rent during any 12-month period, in effect at the time of the increase. The bill sets such allowance as equal to the annual increase in the Consumer Price Index for the region in which the locality sits, states that such allowance is effective for a 12-month period beginning July 1 each year, and requires the locality to annually by June 1 publish such allowance on its website. Certain facilities, as outlined in the bill, are exempt from any such ordinance. The bill also requires such ordinance to provide a procedure by which a landlord may apply for an exemption from the rent stabilization provisions in situations where the net operating income generated by the rental facility has not been maintained due to escalating operating expenses or for other appropriate reasons as established by the locality. Finally, the bill provides that a locality may establish a civil penalty for failure to comply with the requirements set out in the ordinance that shall not exceed \$2,500 per separate violation.

*Patron - Boysko*

**F SB1312 Electric vehicle charging stations; requirement for certain developments.** Provides that any locality may by ordinance require electric vehicle charging stations as part of subdivision or site plan approval for a development containing commercial, industrial, or multifamily residential uses with a density of seven residential dwelling units per acre or greater. This bill has a delayed effective date of July 1, 2024.

*Patron - Boysko*

**F SB1322 Comprehensive plan; healthy communities strategy.** Authorizes cities with populations greater than 20,000 and counties with populations greater than 100,000, beginning July 1, 2023, to consider, at the next and all subsequent reviews of the comprehensive plan, adopting a healthy communities strategy. The bill provides that the locality's strategy may include identifying major sources of pollution or hazardous waste and identifying objectives and policies to reduce health risks linked to such sources of pollution or hazardous waste sites, to promote civic engagement by residents, and to prioritize improvements and programs that address healthy communities.

*Patron - McClellan*

**F SB1331 Affordable housing; local zoning ordinance authority; comprehensive plan.** Authorizes any locality in the Commonwealth to provide for an affordable housing dwelling unit program by amending the zoning ordinance of such locality. Current law restricts such authorization to counties with an urban county executive form of government or county manager plan of government and certain other localities. The bill also requires the comprehensive plan of each locality to show the connection between affordable housing and other needs of its residents, such as job creation, educational opportunities, and parks and recreational activities. This bill was incorporated into SB 1141.

*Patron - McClellan*

**F SB1365 Local regulation of materials recovery facilities.** Provides that an ordinance adopted by a locality that would prevent or prohibit the disposal of garbage, trash, or refuse does not include any facility-generated waste residue from a materials recovery facility, as defined in the bill, that

has been issued a permit by the Department of Environmental Quality.

*Patron - Lewis*

**F SB1391 Short-term rental property; locality's ability to restrict property managed by a Virginia realtor.** Provides that a locality may not restrict by ordinance any short-term rental property managed by a Virginia realtor, defined in the bill. The bill provides that a locality may not enforce an ordinance against such property where the ordinance (i) prohibits short-term rentals; (ii) limits occupancy in a short-term rental property to less than what is allowed under the building code or local zoning regulations; (iii) limits the number of days in a calendar year for which a short-term rental property can be rented; (iv) requires an owner to occupy the short-term rental property as his primary residence for any number of days in a calendar year; (v) requires any type of remote monitoring device to be installed on the short-term rental property, including decibel, audio, or video; (vi) requires exterior or interior inspections of the short-term rental property pertaining to any items defined under the building code more frequently than every five years, unless a complaint has been filed with the locality or building authority; (vii) requires repairs, renovations, or updates to the structure of the short-term rental property that are greater than those required under the applicable building code; or (viii) requires an owner to add additional or otherwise alter existing parking spaces for the short-term rental property. The provisions of the bill shall apply to any short-term rental property managed by a realtor and operating as such on or after January 1, 2023.

*Patron - Lewis*

**F SB1467 Conservation of trees; Town of Vienna.** Allows the Town of Vienna, by ordinance, to require that a subdivision or development provide for the preservation or replacement of trees on the development site such that the minimum tree canopy 10 years after development is projected to meet specified coverage criteria. Under current law, the criteria apply to tree canopy coverage 20 years after development.

*Patron - Petersen*

**F SB1505 Recycling and waste disposal; unpaid fees; lien.** Authorizes a locality to recover unpaid charges, including interest, for recycling and waste disposal services. The bill provides that if such charges are combined with real estate taxes, that such action shall constitute a lien against the property identified in the billing, ranking on a parity with liens for unpaid taxes, and authorizes localities to combine billings for recycling and waste disposal charges with billings for water or sewer charges, stormwater charges, real property tax assessments, or other billings.

*Patron - Edwards*

## Courts Not of Record

### Passed

**P HB1412 Maximum number of judges in each judicial district.** Increases from two to three the maximum number of authorized general district court judges in the Twenty-second Judicial District. This bill is a recommendation of the Committee on District Courts. This bill is identical to SB 816.

*Patron - Marshall*

**P HB1541 Evidence of medical reports, statements, or records; testimony of health care provider or cus-**

**todian of records in juvenile and domestic relations district court; custody, visitation, placement, and support cases.** Provides that in any civil case in a juvenile and domestic relations district court involving the custody, visitation, placement, or support of a child or spouse any party and any guardian ad litem may present evidence as to the extent, nature, and treatment of a party or child and the costs of such treatment and examination by (i) a report or statement from the treating or examining health care provider for his treatment of the party or child or (ii) the bills showing the costs of examination or treatment or records of a treating or examining health care provider for his treatment of a child or party under certain circumstances. The bill requires that such evidence be admitted if the party intending to present such evidence gives the opposing party written notice 30 days in advance of trial. The bill also requires that if any opposing party intends to file a pleading in response to such evidence, such party must do so at least 15 days in advance of trial. This bill is identical to SB 799.

*Patron - Campbell, J.L.*

**P HB1961 Family abuse protective orders; relief available; password to electronic device; enjoining surveillance; penalty.** Provides that as a condition to be imposed by the court on the respondent, a petitioner with a protective order issued in a case that alleges family abuse and, where appropriate, any other family or household member, must be given the relevant password when being granted exclusive use and possession of a cellular telephone or other electronic device. The bill further provides that the court may enjoin the respondent from using a cellular telephone or other electronic device to surveil the petitioner.

*Patron - Mullin*

**P HB1990 Juvenile and domestic relations district courts; appointment of counsel or guardian ad litem; appeals.** The bill specifies that any attorney appointed to represent a child or parent, guardian, or other adult at a hearing in the juvenile and domestic relations district court may continue representation upon appeal to the circuit court unless relieved or replaced in the manner provided by law.

*Patron - Herring*

**P HB1991 Juvenile and domestic relations district courts; concurrent jurisdiction; suits for divorce.** Specifies that, when a suit for divorce has been filed in a circuit court in which the custody, guardianship, visitation, or support of children of the parties or spousal support is raised by the pleadings and a hearing, including a pendente lite hearing, is set by the circuit court on any such issue for a date certain or placed on a motions docket within 21 days of the filing, though such hearing itself may occur after such 21-day period, the juvenile and domestic relations district courts shall be divested of the right to enter any further decrees or orders to determine custody, guardianship, visitation, or support when raised for such hearing, and such matters shall be determined by the circuit court unless both parties agreed to a referral to the juvenile court.

*Patron - Herring*

**P HB1992 Juvenile and domestic relations district courts; notice of appeal to the circuit court.** Requires a copy of a notice of appeal from a final order or judgment of the juvenile court to be served by the appealing party upon the opposing party or each counsel of record. This bill received Governor's recommendations.

*Patron - Herring*

**P SB799 Evidence of medical reports, statements, or records; testimony of health care provider or custodian of records in juvenile and domestic relations district court;**

**custody, visitation, placement, and support cases.** Provides that in any civil case in a juvenile and domestic relations district court involving the custody, visitation, placement, or support of a child or spouse any party and any guardian ad litem may present evidence as to the extent, nature, and treatment of a party or child and the costs of such treatment and examination by (i) a report or statement from the treating or examining health care provider for his treatment of the party or child or (ii) the bills showing the costs of examination or treatment or records of a treating or examining health care provider for his treatment of a child or party under certain circumstances. The bill requires that such evidence be admitted if the party intending to present such evidence gives the opposing party written notice 30 days in advance of trial. The bill also requires that if any opposing party intends to file a pleading in response to such evidence, such party must do so at least 15 days in advance of trial. This bill is identical to HB 1541.

*Patron - Surovell*

**P SB816 Maximum number of judges in each judicial district.** Increases from two to three the maximum number of authorized general district court judges in the Twenty-second Judicial District. This bill is a recommendation of the Committee on District Courts. This bill is identical to HB 1412.

*Patron - Stanley*

**P SB873 Family abuse protective orders filed on behalf of minors.** Provides that for purposes of filing a petition for preliminary protective order in a family abuse situation, the attorney for the Commonwealth or a law-enforcement officer may file a petition on behalf of a minor as his next friend if an emergency protective order was previously issued for the protection of such minor and the respondent is a parent, guardian, or person standing in loco parentis, and such petition is filed before the emergency protective order expires or within 24 hours of the expiration of such emergency protective order.

*Patron - McDougle*

**P SB1033 Appointment of guardian ad litem for minor witness.** Authorizes a general district court, when the court determines circumstances so require, to appoint a discreet and competent guardian ad litem to represent a minor who is required to testify as a witness in a case before the court. The bill provides that such guardian ad litem shall be compensated for the provision of such services consistent with the rates and procedures set by the Supreme Court of Virginia for compensation of court-appointed counsel.

*Patron - McPike*

**P SB1264 Notifications in juvenile cases; exception to confidentiality.** Provides that whenever an intake officer proceeds informally against a juvenile, the Department of Juvenile Justice or a local court service unit may disclose only such information as necessary to enforce any provision of the diversion program to any law-enforcement officer, school principal where such juvenile attends school, or known victim. The bill also provides that a local court service unit may provide information regarding the availability and ordering of a protective order and restitution and dispositional information to the victim in the case.

*Patron - McDougle*

**P SB1486 Retired judges temporarily recalled to service; per diem compensation.** Raises from \$200 to \$400 the per diem compensation for any justice, judge, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission who is retired and who is temporarily recalled to service.

*Patron - Morrissey*



**P SB1532 Protective orders; extensions and continuances; penalty.** Provides that if a petitioner files a written motion requesting a hearing to extend a permanent protective order, the court may issue an ex parte protective order until the extension hearing, which shall be held within 15 days of the issuance of such ex parte protective order and may be held after the expiration of the permanent protective order. If the respondent fails to appear at the extension hearing because the respondent was not personally served with such motion, a new date for the extension hearing shall be given and the judge may extend the ex parte preliminary protective order until the new date. The bill also provides that if the respondent was personally served, where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the extension hearing and such ex parte preliminary protective order shall remain in effect until the extension hearing. This bill is identical to HB 1897.

*Patron - Deeds*

## Failed

**F HB1899 Family or household member; definition; penalty.** Adds to the definition of family or household members, for the purposes of definitions relating to juvenile and domestic relations district courts and multiple criminal and procedural statutes, step-brothers and step-sisters of a person and any individual who is a guardian, legal custodian, or other person standing in loco parentis of a person, or is a ward or dependent of such individual, regardless of whether such individual resides in the same home with the person.

*Patron - Hope*

**F HB1923 Admission of minors to mental health facility for inpatient treatment.** Increases from 14 years of age to 16 years of age the minimum age requiring the consent of a minor prior to his admission to a mental health facility for inpatient treatment upon the joint application of such minor and the consent of such minor's parent. The bill also increases from younger than 14 years of age to younger than 16 years of age the maximum age for admission of a minor to a mental health facility for inpatient treatment upon application and with the consent of such minor's parent. The bill also increases from 14 years of age to 16 years of age the minimum age for a minor who objects to his admission to a mental health facility or is incapable of making an informed decision to be admitted to such mental health facility for up to 120 hours upon the application of such minor's parent. The bill also adds addiction as a reason for a minor to be admitted to a mental health facility for inpatient treatment.

*Patron - Tata*

**F HB2017 Charges requiring preliminary hearing for a juvenile 16 years of age or older.** Adds to the list of charges for which the juvenile court is required to conduct a preliminary hearing for juveniles 16 years of age or older a charge of entering a dwelling house, etc., with intent to commit murder, rape, robbery, or arson.

*Patron - Adams, L.R.*

**F HB2044 Fines and costs assessed against juveniles in criminal and traffic cases; report.** Gives a court discretion in determining the appropriate amount, if any, of fines and fees imposed against a juvenile for a traffic infraction or other traffic offense and eliminates the court's authority to impose a fine as an order of disposition for a juvenile delinquency. The bill also provides that after a juvenile is adjudicated to be delinquent but prior to the imposition of any penalty, the court shall determine the applicable fees and costs,

including attorney fees, to be assessed against the juvenile's parents and shall determine if such juvenile's parents are financially able to pay for the attorney in whole or in part and refuse to do so. The bill provides that while determining if any fees or costs should be imposed, the court shall give the juvenile, or the juvenile's attorney, and the parents an opportunity to be heard. Finally, the bill requires the Office of the Executive Secretary of the Supreme Court of Virginia to annually report to the Governor and General Assembly on the total fines and costs assessed in the preceding calendar year in all criminal and traffic cases for each circuit court participating in the Office of the Executive Secretary's case management system and for each general district court and juvenile and domestic relations district court. The bill requires that the report include the fines and costs assessed by race of the defendant. The bill contains technical amendments.

*Patron - Shin*

**F HB2066 Custodial interrogation of a child; statement of leniency.** Creates a rebuttable presumption that any statement of leniency made by a law-enforcement officer to a child prior to or during an interrogation was not made knowingly and voluntarily. The bill defines "statement of leniency" as any statement regarding (i) the types or number of charges; (ii) the length of custody; (iii) any condition of release; (iv) contact with such child's parent, guardian, or legal custodian; or (v) any other promise, condition, fact, or factor that a court finds to have swayed the will of the child. The bill provides that the Commonwealth may rebut this presumption by clear and convincing evidence that the statement was made knowingly and voluntarily.

*Patron - Glass*

**F HB2120 Office of the Executive Secretary; public institutions of higher education; agreement to provide aggregated, nonconfidential case data in electronic format.** Allows the Office of the Executive Secretary, at the request of a public institution of higher education, to enter into an agreement to provide aggregated, nonconfidential case data, including names and partial dates of birth of parties, in electronic format. The bill specifies that such data shall not be subject to the Virginia Freedom of Information Act.

*Patron - Hudson*

**F HB2121 Juvenile transfer hearing; factors to be considered.** Adds the nature and extent of any prior trauma to the list of factors a juvenile and domestic relations district court shall consider when determining whether a juvenile is a proper person to remain within the jurisdiction of the juvenile court or to transfer the juvenile to circuit court for prosecution.

*Patron - Hudson*

**F SB843 Retired circuit court and district court judges; recall; qualification by Senate Committee on the Judiciary and House Committee for Courts of Justice.** Provides that no retired judge shall be authorized or eligible for temporary recall if such judge, prior to submitting a notice of retirement, sought reelection to a subsequent term but was not reelected by a majority of the members elected to each house of the General Assembly.

*Patron - Petersen*

**F SB1080 Juvenile and domestic relations district courts; Department of Juvenile Justice; adjudication of delinquency.** Raises the maximum age for delinquency matters in juvenile and domestic relations district courts from persons under 18 years of age to persons under 21 years of age. The bill defines "underage person" as an individual who is 18 years of age or older but younger than 21 years of age. The bill adds underage persons to all provisions regarding delinquency



proceedings in juvenile and domestic relations district courts, the transfer of delinquency matters to circuit courts, and criminal procedure as currently applies to juveniles only. The bill differentiates between juveniles and underage persons in specific circumstances, including consent for medical or mental health records or procedures, mental health screenings in secure detention facilities, and provisions regarding release on bail or recognizance.

The bill also specifies that a delinquent child is a child 11 years of age or older who has committed a delinquent act. Currently, there is no minimum age for a child to be adjudicated delinquent. The bill provides that if a juvenile younger than 11 years of age is found to have committed a delinquent act, the juvenile shall not be proceeded upon as delinquent; however, the court may make any orders of disposition authorized for a child in need of services or a child in need of supervision. The bill has a delayed effective date of January 1, 2025.

*Patron - Edwards*

**F SB1472 Violations of child protective orders; penalty.** Provides that a violation of a permanent child protective order is punishable as a Class 1 misdemeanor.

*Patron - Stanley*

**F SJ229 Study; juvenile restitution; report.** Directs the Virginia State Crime Commission to study juvenile restitution, evaluating (i) the frequency of court-ordered juvenile restitution in the Commonwealth; (ii) the average amount of restitution ordered; (iii) the percentage of juveniles who pay court-ordered restitution in full; (iv) the percentage of juveniles penalized for failure to pay restitution; (v) the percentage of victims completely compensated with restitution; and (vi) the demographics of juveniles ordered to pay restitution, including age, race, prior criminal history, and familial socioeconomic status. The bill directs the Commission to provide recommendations to make the juvenile restitution process more rehabilitative from the perspective of the juvenile while ensuring that victims of crime are compensated and to report its findings and recommendations no later than November 30, 2023.

*Patron - Favola*

## Courts of Record

### Passed

**P HB1996 Summons for Unlawful Detainer form; plain English instructions.** Requires the Forms and Efilng Subcommittee of the Supreme Court of Virginia's Access to Justice Commission to develop plain English instructions, as defined in the bill, that explain to defendants how to interpret Form DC-421 (Summons for Unlawful Detainer/Civil Claim for Eviction). The bill further requires that such instructions (i) be printed in no less than 14 point type; (ii) be understandable to persons whose literacy level matches the Virginia literacy level for fourth grade; (iii) explain that failure to appear in court on the hearing date may result in eviction from the defendant's household; and (iv) provide the statewide Legal Aid and Virginia Eviction Reduction Pilot program websites and, if applicable, telephone numbers, directing defendants to contact those programs for more information and assistance.

*Patron - Herring*

**P HB2012 Retired Supreme Court justices and Court of Appeals judges; recall; circuit courts.** Provides that retired justices of the Supreme Court of Virginia and judges of the Court of Appeals of Virginia may be designated by the

Chief Justice of the Supreme Court of Virginia to sit in recall in circuit courts when such retired justice or judge has been found qualified within the preceding three years by the House Committee for Courts of Justice and the Senate Committee on the Judiciary.

*Patron - Adams, L.R.*

**P HB2168 Judicial Inquiry and Review Commission; annual report; breach of Canons of Judicial Conduct; disciplinary action.** Requires the Judicial Inquiry and Review Commission to include in its annual report (i) the name of any judge who the Commission concluded breached the Canons of Judicial Conduct and took disciplinary action against as a result of such conclusion, if the date on which the Commission reached such conclusion was after the previous annual report was published; (ii) the specific Canons of Judicial Conduct breached by such judge; and (iii) the disciplinary action taken against such judge by the Commission. The bill provides that the provisions of this act shall apply only to disciplinary actions taken on or after July 1, 2023.

*Patron - Williams*

**P HB2317 Jury duty; allowance increase.** Increases the jury duty allowance from \$30 to \$50 per day. This bill is identical to SB 789.

*Patron - Williams Graves*

**P SB789 Jury duty; allowance increase.** Increases the jury duty allowance from \$30 to \$50 per day. This bill is identical to HB 2317.

*Patron - Spruill*

**P SB1031 Judicial Inquiry and Review Commission; exception to confidentiality; complainant notification of final decision or action.** Requires the Judicial Inquiry and Review Commission to provide notice to a complainant of any final decision made or action taken in regards to his filed complaint within 30 days of such decision or action.

*Patron - Norment*

**P SB1259 Criminal appeals; duties of the Attorney General and attorney for the Commonwealth.** Provides that in all criminal cases before the Court of Appeals or the Supreme Court of Virginia in which the Commonwealth is a party or is directly interested, the Attorney General shall appear and represent the Commonwealth upon receipt of the record in the appellate court. The bill provides that the attorney for the Commonwealth shall continue to represent the Commonwealth in any appeal regarding bail, bond, or recognizance before the Court of Appeals or the Supreme Court for which he was the prosecuting attorney. Under current law, the Attorney General assumes representation of the Commonwealth upon the filing of the notice of appeal. The bill provides that the attorney for the Commonwealth shall represent the Commonwealth before the appellate courts on criminal pretrial petitions for appeal. The bill also provides that any appeal from any action collaterally attacking a criminal conviction lies directly to the Supreme Court. The bill eliminates the requirement that four copies of each brief shall be filed and three copies shall be mailed or delivered to opposing counsel on or before the date of filing in criminal pretrial appeals. This bill is identical to HB 2165.

*Patron - Petersen*

**P SB1306 Twenty-fifth judicial circuit; designation of courtrooms.** Provides that, where appropriate, the courthouse of the Circuit Court of Rockbridge County may be used for the trial of civil or criminal cases when venue is laid in the City of Buena Vista or the courthouse of the Circuit Court

of the City of Buena Vista may be used for the trial of civil or criminal cases when venue is laid in Rockbridge County.

*Patron - Deeds*

## Failed

**F HB1386 Appeals of certain interlocutory decrees or orders; report.** Prohibits the appeal of certain interlocutory decrees or orders relating to affirmance or annulment of a marriage, divorce, custody of a minor child, spousal or child support, control or disposition of a minor child, or any other domestic relations matter arising under Title 16.1 (Courts Not of Record) or 20 (Domestic Relations) of the Code of Virginia. The bill also restores the Court of Appeal's jurisdiction over appeals of orders granting or denying pleas of immunity. Under current law, such orders are appealable to the Supreme Court. The bill requires the Virginia Family Law Coalition to study appeals of interlocutory decrees and orders involving domestic relations matters in the Commonwealth and to report the findings of such study to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by October 1, 2024.

*Patron - Ballard*

**F SB853 Southern Virginia Internet Crimes Against Children program; additional funding.** Provides that in each fiscal year, at least \$2.5 million shall be appropriated to the Southern Virginia Internet Crimes Against Children program for investigating and prosecuting Internet crimes against children. The bill provides that moneys that are disbursed from the Internet Crimes Against Children Fund to the Southern Virginia Internet Crimes Against Children program shall count toward this appropriation and if the moneys disbursed from the Internet Crimes Against Children Fund to the Southern Virginia Internet Crimes Against Children program total less than \$2.5 million, the general fund shall disburse any additional moneys as necessary.

*Patron - Newman*

**F SB1517 Courts of record; Judicial Inquiry and Review Commission; confidentiality of papers and proceedings; waiver.** Removes the confidentiality of the findings of the Judicial Inquiry and Review Commission (the Commission) if, upon the conclusion of the Commission's proceedings, the Commission finds that suspension of the subject judge is the most appropriate action or if the subject judge appeals the final determination of the Commission to the Supreme Court. The bill clarifies that any identifying information of any persons other than such subject judge shall be redacted prior to making such information available for public inspection.

*Patron - Obenshain*

## Crimes and Offenses Generally

## Passed

**P HB1404 Cigarette delivery sale requirements; definition of cigarette.** Defines the term "cigarette" for purposes of cigarette delivery sale requirements.

*Patron - Taylor*

**P HB1416 Testing persons charged with certain crimes for sexually transmitted infections.** Provides that as soon as practicable following arrest, or following indictment, arrest by warrant, or service of a petition in the case of a juvenile,

the attorney for the Commonwealth may request after consultation with any complaining witness, or shall request upon the request of the complaining witness, that any person charged with certain specified crimes be requested to submit to testing for sexually transmitted infections, as that term is defined in the bill. The bill provides that if the person charged refuses to submit to testing or the competency of the person to submit to testing is at issue, a court finding probable cause that the complaining witness was exposed to body fluids of the person charged in a manner that may transmit a sexually transmitted infection shall order such testing. The bill also provides that the results of such tests shall not be admissible as evidence in any criminal proceeding. This bill is identical to SB 1436.

*Patron - Brewer*

**P HB1422 Concealed handgun permit; demonstrated competence.** Adds a firearms safety or training course conducted by the United States Concealed Carry Association (USCCA) or by a USCCA-certified firearms instructor, or any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the USCCA to those programs that satisfy the demonstration of competence requirement for the issuance of a Virginia resident or nonresident concealed handgun permit. This bill is identical to SB 898.

*Patron - Coyner*

**P HB1478 Crimes by gangs.** Provides that the definition of "predicate criminal act" includes all violent felony offenses for purposes of predicate criminal acts for street gangs. The bill also increases various penalties for gang crimes. This bill is identical to SB 1207.

*Patron - Ballard*

**P HB1572 False emergency communication to emergency personnel; penalties.** Provides that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response and any person suffers a serious bodily injury as a direct and proximate result of the false emergency communication and a Class 5 felony if any person is killed as a direct and proximate result of the false emergency communication. The bill authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication. This bill is identical to SB 1291.

*Patron - Walker*

**P HB1583 Peeping or spying into a dwelling or enclosure; electronic device; penalty.** Prohibits any person from knowingly and intentionally causing an unmanned aircraft system to secretly or furtively peep, spy, or attempt to peep or spy into or through a window, door, or other aperture of any building, structure, or other enclosure occupied or intended for occupancy as a dwelling, whether or not such building, structure, or enclosure is permanently situated or transportable and whether or not such occupancy is permanent or temporary, without just cause, under circumstances that would violate the occupant's reasonable expectation of privacy.

*Patron - Sullivan*

**P HB1590 Causing a telephone or other device to signal with intent to annoy; emergency communications; penalty.** Modernizes the statute prohibiting harassment of

emergency personnel in the performance of their duties by causing a telephone to ring to include a prohibition on causing any other device to signal with the intent to annoy, harass, hinder, or delay such emergency personnel. This bill is identical to SB 1034.

*Patron - Sullivan*

**P HB1636 Operating or engaging in the conduct of a child day program or family day system without a license; penalty.** Clarifies that, for the purpose of the Class 4 felony prescribed for any parent, guardian, or other person responsible for the care of a child younger than the age of 18 who by willful act or willful omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child, the term "willful act or willful omission" includes operating or engaging in the conduct of a child day program or family day system without first obtaining a license such person knows is required by relevant law or after such license has been revoked or has expired and not been renewed.

*Patron - Bulova*

**P HB1673 Strangulation by blocking or obstructing the airway of another; penalty.** Provides that any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully blocking or obstructing the airway of such person resulting in the wounding or bodily injury of such person is guilty of suffocation, a Class 6 felony. This bill is identical to SB 1156.

*Patron - Bell*

**P HB1682 Weapon of terrorism; definition; penalty.** Includes any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, as a weapon of terrorism for the purpose of defining terrorism offenses. The bill provides that any person who knowingly and intentionally manufactures or knowingly and intentionally distributes a weapon of terrorism when such person knows that such weapon of terrorism is, or contains, any mixture or substance containing a detectable amount of fentanyl is guilty of a Class 4 felony. This bill is identical to SB 1188.

*Patron - Wyatt*

**P HB1699 Buying or selling of minors; exceptions; penalties.** Creates a Class 5 felony for any person who offers money or other valuable thing to another for the purpose of purchasing or otherwise obtaining custody or control of a minor and thereafter does any substantial act in furtherance of such offer of purchase or obtaining custody or control of such minor. The bill also creates a Class 5 felony for any parent, legal guardian, or other person having custody or control of a minor who receives any money or other valuable thing for or on account of selling or otherwise transferring custody or control of such minor or who offers to sell or otherwise transfer custody or control of such minor. The bill creates exceptions for any person entering into a surrogacy contract, seeking to adopt a child or place his child for adoption pursuant to relevant law, or who is a person with a legitimate interest, as defined by law, in such minor.

*Patron - Cherry*

**P HB1835 Threats made against health care providers; penalty.** Removes the location element that specifies a health care provider must be in a hospital or in an emergency room on the premises of a clinic or other facility rendering emergency medical care from the crime of making an oral threat to kill or to do bodily injury to a health care provider.

*Patron - Bell*

**P HB1885 Organized retail theft; report; penalty.** Establishes the crime of organized retail theft that makes it a Class 3 felony for any person who conspires or acts in concert with another person to commit simple larceny of retail property from one or more retail mercantile establishments, with a value exceeding \$5,000 aggregated over a 90-day period, with the intent to sell such retail property for monetary or other gain, and who takes or causes such retail property to be placed in the control of a retail property fence or other person and either (i) receives or possesses any retail property that has been obtained by simple larceny from one or more retail mercantile establishments while knowing or having reasonable grounds to believe the property was unlawfully obtained or (ii) conspires or acts in concert with two or more other persons as an organizer, supervisor, financier, leader, or manager to engage for profit in a scheme or course of conduct to effectuate the transfer or sale of property obtained by simple larceny from one or more retail mercantile establishments. The bill defines the terms retail mercantile establishment, retail property, and retail property fence. The bill also establishes the Organized Retail Crime Fund to be administered by the Attorney General solely for the purposes of awarding grants to attorneys for the Commonwealth and law-enforcement agencies to investigate, indict, and prosecute violations of organized retail theft and associated fraud and property crimes. This bill is identical to SB 1396.

*Patron - Byron*

**P HB1892 Abduction of a minor; penalty.** Makes the abduction of a minor a Class 2 felony, unless such abduction is committed by the parent or a family or household member who has been ordered custody or visitation of the person abducted, for which there is a prescribed punishment. Under current law, abduction of any person is punishable as a Class 5 felony if there is no other prescribed punishment. The bill also makes an abduction committed by a family or household member who has been ordered custody or visitation of the person abducted punishable the same as an abduction committed by the parent of the person abducted.

*Patron - Ballard*

**P HB1987 Charitable gaming; temporary permits; limitations; definitions.** Authorizes the Department of Agriculture and Consumer Services to issue a temporary permit to certain qualified organizations authorizing such organizations to sell instant bingo, pull tabs, or seal cards upon premises located anywhere in the Commonwealth during a convention, conference, or related event lasting no more than seven days held by the organization's affiliated state, regional, or national organization up to four times per year, as designated in the temporary permit. Current law limits the sale of such games by a qualified organization to premises that are owned or exclusively and entirely leased by such organization or premises leased by the organization from any social organization for the purpose of selling such games. The bill also amends the definitions of "organization" and "social organization" for the purpose of charitable gaming in the Commonwealth to include (i) an organization (a) established on or before December 31, 1963, as a result of its members being prohibited from joining similar existing organizations because of laws such as the Public Assemblages Act of 1926; (b) that is exempt from income tax pursuant to § 501(c)(7) of the Internal Revenue Code; and (c) that is operated, and has always been operated, for community awareness and action through educational, economic, and cultural service activities and (ii) an organization established on or before December 31, 1977, that is exempt from income tax pursuant to § 501(c)(7) of the Internal Revenue Code and is incorporated, in part, to raise funds for donation to organizations whose missions include promot-

ing early detection of and public education about and supporting research and treatment options for heart disease and various cancers. This bill received Governor's recommendations.

*Patron - Krizek*

**P HB2020 Unmanned aircraft systems; trespass over correctional facilities; penalty.** Prohibits any unmanned aircraft system from (i) dropping any item within the boundaries of or (ii) obtaining any videographic or still image of any identifiable inmate or resident at any state or local correctional facility or juvenile correctional center without consent or authorization. A violation of this prohibition is a Class 1 misdemeanor. This bill is identical to SB 1073.

*Patron - Wachsmann*

**P HB2024 Personal information of judges and magistrates; penalty.** Prohibits the Commonwealth from publishing on the Internet the personal information of any active or retired federal or Virginia justice, judge, or magistrate who has made a demand in writing to the Commonwealth that the Commonwealth not publish such information; such demand shall be effective until rescinded by such judge, justice, or magistrate. The bill adds active or retired federal or Virginia justices, judges, and magistrates to the list of people for which an enhanced punishment applies for the crime of using such person's identity with the intent to coerce, intimidate, or harass. The bill also adds active and retired magistrates to the list of people who may furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters. The bill removes state and federal judges and justices from the definition of "public official." As introduced, this bill was a recommendation of the Judicial Council of Virginia. This bill is identical to SB 1310. This bill received Governor's recommendations.

*Patron - Leftwich*

**P HB2125 Charitable gaming; exemptions from certain requirements for specified organizations.** Requires qualified organizations that reasonably expect, on the basis of prior charitable gaming annual results or any other quantifiable method, to realize gross receipts of \$40,000 or less from all charitable gaming other than raffles, conducted on a total of no more than seven days per calendar year, to register with the Department of Agriculture and Consumer Services (the Department) on a form prescribed by the Department. Such form shall only require the organization to provide (i) proof of the organization's nonprofit status; (ii) contact information for the chief executive officer of the organization or his designee; (iii) the location, dates, and times of any expected charitable gaming activity; (iv) a description of the general nature of the anticipated charitable gaming activity; and (v) a signed attestation that the organization (a) does not reasonably expect to realize more than \$40,000 in gross receipts on a total of no more than seven days per calendar year for the charitable gaming activities listed on the registration form, (b) understands that should the organization exceed the \$40,000 threshold, it will be required to file a report of its receipts and disbursements, and (c) understands it shall be required to comply with the law and Department regulations governing charitable gaming. Under current law, any such organization is required to apply for a permit with the Department before conducting any charitable gaming. The bill also provides that any qualified organization may, as part of its annual fundraising event, sell instant bingo, pull tabs, or seal cards provided that (1) any such instant bingo, pull tabs, or seal cards are dispensed by mechanical equipment only; (2) the sale of the same is limited to a single event of no more than seven days per calendar year; (3) any such event is open to the public; and (4) no such organization

realizes actual gross receipts of more than \$40,000 from the conduct of all charitable gaming other than raffles on a total of no more than seven days per calendar year. Under current law, only athletic associations, booster clubs, or band booster clubs may, as part of their annual fundraising event, sell instant bingo, pull tabs, or seal cards. Finally, the bill prohibits the Department from requiring a qualified organization that realizes annual gross receipts of \$40,000 or less to file a report of its receipts and disbursements. This bill is identical to SB 1235.

*Patron - Wilt*

**P HB2166 Racketeering offenses; penalty.** Adds petit larceny to the list of offenses included in the definition of "racketeering activity." The bill prohibits any person who is directed by an organizer, supervisor, or manager of an enterprise from (i) receiving or distributing any proceeds or anything of value known to have been derived directly from racketeering activity and (ii) using or investing an aggregate of \$10,000 or more of such proceeds or such things of value in the acquisition of any title to, or any right, interest, or equity in, real property, or in the establishment or operation of any enterprise. A first offense is punishable by between five and 40 years' imprisonment and a fine of not more than \$1 million, and a second or subsequent offense is punishable as a Class 2 felony and a fine of not more than \$2 million. Current law criminalizes an enterprise or any person who occupies a position of organizer, supervisor, or manager of an enterprise for (a) receiving proceeds from racketeering and (b) using or investing \$10,000 or more of such proceeds in the acquisition of any title to, or any right, interest, or equity in, real property, or in the establishment or operation of any enterprise.

*Patron - Williams*

**P HB2186 Trespass; other person lawfully in charge of the property; locality.** Provides that the maintenance code official of a locality is considered a person lawfully in charge of real property that has been declared a derelict building, unless the owner of such property objects, for the purpose of posting a sign or signs to prohibit any person to go upon the premises of such property without the authority of law.

*Patron - Rasoul*

**P HB2298 Carrying concealed weapons; exceptions; penalty.** Removes switchblade knives from and adds stiletto knives to the list of concealed weapons the carrying of which is prohibited in public.

*Patron - Ware*

**P HB2330 Assault and battery; public transportation service vehicle operators; penalty.** Makes it a Class 1 misdemeanor for a person to commit a battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties. The bill requires the sentence of such person, upon conviction, to prohibit such person from entering or riding in any vehicle operated by the public transportation service that employed such operator for a period of not less than six months as a term and condition of such sentence. The bill also makes it a Class 1 misdemeanor for any person to enter or ride in a vehicle operated by a public transportation service who has been prohibited to do so after being convicted of an assault and battery against an operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties.

*Patron - McQuinn*

**P HB2370 Alcohol safety action programs.** Directs the membership of a local independent policy board of an alcohol safety action program to be chosen in accordance

with procedures approved and promulgated by the Commission on the Virginia Alcohol Safety Action Program (VASAP) and specifies that such procedures shall provide that such board shall endeavor to select one criminal defense attorney who has specialized knowledge in representing persons charged with driving while intoxicated offenses and one local attorney for the Commonwealth to sit on such board. The bill also provides that any court that has convicted a person of a reckless driving violation in which the defendant was initially charged with a driving while intoxicated violation shall have continuing jurisdiction over such person during any period of license revocation related to that conviction for the limited purposes of (i) referring such person to a certified alcohol safety action program; (ii) providing for a restricted driver's license permit for such person; and (iii) imposing terms, conditions, and limitations for actions related to such person's participation in a certified alcohol safety action program and use of the restricted driver's license permit. As introduced, this bill was a recommendation of the Commission on VASAP. This bill is identical to SB 841.

*Patron - Scott, D.L.*

**P HB2372 Possession, purchase, or sale of catalytic converters; penalty.** Makes it a Class 6 felony for any person to sell, offer for sale, or purchase a catalytic converter from a motor vehicle exhaust system that has been detached from a motor vehicle, except when such sale, offer for sale, or purchase is made to or by a scrap metal purchaser that has adhered to the required compliance provisions. The bill provides that a judge or jury may make a permissive inference that a person who is in possession of a catalytic converter that has been removed from a motor vehicle is presumed to have criminally obtained such catalytic converter unless the person is an authorized agent or employee acting in the performance of his official duties for a motor vehicle dealer, motor vehicle garage or repair shop, or salvage yard that is licensed or registered by the Commonwealth or a person who possesses vehicle registration documentation indicating that the catalytic converter in the person's possession is the result of a replacement of a catalytic converter from a vehicle registered in that person's name. This bill is identical to SB 1135.

*Patron - Wyatt*

**P HB2398 Sexual extortion; penalties.** Creates a Class 5 felony for any person who maliciously threatens in writing, including an electronically transmitted communication producing a visual or electronic message, (i) to disseminate, sell, or publish a videographic or still image, created by any means whatsoever, or (ii) to not delete, remove, or take back a previously disseminated, sold, or published videographic or still image, created by any means whatsoever, that depicts the complaining witness or such complaining witness's family or household member as totally nude or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast with the intent to cause the complaining witness to engage in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse and thereby engages in such acts. The bill also creates an unclassified felony punishable by not less than one nor more than 20 years and a fine of not more than \$100,000 for any adult who violates the provisions of the bill with a person under the age of 18.

*Patron - Bell*

**P HB2419 Charitable gaming; definition of "organization."** Modifies the definition of "organization" for the purposes of charitable gaming in the Commonwealth to include an organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code that manages a museum that is operated, and has always been operated, exclu-

sively for the purposes of musical heritage and the legacy of the "1927 Bristol Sessions."

*Patron - Wampler*

**P HB2449 Concealed handgun permits; Virginia Criminal Information Network; disclosure of information.**

Limits the exception to the requirement that the State Police withhold from public disclosure concealed handgun permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network provided under current law for any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties or an entity that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing official duties of the law-enforcement agency to apply only when such permittee information is related to an ongoing criminal investigation or prosecution.

*Patron - Ballard*

**P HB2467 Purchase of firearms; special identification without a photograph.** Provides that to establish personal identification and residence in Virginia for the purposes of purchasing a firearm, a prospective purchaser may present a special identification card without a photograph issued by the Department of Motor Vehicles to a person with a sincerely held religious belief prohibiting the taking of a photograph.

*Patron - Runion*

**P SB841 Alcohol safety action programs.** Directs the membership of a local independent policy board of an alcohol safety action program to be chosen in accordance with procedures approved and promulgated by the Commission on the Virginia Alcohol Safety Action Program (VASAP) and specifies that such procedures shall provide that such board shall endeavor to select one criminal defense attorney who has specialized knowledge in representing persons charged with driving while intoxicated offenses and one local attorney for the Commonwealth to sit on such board. The bill also provides that any court that has convicted a person of a reckless driving violation in which the defendant was initially charged with a driving while intoxicated violation shall have continuing jurisdiction over such person during any period of license revocation related to that conviction for the limited purposes of (i) referring such person to a certified alcohol safety action program; (ii) providing for a restricted driver's license permit for such person; and (iii) imposing terms, conditions, and limitations for actions related to such person's participation in a certified alcohol safety action program and use of the restricted driver's license permit. As introduced, this bill was a recommendation of the Commission on VASAP. This bill is identical to HB 2370.

*Patron - Surovell*

**P SB896 Racketeering offenses; penalty.** Adds petit larceny to the list of offenses included in the definition of "racketeering activity." The bill prohibits any person who is directed by an organizer, supervisor, or manager of an enterprise from (i) receiving or distributing any proceeds known to have been derived directly from racketeering activity and (ii) using or investing an aggregate of \$10,000 or more of such proceeds in the acquisition of any title to, or any right, interest, or equity in, real property, or in the establishment or operation of any enterprise. A first offense is punishable by between five and 40 years' imprisonment and a fine of not more than \$1 million, and a second or subsequent offense is punishable as a Class 2 felony and a fine of not more than \$2 million. Current law criminalizes an enterprise or any person who occupies a position of organizer, supervisor, or manager of an enterprise for (a) receiving proceeds from racketeering and (b) using or investing \$10,000 or more of such proceeds in the acquisition

of any title to, or any right, interest, or equity in, real property, or in the establishment or operation of any enterprise.

*Patron - McDougle*

**P SB898 Concealed handgun permit; demonstrated competence.** Adds a firearms safety or training course conducted by the United States Concealed Carry Association (USCCA) or by a USCCA-certified firearms instructor, or any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the USCCA to those programs that satisfy the demonstration of competence requirement for the issuance of a Virginia resident or nonresident concealed handgun permit. This bill is identical to HB 1422.

*Patron - Stuart*

**P SB1034 Causing a telephone or other device to signal with intent to annoy; emergency communications; penalty.** Modernizes the statute prohibiting harassment of emergency personnel in the performance of their duties by causing a telephone to ring to include a prohibition on causing any other device to signal with the intent to annoy, harass, hinder, or delay such emergency personnel. This bill is identical to HB 1590.

*Patron - McPike*

**P SB1073 Unmanned aircraft systems; trespass over correctional facilities; penalty.** Prohibits any unmanned aircraft system from (i) dropping any item within the boundaries of or (ii) obtaining any videographic or still image of any identifiable inmate or resident at any state or local correctional facility or juvenile correctional center without consent or authorization. A violation of this prohibition is a Class 1 misdemeanor. This bill is identical to HB 2020.

*Patron - Hackworth*

**P SB1135 Possession, purchase, or sale of catalytic converters; penalty.** Makes it a Class 6 felony for any person to sell, offer for sale, or purchase a catalytic converter from a motor vehicle exhaust system that has been detached from a motor vehicle, except when such sale, offer for sale, or purchase is made to or by a scrap metal purchaser that has adhered to the required compliance provisions. The bill provides that a judge or jury may make a permissive inference that a person who is in possession of a catalytic converter that has been removed from a motor vehicle is presumed to have criminally obtained such catalytic converter unless the person is an authorized agent or employee acting in the performance of his official duties for a motor vehicle dealer, motor vehicle garage or repair shop, or salvage yard that is licensed or registered by the Commonwealth or a person who possesses vehicle registration documentation indicating that the catalytic converter in the person's possession is the result of a replacement of a catalytic converter from a vehicle registered in that person's name. This bill incorporates SB 1117 and is identical to HB 2372.

*Patron - McDougle*

**P SB1156 Strangulation by blocking or obstructing the airway of another; penalty.** Provides that any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully blocking or obstructing the airway of such person resulting in the wounding or bodily injury of such person is guilty of suffocation, a Class 6 felony. This bill is identical to HB 1673.

*Patron - Boysko*

**P SB1188 Weapon of terrorism; definition; penalty.** Includes any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, as a weapon of terrorism for the purpose of defining terrorism offenses. The bill provides that any person who knowingly and intentionally manufactures or knowingly and intentionally distributes a weapon of terrorism when such person knows that such weapon of terrorism is, or contains, any mixture or substance containing a detectable amount of fentanyl is guilty of a Class 4 felony. This bill is identical to HB 1682.

*Patron - Reeves*

**P SB1207 Crimes by gangs.** Provides that the definition of "predicate criminal act" includes all violent felony offenses for purposes of predicate criminal acts for street gangs. The bill also increases various penalties for gang crimes. This bill is identical to HB 1478.

*Patron - McDougle*

**P SB1209 Charitable gaming; temporary permits; limitations.** Authorizes the Department of Agriculture and Consumer Services to issue a temporary permit to certain qualified organizations authorizing such organizations to sell instant bingo, pull tabs, or seal cards upon premises located anywhere in the Commonwealth during a convention, conference, or related event lasting no more than seven days held by the organization's affiliated state, regional, or national organization up to four times per year, as designated in the temporary permit. Current law limits the sale of such games by a qualified organization to premises that are owned or exclusively and entirely leased by such organization or premises leased by the organization from any social organization for the purpose of selling such games. This bill received Governor's recommendations.

*Patron - Reeves*

**P SB1223 Financial exploitation of vulnerable adults; venue.** Provides that, in addition to the county or city in which any act was performed in furtherance of the offense or the accused resided at the time of the offense, venue for the trial of an accused charged with financial exploitation of a vulnerable adult may be in any county or city in which (i) the vulnerable adult resides or resided at the time of the offense or (ii) the vulnerable adult sustained a financial loss as a result of the offense. This bill is a recommendation of the Virginia Criminal Justice Conference.

*Patron - Obenshain*

**P SB1235 Charitable gaming; exemptions from certain requirements for specified organizations.** Requires qualified organizations that reasonably expect, on the basis of prior charitable gaming annual results or any other quantifiable method, to realize gross receipts of \$40,000 or less from all charitable gaming other than raffles, conducted on a total of no more than seven days per calendar year, to register with the Department of Agriculture and Consumer Services (the Department) on a form prescribed by the Department. Such form shall only require the organization to provide (i) proof of the organization's nonprofit status; (ii) contact information for the chief executive officer of the organization or his designee; (iii) the location, dates, and times of any expected charitable gaming activity; (iv) a description of the general nature of the anticipated charitable gaming activity; and (v) a signed attestation that the organization (a) does not reasonably expect to realize more than \$40,000 in gross receipts on a total of no more than seven days per calendar year for the charitable gaming activities listed on the registration form, (b) understands that should the organization exceed the \$40,000 threshold, it

will be required to file a report of its receipts and disbursements, and (c) understands it shall be required to comply with the law and Department regulations governing charitable gaming. Under current law, any such organization is required to apply for a permit with the Department before conducting any charitable gaming. The bill also provides that any qualified organization may, as part of its annual fundraising event, sell instant bingo, pull tabs, or seal cards provided that (1) any such instant bingo, pull tabs, or seal cards are dispensed by mechanical equipment only; (2) the sale of the same is limited to a single event of no more than seven days per calendar year; (3) any such event is open to the public; and (4) no such organization realizes actual gross receipts of more than \$40,000 from the conduct of all charitable gaming other than raffles on a total of no more than seven days per calendar year. Under current law, only athletic associations, booster clubs, or band booster clubs may, as part of their annual fundraising event, sell instant bingo, pull tabs, or seal cards. Finally, the bill prohibits the Department from requiring a qualified organization that realizes annual gross receipts of \$40,000 or less to file a report of its receipts and disbursements. This bill is identical to HB 2125.

*Patron - Obenshain*

**P SB1291 False emergency communication to emergency personnel; penalties.** Provides that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response and any person suffers a serious bodily injury as a direct and proximate result of the false emergency communication and a Class 5 felony if any person is killed as a direct and proximate result of the false emergency communication. The bill authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication. This bill is identical to HB 1572.

*Patron - Deeds*

**P SB1298 Filling, refilling, or otherwise delivering liquefied petroleum gas during a qualifying emergency.** Provides that when a qualifying emergency, as defined in the bill, is in effect, a residential customer who can demonstrate that he has less than a 24-hour supply of petroleum gas in his liquefied petroleum gas container shall make a good faith effort to procure delivery of liquefied petroleum gas from the owner of the container. If the owner is unable to fulfill the customer's good faith request within 24 hours, the bill allows the customer to have an emergency supplier fill, refill, or otherwise deliver liquefied petroleum gas into the customer's container. Under current law, it is a Class 3 misdemeanor for any person except the owner or other person authorized by the owner to fill or refill a liquefied petroleum gas container with liquefied petroleum gas.

*Patron - Deeds*

**P SB1310 Personal information of judges and magistrates; penalty.** Prohibits the Commonwealth from publishing on the Internet the personal information of any active or retired federal or Virginia justice, judge, or magistrate who has made a demand in writing to the Commonwealth that the Commonwealth not publish such information; such demand shall be effective until rescinded by such judge, justice, or magistrate. The bill adds active or retired federal or Virginia justices, judges, and magistrates to the list of people for which an enhanced punishment applies for the crime of using such person's identity with the intent to coerce, intimidate, or harass.

The bill also adds active and retired magistrates to the list of people who may furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters. The bill removes state and federal judges and justices from the definition of "public official." As introduced, this bill was a recommendation of the Judicial Council of Virginia. This bill is identical to HB 2024. This bill received Governor's recommendations.

*Patron - Deeds*

**P SB1396 Organized retail theft; report; penalty.** Establishes the crime of organized retail theft that makes it a Class 3 felony for any person who conspires or acts in concert with another person to commit simple larceny of retail property from one or more retail mercantile establishments, with a value exceeding \$5,000 aggregated over a 90-day period, with the intent to sell such retail property for monetary or other gain, and who takes or causes such retail property to be placed in the control of a retail property fence or other person and either (i) receives or possesses any retail property that has been obtained by simple larceny from one or more retail mercantile establishments while knowing or having reasonable grounds to believe the property was unlawfully obtained or (ii) conspires or acts in concert with two or more other persons as an organizer, supervisor, financier, leader, or manager to engage for profit in a scheme or course of conduct to effectuate the transfer or sale of property obtained by simple larceny from one or more retail mercantile establishments. The bill defines the terms retail mercantile establishment, retail property, and retail property fence. The bill also establishes the Organized Retail Crime Fund to be administered by the Attorney General solely for the purposes of awarding grants to attorneys for the Commonwealth and law-enforcement agencies to investigate, indict, and prosecute violations of organized retail theft and associated fraud and property crimes. This bill is identical to HB 1885.

*Patron - Stuart*

**P SB1436 Testing persons charged with certain crimes for sexually transmitted infections.** Provides that as soon as practicable following arrest, or following indictment, arrest by warrant, or service of a petition in the case of a juvenile, the attorney for the Commonwealth may request after consultation with any complaining witness, or shall request upon the request of the complaining witness, that any person charged with certain specified crimes be requested to submit to testing for sexually transmitted infections, as that term is defined in the bill. The bill provides that if the person charged refuses to submit to testing or the competency of the person to submit to testing is at issue, a court finding probable cause that the complaining witness was exposed to body fluids of the person charged in a manner that may transmit a sexually transmitted infection shall order such testing. The bill also provides that the results of such tests shall not be admissible as evidence in any criminal proceeding. This bill is identical to HB 1416.

*Patron - Dunnivant*

**P SB1492 Carrying a firearm or explosive material within Capitol Square and the surrounding area; exceptions for State Police officers.** Adds an exception for off-duty State Police officers and retired State Police officers to the prohibition on carrying a firearm within Capitol Square and the surrounding area, any building owned or leased by the Commonwealth or any agency thereof, or any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties. This bill received Governor's recommendations.

*Patron - DeSteph*



## Failed

**F HB1393 Carrying a concealed handgun; permit not required.** Allows any person who is otherwise eligible to obtain a concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth.

*Patron - March*

**F HB1394 Firearms; removal from persons posing substantial risk; penalties.** Repeals the procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. The bill also repeals the requirement that the Department of State Police maintain and make information available from the Substantial Risk Order Registry.

*Patron - March*

**F HB1398 Carrying a concealed handgun with a permit; private property.** Prohibits an owner of private property from prohibiting a person who has a valid concealed handgun permit from storing a firearm or other weapon in a motor vehicle if such vehicle is located in a parking lot, traffic circle, or other means of vehicular ingress or egress to such private property that is open to the public. Under current law, the owner of the private property where the vehicle is located may prohibit the possession of any handgun or other weapon on his property.

*Patron - March*

**F HB1407 Carrying a firearm or explosive material within Capitol Square and the surrounding area, into a building owned or leased by the Commonwealth, etc.; exception for concealed handgun permit holders.** Adds an exception for persons who have been issued a valid concealed handgun permit by the Commonwealth or persons who have a valid concealed handgun or concealed weapon permit or license by reciprocity to the prohibition of carrying a firearm within Capitol Square and the surrounding area, any building owned or leased by the Commonwealth or any agency thereof, or any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties.

*Patron - Brewer*

**F HB1420 Carrying a concealed handgun; permit not required.** Allows any person who is otherwise eligible to obtain a concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth.

*Patron - Wiley*

**F HB1428 Carrying loaded firearms in public areas prohibited; certain localities; repeal.** Repeals the prohibition on carrying certain loaded shotguns and semi-automatic center-fire rifles and pistols in certain localities in the Commonwealth.

*Patron - LaRock*

**F HB1432 Trespass; service of process.** Provides immunity from criminal trespass for any person who goes on or remains on the property of another after having been forbidden to do so by a sign or signs posted by or at the direction of a person lawfully in charge of such property, provided that the

person going on or remaining on the property is authorized to serve process and is engaged in the lawful service of process.

*Patron - Scott, P.A.*

**F HB1455 Selling, giving, or distributing a substance containing fentanyl; penalties.** Provides that any person who sells, gives, or distributes a substance he knows or should know contains two milligrams or more of any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, to another person without such person's knowledge that the substance sold, given, or distributed contains fentanyl is guilty of attempted murder of the first degree by poison. The bill also provides that if such sale, gift, or distribution results in the death of the other person from his use of the substance containing fentanyl, then the person who sold, gave, or distributed the substance is guilty of murder of the first degree by poison.

*Patron - Anderson*

**F HB1462 Criminal history record information check required for the transfer of certain firearms; photo identification.** Removes the provision that prevents a firearms dealer from selling or otherwise transferring a firearm to a prospective purchaser until 30 days after the date of issue of the prospective purchaser's original or duplicate photo identification.

*Patron - Wiley*

**F HB1502 Theft of or trafficking in trade secrets; penalty.** Provides that any person who willfully and without authorization obtains or uses, or endeavors to obtain or use, a trade secret, as defined in the bill, with the intent to either temporarily or permanently (i) deprive or withhold from the owner thereof the control or benefit of a trade secret or (ii) appropriate a trade secret to his own use or to the use of another person not entitled to the trade secret is guilty of a Class 6 felony. The bill also provides that any person who willfully traffics in, or endeavors to traffic in, a trade secret that he knows or should know was obtained or used without authorization is guilty of a Class 5 felony. The punishments for such violations increase to the Class 5 felony and Class 4 felony when such offenses are committed with the intent to benefit a foreign government, a foreign agent, or a foreign instrumentality.

*Patron - Wyatt*

**F HB1513 Possession or distribution of psilocybin for certain medical purposes permitted; penalty.** Allows possession of psilocybin pursuant to a valid prescription or order issued by a health care practitioner in the course of his professional practice for treatment of refractory depression or post-traumatic stress disorder or to ameliorate end-of-life anxiety. The bill prohibits prosecution of health care practitioners or pharmacists for dispensing or distributing psilocybin for such purposes. The bill makes possession of psilocybin without a valid prescription a Class 2 misdemeanor punishable by no longer than 30 days in jail and no more than a \$500 fine, either or both. The bill makes a second or subsequent offense a Class 1 misdemeanor.

*Patron - Adams, D.M.*

**F HB1515 Use of auto sear; prohibition; penalty.** Makes it a Class 2 felony to possess or use an auto sear in the perpetration or attempted perpetration of a crime of violence. The bill also makes it a Class 4 felony to unlawfully possess or use an auto sear for an offensive or aggressive purpose. The bill defines auto sear as a small device with a combination of parts made of metal or plastic designed and intended for use in converting a weapon into a machine gun, as defined in federal law.

*Patron - Adams, D.M.*



**F HB1523 Prostitution; solicitation; penalties.** Increases the penalty for a third or subsequent offense of solicitation of prostitution from an adult from a Class 1 misdemeanor to a Class 6 felony. The bill increases the fines from \$100 to \$1,000 and from \$500 to \$2,500 for certain offenses related to sex trafficking. The bill also make it a Class 5 felony to solicit prostitution from any minor. Under current law, any person who solicits prostitution from a minor is guilty of a Class 6 felony if the minor is 16 years old or older or a Class 5 felony if the minor is younger than 16 years old.

*Patron - Taylor*

**F HB1561 Assault or assault and battery against a law-enforcement officer; arrest and prosecution of individual experiencing a mental health emergency.** Provides that no individual shall be subject to arrest or prosecution for an assault or assault and battery against a law-enforcement officer if at the time of the assault or assault and battery (i) the individual (a) is experiencing a mental health emergency or (b) meets the criteria for issuance of an emergency custody order and (ii) the law-enforcement officer subject to the assault or assault and battery was responding to a call for service requesting assistance for such individual. The bill provides that no law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution.

*Patron - Watts*

**F HB1562 Insurrections; bar to serving in positions of public trust.** Bars any person convicted of participating in an insurrection under the laws of the Commonwealth or any substantially similar offense under the laws of another state or territory of the United States, the District of Columbia, or the United States from serving in any position of public trust, defined in the bill, within the Commonwealth.

*Patron - Helmer*

**F HB1570 Carrying a firearm or explosive material into a building owned or leased by the Commonwealth; exception for highway rest areas.** Provides that the prohibition on carrying a firearm or explosive material in any building owned or leased by the Commonwealth shall not apply to any highway rest area.

*Patron - Walker*

**F HB1579 Purchase or transportation of firearm by persons convicted of operating a boat or vehicle while intoxicated prohibited; penalty.** Provides that any person who, within a five-year period, has been convicted of two misdemeanor driving or boating while intoxicated offenses shall be ineligible to purchase or transport a handgun.

*Patron - Sullivan*

**F HB1585 Wearing of hard body armor in public; exceptions; penalty.** Makes it a Class 1 misdemeanor for any person to wear hard body armor, as defined in the bill, anywhere other than while on his own private property. The bill provides exceptions for (i) any law-enforcement officer, conservator of the peace, or member of the Armed Forces of the United States or of the National Guard of Virginia or of any other state while engaged in the performance of his official duties or (ii) any person engaged in such other profession as designated on a list published by the Department of Criminal Justice Services while engaged in the performance of his official duties. The bill also requires the Department to adopt regulations establishing criteria for eligible professions requiring the use of hard body armor during the performance of their

official duties and to publish the list of such eligible professions on the Department's website.

*Patron - Sullivan*

**F HB1613 False emergency communication to emergency personnel; penalties; report.** Provides that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response during which and as a result of such emergency response any person suffers a serious bodily injury and a Class 5 felony if any person is killed. The bill authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication. The bill also requires the Secretary of Education, together with the Secretary of Public Safety and Homeland Security, to convene a work group for the purpose of establishing best practices, policies, and procedures for school personnel in the event of false information resulting in an emergency response at or near a school.

*Patron - Williams Graves*

**F HB1642 Felony homicide; certain drug offenses; penalty.** Provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and such other person's use of the controlled substance results in his death. The bill provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. The bill also provides that if a person gave or distributed a Schedule I or II controlled substance only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility, or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he is guilty of a Class 5 felony.

*Patron - Kilgore*

**F HB1672 Resisting detention; penalty.** Makes it a Class 3 misdemeanor for any person to intentionally prevent or attempt to prevent a law-enforcement officer from lawfully detaining him, defined in the bill as fleeing or attempting to flee from a law-enforcement officer when (i) the officer has reasonable articulable suspicion to detain the person, (ii) the officer communicates to the person an order to stop, and (iii) the person refuses to obey the order to stop. The bill allows a person charged with committing this offense to be arrested and immediately brought before a magistrate. The bill requires law enforcement to make a report to the Central Criminal Records Exchange when any person is arrested on such charge.

*Patron - Campbell, J.L.*

**F HB1729 Firearm transfers to another person from a prohibited person.** Provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member may transfer a firearm owned by such prohibited person to any person who is not otherwise prohibited by law from possessing such firearm,

provided that such person who is not otherwise prohibited by law from possessing such firearm is 21 years of age or older and does not reside with the person who is subject to the protective order. Under current law, there is no requirement that such transferee cannot be younger than 21 years of age and cannot reside with such prohibited person. The bill also provides that such prohibited person who transfers, sells, or surrenders a firearm pursuant to the provisions of the bill shall inform the clerk of the court of the name and address of the transferee, the federally licensed firearms dealer, or the law-enforcement agency in possession of the firearm.

*Patron - Bennett-Parker*

**F HB1788 Sale or transfer of firearms; microstamping-enabled firearms; penalties.** Provides that it is unlawful for any licensed dealer in firearms to sell, offer for sale, exchange, give, transfer, or deliver any firearm manufactured on or after July 1, 2025, unless such firearm has been verified as a microstamping-enabled firearm, as defined in the bill. The bill also makes it unlawful for any person to modify such microstamping-enabled firearm or microstamping component with the intent to prevent the production of a microstamp. The bill makes a first violation punishable as a Class 3 misdemeanor and a second or subsequent violation punishable as a Class 1 misdemeanor and has a delayed effective date of July 1, 2025.

*Patron - Filler-Corn*

**F HB1795 Abortion; born alive infant; treatment and care; penalty.** Requires every health care provider licensed by the Board of Medicine who attempts to terminate a pregnancy to (i) exercise the same degree of professional skill, care, and diligence to preserve the life and health of a human infant who has been born alive following such attempt as a reasonably diligent and conscientious health care practitioner would render to any other child born alive at the same gestational age and (ii) take all reasonable steps to ensure the immediate transfer of the infant who has been born alive to a hospital for further medical care. A health care provider who fails to comply with the requirements of the bill is guilty of a Class 4 felony and may be subject to disciplinary action by the Board of Medicine. The bill also requires every hospital licensed by the Department of Health to establish a protocol for the treatment and care of a human infant who has been born alive following an attempt to terminate a pregnancy and for the immediate reporting to law enforcement of any failure to provide such required treatment and care.

*Patron - Freitas*

**F HB1801 Carrying a concealed handgun; permit not required.** Allows any person who is otherwise eligible to obtain a concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth.

*Patron - Freitas*

**F HB1865 Provision of abortion; abortion based on a disability or the sex or ethnicity of the unborn child prohibited; penalty.** Provides that, except in a medical emergency, a person shall not perform, induce, or attempt to perform or induce an abortion unless the physician or nurse practitioner who is to perform or induce the abortion has first confirmed that the abortion is not being sought on the basis of a disability or the sex or ethnicity of the unborn child and has documented these facts in the maternal patient's chart, as well as in a report to be filed with the State Health Commissioner within 15 days of the abortion. The bill further provides that any person performing such a prohibited abortion has committed an act of unprofessional conduct, that his license to practice medicine or as a nurse practitioner in the Commonwealth shall

be suspended or revoked pursuant to the rules of unprofessional conduct, and that he is subject to a civil penalty.

*Patron - Scott, P.A.*

**F HB1871 Concealed handgun permit; period of validity.** Extends from five years to 10 years the period during which a concealed handgun permit remains valid. The bill also provides that if a valid concealed handgun permit holder presents a written notice of a change in identifying information on a form provided by the Department of State Police to the clerk of the court who issued such permit, then such clerk shall issue a replacement permit specifying the permit holder's new information.

*Patron - Scott, P.A.*

**F HB1954 Killing the fetus of another; manslaughter; penalties.** Provides that any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter, which is punishable as a Class 5 felony. The bill also provides that any person who kills the fetus of another accidentally, contrary to the intention of the parties and while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life, is guilty of involuntary manslaughter, which is also punishable as a Class 5 felony.

*Patron - Bell*

**F HB1960 Elimination of mandatory minimum sentences; report.** Eliminates mandatory minimum sentences for certain crimes. The bill also directs the Secretary of Public Safety and Homeland Security to establish a work group to evaluate the feasibility of resentencing persons previously convicted of a felony offense that was punishable by a mandatory minimum term of confinement. The bill directs the work group to provide certain recommendations and to collect data relevant to the persons who may be eligible for a resentencing hearing, including the offenses for which such persons were convicted, the sentences that such persons received, and the number of years such persons have served for the offense for which there was a mandatory minimum term of confinement. The bill requires the work group to report such findings to the Governor and the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by November 1, 2023.

*Patron - Mullin*

**F HB2015 Unlawful picketing or parading to obstruct or influence justice; penalty.** Provides that any person who, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing or intimidating in the discharge of his duty any judge, juror, witness, court officer, or court employee, pickets or parades in or near a residence occupied or used by such person is guilty of a Class 1 misdemeanor. The bill also provides that the provisions regarding the issuance and service of summons in place of a warrant do not apply to such violations.

*Patron - Adams, L.R.*

**F HB2068 Prohibited sales and loans to juveniles; definition of sexual conduct.** Clarifies the definition of "sexual conduct" so that it is neutral regarding sexual orientation for the purposes of crimes related to prohibited sales and loans to juveniles.

*Patron - Lopez*

**F HB2070 Purchase, possession, or transportation of firearm following an assault and battery against a person in a dating relationship with the alleged offender; penalty.** Provides that any person who knowingly and inten-

tionally purchases, possesses, or transports any firearm following a misdemeanor conviction for an offense that occurred on or after July 1, 2023, for the offense of assault and battery against a person in a dating relationship, as defined in the bill, with the alleged offender or an offense substantially similar under the laws of any other state or of the United States is guilty of a Class 1 misdemeanor.

*Patron - Murphy*

**F HB2074 Assault and battery; persons diagnosed with autism spectrum disorder, intellectual disability, or mental illness; penalties.** Provides that any person charged with a simple assault and battery offense who has been diagnosed by a psychiatrist or clinical psychologist with an autism spectrum disorder, an intellectual disability, or serious mental illness shall not be subject to a mandatory minimum punishment if the court finds that the violation was caused by or had a direct and substantial relationship to the person's disorder or disability. Under current law, certain simple assault and battery offenses carry a mandatory minimum punishment when such offenses are committed against certain groups of people, including judges, law-enforcement officers, first responders, school employees, and health care providers.

*Patron - Murphy*

**F HB2078 Firearm locks required for sale or transfer of handguns; warning against accessibility to children; penalty.** Makes it a Class 1 misdemeanor for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person (i) other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun, or (ii) unless the handgun is accompanied by a warning, in conspicuous and legible type in capital letters printed on a label affixed to the gun and on a separate sheet of paper included within the packaging enclosing the handgun, that handguns should be locked and kept away from children and that there may be civil and criminal liability for failing to do so. The bill provides exceptions for law-enforcement and governmental agencies.

*Patron - Murphy*

**F HB2079 Assault and battery against a family or household member; prior conviction; second offense.** Provides that upon a conviction for assault and battery against a family or household member where it is alleged in the warrant, petition, information, or indictment on which a person is convicted that such person has been previously convicted of an offense that occurred within a period of 10 years of the instant offense against a family or household member of (i) assault and battery against a family or household member, (ii) malicious wounding or unlawful wounding, (iii) aggravated malicious wounding, (iv) malicious bodily injury by means of a substance, (v) strangulation, or (vi) an offense under the law of any other jurisdiction that has the same elements of any of the offenses listed in clauses (i) through (v), such person is guilty of a Class 1 misdemeanor, and the sentence of such person shall include a mandatory minimum term of confinement of 30 days.

*Patron - Murphy*

**F HB2106 Assault or assault and battery against a law-enforcement officer; arrest and prosecution of individual experiencing a mental health emergency.** Provides that no individual shall be subject to arrest or prosecution for an assault or assault and battery against a law-enforcement officer if at the time of the assault or assault and battery (i) the individual (a) is experiencing a mental health emergency or (b) meets the criteria for issuance of an emergency custody order and (ii) the law-enforcement officer subject to the assault or

assault and battery was responding to a call for service requesting assistance for such individual. The bill provides that no law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution.

*Patron - Bourne*

**F HB2134 Prohibited sales and loans to juveniles; definition of sexual conduct.** Clarifies the definition of "sexual conduct" so that it is neutral regarding sexual orientation for the purposes of crimes related to prohibited sales and loans to juveniles.

*Patron - Delaney*

**F HB2141 Owners of firearms; use of firearm by minor in commission of crime or to cause bodily injury; penalty.** Creates a Class 1 misdemeanor for an owner of a firearm, as defined in the bill, who (i) allows a minor to possess such firearm and such minor uses such firearm (a) in the commission of a crime or (b) to intentionally or with gross negligence cause bodily injury to himself or another person, or (ii) knows or reasonably should know that a minor is in close proximity, as defined in the bill, to such firearm as to allow such minor to possess or transport such firearm in violation of law and the minor uses such firearm (a) in the commission of a crime or (b) to cause bodily injury to himself or another person. The bill elevates the penalty to a Class 5 felony if such owner of a firearm knows or reasonably should have known that such minor has been charged with or convicted of or adjudicated delinquent of a violent crime or has been the subject of a school-initiated threat assessment.

*Patron - VanValkenburg*

**F HB2164 Firearms; National Rifle Association.** Removes references to the National Rifle Association (the NRA) from the Code and repeals authority for special license plates in support of the NRA.

*Patron - Scott, D.L.*

**F HB2167 Workplace violence; violence in certain public places; penalty.** Makes it a Class 3 felony for any person to commit an act of violence at (i) such person's place of employment or former place of employment, or at any other workplace of the same employer, whether on or off duty and whether during or outside of normal business hours; (ii) a place of worship, including any education building or community center owned or leased by a place of worship; (iii) a courthouse; or (iv) a hospital. The bill provides that such offense is a separate and distinct offense, punishment for which shall be consecutive to any punishment received for the act of violence.

*Patron - Williams*

**F HB2208 Hate crimes and discrimination; anti-Semitism; penalties.** Provides that as used in the Code of Virginia, "race," "religion," or "national origin" shall include persons of the Jewish faith or ethnicity; "racial, religious, or ethnic animosity" shall include animosity toward the Jewish faith or ethnicity; "race," "religious conviction," or "national origin" shall include persons of the Jewish faith or ethnicity; and "race," "religion," or "ethnic and national origin" shall include persons of the Jewish faith or ethnicity.

*Patron - Kilgore*

**F HB2228 Renewal of concealed handgun permit; demonstrated competence.** Provides that a person who was previously issued a concealed handgun permit is not required to provide any proof of training or demonstration of competence to be issued a renewal permit.

*Patron - Wachsmann*

**F HB2240 Prohibiting the sale, transport, etc., of assault firearms, large-capacity firearm magazines, and silencers; penalties.** Expands the definition of "assault firearm" and prohibits any person from importing, selling, transferring, manufacturing, purchasing, or transporting an assault firearm. A violation of this provision of the bill is a Class 6 felony. The bill also prohibits a dealer from selling, renting, trading, or transferring from his inventory an assault firearm to any person. The bill makes it a Class 6 felony to import, sell, transfer, manufacture, purchase, or transport a large-capacity firearm magazine, as defined in the bill, and a Class 1 misdemeanor to possess such large-capacity firearm magazine. The bill provides that any person who legally owns a large-capacity firearm magazine on July 1, 2023, may retain possession of such firearm magazine until January 1, 2024, and during that time, such person shall (i) render the large-capacity firearm magazine permanently inoperable, (ii) remove the large-capacity firearm magazine from the Commonwealth, (iii) transfer the large-capacity firearm magazine to a person outside the Commonwealth who is not prohibited from possessing it, or (iv) surrender the large-capacity firearm magazine to a state or local law-enforcement agency. Finally, the bill makes it a Class 6 felony for any person to import, sell, transfer, manufacture, or purchase a silencer, except as provided for in the National Firearms Act.

*Patron - Helmer*

**F HB2241 Assault and battery of human services workers; penalty.** Makes it a Class 1 misdemeanor to commit a battery against another knowing or having reason to know that such individual is a human services worker who is engaged in the performance of his duties. The bill requires that, upon conviction, such individual's sentence shall include 15 days in jail, two days of which shall be a mandatory minimum. The bill defines "human services worker" as any full-time or part-time employee of a human resources agency, or of a political subdivision or local government responsible for providing the same services.

*Patron - Willett*

**F HB2263 Sex offenses prohibiting proximity to children and school property; penalty.** Adds certain prostitution and commercial sex crimes to the list of offenses that would prohibit an adult if convicted of such offense from (i) loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary or high school; (ii) working or engaging in any volunteer activity on property he knows or has reason to know is a public or private elementary or secondary school or child day center property; and (iii) entering or being present upon any property he knows or has reason to know is a public or private elementary or secondary school or child day center property, a school bus, or any property, public or private, during hours when such property is solely being used by a public or private elementary or secondary school for a school-related or school-sponsored activity.

*Patron - Wilt*

**F HB2270 Provision of abortion; right to informed consent.** Requires physicians and authorized nurse practitioners to follow certain procedures and processes to effect a pregnant woman's informed written consent prior to the performance of an abortion.

*Patron - Greenhalgh*

**F HB2273 Purchase of firearms; waiting period; penalty.** Provides that no person shall sell a firearm unless at least three days have elapsed from the time the prospective purchaser completes the written consent form to have a licensed dealer obtain criminal history record information,

with exceptions for (i) transactions between licensed firearms importers or collectors, manufacturers, or dealers; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer; (iii) sales of antique firearms or curios or relics, as defined in relevant law; (iv) sales to an authorized representative of the Commonwealth or any subdivision thereof as part of an authorized voluntary gun buy-back or give-back program; (v) sales that occur at a firearms show and the seller has received a determination from the Department of State Police that the purchaser is not prohibited under state or federal law from possessing a firearm; or (vi) sales of a service weapon to a retired law-enforcement officer.

*Patron - Hayes*

**F HB2278 Abortion; when lawful; 15-week gestational age; exceptions; penalty.** Makes it a Class 4 felony for any physician licensed by the Board of Medicine to practice medicine and surgery to terminate or attempt to terminate a human pregnancy or aid or assist in the termination of a human pregnancy by performing an abortion or causing a miscarriage on any woman if the physician determines using best clinical judgment that the gestational age of the unborn child is more than 15 weeks, unless (i) the physician determines, based upon best clinical judgment, that the continuation of the pregnancy will result in the death of the woman or substantially and irreversibly impair one or more of such woman's major bodily functions, not including psychological or emotional conditions, or (ii) the pregnancy is the result of rape or incest. The bill further requires that any abortion procedure performed after it is determined that the unborn child's gestational age is more than 15 weeks is required to be performed in a hospital licensed by the State Department of Health or operated by the Department of Behavioral Health and Developmental Services. The bill provides that its provisions shall be known as the Pain-Capable Unborn Child Protection Act.

*Patron - Byron*

**F HB2288 Assault firearms; purchase; age requirement; penalty.** Provides that in order to purchase an assault firearm a person must be 21 years of age or older. The bill also expands the definition of "assault firearm" as the term applies to criminal history record information checks.

*Patron - Sickles*

**F HB2295 Study; restrictions on legal and illegal electronic gaming activities; joint committee established; civil penalty; report.** Increases the maximum amount for the civil penalty for gambling devices in unregulated locations and changes the distribution of moneys received from the monthly tax required for each skill game machine. The bill provides for the operation and regulation of electronic gaming activities under the Virginia Alcoholic Beverage Control Authority, extending the prior regulatory scheme to July 1, 2024. The bill also directs the Authority to adopt emergency regulations to implement the provisions of the bill and provides for the establishment of a joint committee composed of 10 members from the Senate Committee on General Laws and Technology and the House Committee on General Laws to study the regulation of all electronic gaming in the Commonwealth.

*Patron - Kilgore*

**F HB2320 Carrying dangerous weapon to place of religious worship; penalty; repeal.** Repeals the prohibition on the carrying of a dangerous weapon in a place of worship without good and sufficient reason while a meeting for religious purposes is being held at such place.

*Patron - Campbell, E.H.*

**F HB2349 Proceedings against books and motion pictures alleged to be obscene; repeal.** Repeals provisions of the Code that permit any citizen, attorney for the Commonwealth, or city attorney to institute a proceeding for adjudication of the obscenity of a sold or commercially distributed book or motion picture in the circuit court of the city or county where the sale or commercial distribution of such book or motion picture occurs.

*Patron - Simon*

**F HB2350 Storage of firearms in a residence where a minor is present; penalty.** Requires any person who possesses a firearm in a residence where such person knows or reasonably should know that a minor under 18 years of age is present to store such firearm unloaded in a locked container, compartment, or cabinet and to store all ammunition in a separate locked container, compartment, or cabinet. The bill requires that the key or combination to such locked containers, compartments, or cabinets be inaccessible to any minor. The bill provides that a violation is a Class 1 misdemeanor, and, in a case where there is more than one firearm stored in violation of these provisions, a violation for each firearm shall constitute a separate Class 1 misdemeanor. The bill exempts any person in lawful possession of a firearm who carries such firearm on or about his person, the storage of antique firearms, and the lawful authorization of a minor to access a firearm.

*Patron - Simon*

**F HB2360 Firearms-related offenses; mandatory minimum sentences; penalty.** Increases from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies.

*Patron - Webert*

**F HB2365 Carrying a firearm or explosive material within Capitol Square or building owned or leased by the Commonwealth; exemptions; public institutions of higher education.** Limits the exemption from the prohibition on the carrying of any firearm or explosive material within any building owned or leased by the Commonwealth or agency thereof or any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties that currently applies to any property owned or operated by a public institution of higher education to instead apply to any individual within a building owned or operated by a public institution of higher education who possesses a weapon as part of such public institution of higher education's curriculum or activities or as part of any organization authorized by the public institution of higher education to conduct its programs or activities within such building.

*Patron - Hudson*

**F HB2377 Replacement of concealed handgun permits; biometric changes.** Provides that if a valid concealed handgun permit holder presents a written notice of a change of name, height, weight, or gender on a form provided by the Department of State Police to the clerk of the court who issued such permit, then such clerk shall issue a replacement permit specifying the permit holder's new information.

*Patron - Simon*

**F HB2384 Marijuana; search and seizure; driving or operating a motor vehicle, etc., while intoxicated; marijuana presumption; saliva drug screening.** Removes certain offenses, described in the bill, from the prohibition of searches without a search warrant for the odor of marijuana and establishes a presumption of intoxication if a person has a

blood concentration equal to or greater than 0.003 milligrams of delta-9-tetrahydrocannabinol per liter of blood. The bill establishes a process for preliminary analysis of a person's saliva to screen for the presence of drugs in the saliva, similar to the process utilized for a person's blood alcohol content.

*Patron - Adams, L.R.*

**F HB2407 Purchase of firearms; demonstrated competence with a firearm or completion of a firearms safety or training course; penalty.** Requires that a prospective purchaser of a firearm present proof that such prospective purchaser has demonstrated competence with a firearm or completed a firearms safety or training course, as specified in the bill, within the past five years.

*Patron - Williams Graves*

**F HB2420 Nonresident concealed handgun permits.** Provides that if the Department of State Police has not issued a nonresident concealed handgun permit nor determined that the applicant for such permit is disqualified within 90 days of receipt of the completed application for such permit, the Department shall immediately issue the permit. Current law does not specify a time limit for issuance of such permit or determination of disqualification. The bill retains the current requirement that if after issuance of the permit the permittee is found by the Department to be disqualified, the permit shall be revoked and the person shall return the permit after being so notified by the Department.

*Patron - Cordoza*

**F HB2421 Possession of firearm, stun weapon, or other weapon on school property; child day centers and preschools.** Limits the prohibition on the possession of firearms, stun weapons, or certain other weapons on the property of child day centers or public, private, or religious preschools to that portion of the child day center or preschool exclusively used for the conduct of the child day center or preschool and excluding any common areas or grounds open to the public.

*Patron - McGuire*

**F HB2452 Charitable gaming; Texas Hold'em poker tournaments.** Amends the definition of "Texas Hold'em poker tournament" to include an organized competition of players who (i) pay an initial seating fee for entry into the competition and an additional seating fee up to once every 30 minutes, thereby allowing such players to purchase additional poker chips as needed for use in the competition, and (ii) may be seated at no more than 10 tables consisting of 10 players each simultaneously playing Texas Hold'em poker games. The bill prohibits a qualified organization from charging any initial or additional seating fee in excess of \$8 for the conduct of any such Texas Hold'em poker tournament and requires qualified organizations to hire an armed security officer that is licensed by the Department of Criminal Justice Services to be present during the times that any tournament is being played. The bill also requires any qualified organization that conducts any Texas Hold'em poker tournament to use at least 30 percent of its gross receipts from the conduct of Texas Hold'em poker tournaments for (a) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized or (b) those expenses related to the acquisition, construction, maintenance, or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes.

*Patron - Brewer*

**F HB2458 Charitable gaming; regulations related to electronic devices; prohibited practices.** Prohibits the Department of Agriculture and Consumer Services from

promulgating regulations that prohibit devices that (i) display spinning, rotating, or rolling reels or animations, flashing lights, or any other form of enhanced animation or (ii) accept tickets. The bill also repeals the provisions that, under current law, prohibit a qualified organization from using any part of its gross receipts or electronic gaming adjusted gross receipts for any purpose other than (a) gaming expenses; (b) reasonable and proper business expenses; and (c) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized, and that prohibit an organization from using any part of its charitable gaming gross receipts for such organization's social or recreational activities. Finally, the bill exempts progressive prizes from certain progressive pull tab games and statewide progressive pull tab games from the provision that places a limit on the amount of any prize money or value of any merchandise an organization may award as a prize from the conduct of certain charitable gaming activities.

*Patron - Bagby*

**F HB2464 Firearms; removal from persons posing substantial risk; penalties.**

*Patron - Freitas*

**F HB2475 Sexual battery; clergy; penalty.** Expands the offense of sexual battery to include sexual abuse of a complaining witness committed by an accused who was, at the time of the offense, a member of the clergy or similar functionary of a religious organization in a position of trust or authority over the complaining witness, while the complaining witness was 18 years of age or older and under the spiritual care of the accused.

*Patron - Krizek*

**F SB835 Prohibited sales and loans to juveniles; definition of sexual conduct.** Clarifies the definition of "sexual conduct" so that it is neutral regarding sexual orientation for the purposes of crimes related to prohibited sales and loans to juveniles. This bill incorporates SB 837.

*Patron - Surovell*

**F SB837 Prohibited sales and loans to juveniles; definition of sexual conduct.** Clarifies the definition of "sexual conduct" so that it is neutral regarding sexual orientation for the purposes of crimes related to prohibited sales and loans to juveniles. This bill was incorporated into SB 835.

*Patron - Dunnivant*

**F SB857 Theft of or trafficking in trade secrets; penalty.** Provides that any person who willfully and without authorization obtains or uses, or endeavors to obtain or use, a trade secret, as defined in the bill, with the intent to either temporarily or permanently (i) deprive or withhold from the owner thereof the control or benefit of a trade secret or (ii) appropriate a trade secret to his own use or to the use of another person not entitled to the trade secret is guilty of a Class 6 felony. The bill also provides that any person who willfully traffics in, or endeavors to traffic in, a trade secret that he knows or should know was obtained or used without authorization is guilty of a Class 5 felony. The punishments for such violations increase to the Class 5 felony and Class 4 felony when such offenses are committed with the intent to benefit a foreign government, a foreign agent, or a foreign instrumentality.

*Patron - Cosgrove*

**F SB881 Felony homicide; certain drug offenses; penalty.** Provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another

involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. The bill also provides that if a person gave or distributed a Schedule I or II controlled substance only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility, or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he is guilty of a Class 5 felony.

*Patron - McDougle*

**F SB888 Consecutive terms of imprisonment.** Eliminates the required imposition of mandatory consecutive sentences of imprisonment.

*Patron - Morrissey*

**F SB909 Firearm transfers to another person from a prohibited person.** Provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member may transfer a firearm owned by such prohibited person to any person who is not otherwise prohibited by law from possessing such firearm, provided that such person who is not otherwise prohibited by law from possessing such firearm is 21 years of age or older and does not reside with the person who is subject to the protective order. Under current law, there is no requirement that such transferee cannot be younger than 21 years of age and cannot reside with such prohibited person. The bill also provides that such prohibited person who transfers, sells, or surrenders a firearm pursuant to the provisions of the bill shall inform the clerk of the court of the name and address of the transferee, the federally licensed firearms dealer, or the law-enforcement agency in possession of the firearm.

*Patron - Favola*

**F SB918 Carrying, sale, transfer, etc., of assault firearms and certain ammunition feeding devices prohibited; penalties.** Prohibits the sale of an assault firearm and a large capacity ammunition feeding device, as those terms are defined in the bill. The bill provides that an assault firearm does not include any firearm that is an antique firearm, has been rendered permanently inoperable, is manually operated by bolt, pump, lever, or slide action, or was manufactured before July 1, 2023. The bill provides that any person who willfully and intentionally (i) sells an assault firearm to another person or (ii) purchases an assault firearm from another person is guilty of a Class 1 misdemeanor and that any person who imports, sells, barter, or transfers a large capacity ammunition feeding device is guilty of a Class 1 misdemeanor. The bill also prohibits the carrying of certain shotguns and semi-automatic center-fire rifles and pistols on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded. The bill prohibits a firearms dealer from selling, renting, trading, or transferring from his inventory any assault firearm to any person.

*Patron - Morrissey*

**F SB921 Sex offenses prohibiting proximity to children and school property; penalty.** Adds certain prostitution and commercial sex crimes to the list offenses that would prohibit an adult if convicted of such offense from (i) loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary or high school, (ii) working or engaging in any volunteer activity on property he knows or has reason to know is a public or private elementary or secondary school or child day center property, and (iii) entering or being present upon any property he knows or has reason to know is a public or private elementary or secondary school or child day center property, a school bus, or any property, public or private, during hours when such property is solely being used by a public or private elementary or secondary school for a school-related or school-sponsored activity.

*Patron - Cosgrove*

**F SB929 Misdemeanor; maximum term of confinement.** Reduces from 12 months to 364 days the maximum term of confinement in jail for a Class 1 misdemeanor. The bill contains technical amendments.

*Patron - Hashmi*

**F SB1067 Substantial risk orders; substantial risk factors and considerations.** Provides various factors that a judge or magistrate shall consider for the purpose of determining probable cause prior to issuing an emergency substantial risk order or a substantial risk order. The bill provides that such factors shall include whether the person who is subject to the order (i) committed any acts of violence or criminal offenses resulting in injury to himself or another person within the six months prior to the filing of the petition; (ii) made any threats or used any physical force against another person that resulted in injury within the six months prior to the filing of the petition; (iii) violated any provision of a protective order issued or was arrested for stalking within the six months prior to the filing of the petition; (iv) was convicted of any offense that would prohibit such person from possessing a firearm; (v) engaged in any conduct within the year prior to the filing of the petition that demonstrated a pattern of violent acts or threats to another person, including any acts or threats made against family members, neighbors, co-workers, or toward schools or students or government buildings or employees; (vi) committed any acts of violence or criminal offenses against an animal within the six months prior to the filing of the petition; (vii) made any attempt or threat of suicide or any act, attempted act, or threat of self-harm that caused or may have caused serious bodily injury; or (viii) evidence of recent acquisition of a firearm or ammunition by the respondent. The bill also outlines various other factors that a judge or magistrate may, but is not required to, consider for the purpose of issuing an emergency substantial risk order or a substantial risk order.

*Patron - Surovell*

**F SB1103 Workplace violence; violence in certain public places; penalty.** Makes it a Class 3 felony for any person to commit an act of violence at (i) such person's place of employment or former place of employment, or a franchise thereof, whether on or off duty and whether during or outside of normal business hours; (ii) a place of worship; (iii) a courthouse; or (iv) a hospital. The bill provides that such offense is a separate and distinct offense, punishment for which shall be consecutive to any punishment received for the act of violence.

*Patron - Stuart*

**F SB1117 Possession, purchase, sale, and transportation of catalytic converters; penalty.** Makes it a Class 6 felony for any person to sell, offer for sale, or purchase a cata-

lytic converter from a motor vehicle exhaust system that has been detached from a motor vehicle. The bill also makes it a Class 6 felony for any person to transport from inside the Commonwealth to outside of the Commonwealth a catalytic converter from a motor vehicle exhaust system that has been detached from a motor vehicle with the intent to sell such catalytic converter. The bill provides that a person who is in possession of a catalytic converter that has been removed from a motor vehicle is presumed to have criminally obtained such catalytic converter unless the person is an authorized agent or employee acting in the performance of his official duties for a motor vehicle dealer, motor vehicle garage or repair shop, or salvage yard that is licensed or registered by the Commonwealth or a person who possesses vehicle registration documentation indicating that the catalytic converter in the person's possession is the result of a replacement of a catalytic converter from a vehicle registered in that person's name.

*Patron - Stanley*

**F SB1128 Unauthorized dissemination of photographic or digital images from a security camera in a state correctional facility; penalty.** Provides that any person who retrieves photographic, motion picture, or other digital images captured or recorded by a security camera or other device used for surveillance or security purposes at a state correctional facility and disseminates such images, without the permission of the Director of the Department of Corrections or his designee, to another person who is not employed by the Department of Corrections is guilty of a Class 6 felony.

*Patron - Morrissey*

**F SB1139 Storage of firearms in a residence where a minor is present; penalty.** Requires any person who possesses a firearm in a residence where such person knows that a minor under 18 years of age or a person who is prohibited by law from possessing a firearm resides shall store such firearm and the ammunition for such firearm in a locked container, compartment, or cabinet that is inaccessible to such minor or prohibited person. The bill provides that a violation is a Class 4 misdemeanor. The bill exempts any person in lawful possession of a firearm who carries such firearm on or about his person, the storage of antique firearms, and the lawful authorization of a minor to access a firearm. The bill also requires firearm dealers to post a notice stating such firearm storage requirements and the penalty for not properly storing such firearms.

*Patron - Boysko*

**F SB1181 Sale, transfer, or purchase of unfinished frames or receivers and unserialized firearms; penalty.** Creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, for any person to knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver, as defined in the bill, unless the party selling, offering to sell, transferring, or purchasing the unfinished frame or receiver is a federal firearms importer, manufacturer, or dealer or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by a federal firearms importer, manufacturer, or dealer.

*Patron - Ebbin*

**F SB1184 Hate crimes and discrimination; anti-Semitism; penalties.** 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. The bill 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 bill 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.

*Patron - Reeves*

**F SB1192 Carrying assault firearms in public areas prohibited; penalty.** Prohibits the carrying of certain semi-automatic center-fire rifles, pistols, and shotguns on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded.

*Patron - Ebbin*

**F SB1200 Killing or injuring police animals; penalty.** Requires a mandatory minimum term of imprisonment of six months for any person who maliciously kills or injures an animal owned, used, or trained by a law-enforcement agency, a regional jail, or the Department of Corrections while such animal is performing its lawful duties or is being kept in a kennel, pen, or stable while off duty. The bill also provides that such punishment be separate and apart from, and be made to run consecutively with, any other sentence.

*Patron - Reeves*

**F SB1204 Obscene; definition.** Defines "obscene" for the purposes of obscenity law to mean that as it relates to materials or a performance (i) the average person applying contemporary community standards relating to the depiction or description of sexual matters would find that the material or performance taken as a whole appeals to the prurient interest in sex; (ii) the material or performance lacks serious literary, artistic, political, or scientific value; (iii) the material or performance as used is not protected or privileged under the United States Constitution or the Constitution of Virginia; and (iv) such material or performance depicts or describes (a) patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality, or (b) patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs. Under current law, "obscene" for the purposes of obscenity law is defined as that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex, that is, a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof, or sado-masochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political, or scientific value.

*Patron - Reeves*

**F SB1224 Unlawful picketing or parading to obstruct or influence justice; penalty.** Provides that any person who, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing or intimidating in the discharge of his duty any judge, juror, witness, court officer, or court employee, pickets or parades in or near a residence occupied or used by such person is guilty of a Class 1 misdemeanor. The bill also provides

that the provisions regarding the issuance and service of summons in place of a warrant do not apply to such violations.

*Patron - Obenshain*

**F SB1225 Killing the fetus of another; manslaughter; penalties.** Provides that any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter, which is punishable as a Class 5 felony. The bill also provides that any person who kills the fetus of another accidentally, contrary to the intention of the parties and while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life, is guilty of involuntary manslaughter, which is also punishable as a Class 5 felony.

*Patron - Obenshain*

**F SB1229 Admission to bail; rebuttable presumptions against bail.** Creates a rebuttable presumption against bail for certain criminal offenses enumerated in the bill. The bill also requires the court to consider specified factors when determining whether the presumption against bail has been rebutted and whether there are appropriate conditions of release.

*Patron - Obenshain*

**F SB1272 Assault and battery; persons diagnosed with autism spectrum disorder, intellectual disability, or mental illness; penalties.** Provides that any person charged with a simple assault and battery offense who has been diagnosed by a psychiatrist or clinical psychologist with an autism spectrum disorder, an intellectual disability or developmental disability, or serious mental illness shall not be subject to a mandatory minimum punishment if the court finds that the violation was caused by or had a direct and substantial relationship to the person's disorder or disability. Under current law, certain simple assault and battery offenses carry a mandatory minimum punishment when such offenses are committed against certain groups of people, including judges, law-enforcement officers, first responders, school employees, and health care providers.

*Patron - Boysko*

**F SB1283 Assault firearms; age requirement; penalty.** Provides that in order to purchase an assault firearm a person must be 21 years of age or older. The bill expands the definition of "assault firearm" as the term applies to criminal history record information checks.

*Patron - Edwards*

**F SB1284 Abortion prohibited; exceptions; penalty.** Provides that life begins at conception and no abortion is authorized or shall be performed on an unborn child except when (i) a physician determines, in reasonable medical judgment, that a medical emergency exists, defined in the bill such that the abortion is performed to save the life of the mother, or (ii) the probable gestational age of the unborn child is 20 weeks or less and the pregnancy is the result of rape or incest in which an official police report has been filed alleging the offense of rape or incest and such abortion is performed by a licensed physician in a hospital. The bill provides that any person who performs an unlawful abortion is guilty of a Class 4 felony.

*Patron - Hackworth*

**F SB1296 Grand larceny and certain property crimes; penalties.** Reduces from \$1,000 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The



bill reduces the threshold by the same amount for the classification of certain property crimes. The bill also provides that any person convicted of a second larceny offense shall be confined in jail not less than 30 days nor more than 12 months and that for a third or any subsequent offense, he is guilty of a Class 6 felony.

*Patron - DeSteph*

**F SB1353 Firearms-related offenses; mandatory minimum sentences; penalty.** Increases from three to five years for a first offense and from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies. The bill also increases the punishment from a Class 6 felony to a Class 5 felony and increases from five to 10 years the mandatory minimum sentence for knowingly possessing any firearm within the building of a child day center or public, private, or religious preschool, elementary, middle, or high school and intending to use, or attempting to use, such firearm, or displaying such weapon in a threatening manner. The bill also increases the punishment from a Class 6 felony to a Class 5 felony and increases from five to 10 years for a person previously convicted of a violent felony and from two to five years for a person previously convicted of any other felony within the prior 10 years the mandatory minimum sentences for knowingly and intentionally possessing or transporting any firearm.

*Patron - Norment*

**F SB1362 Resisting detention; penalty.** Makes it a Class 3 misdemeanor for any person to intentionally prevent or attempt to prevent a law-enforcement officer from lawfully detaining him, defined in the bill as fleeing or attempting to flee from a law-enforcement officer when (i) the officer has legal justification to detain the person, (ii) the officer communicates to the person an order to stop, and (iii) the person refuses to obey the order to stop. The bill allows a person charged with committing this offense to be arrested and immediately brought before a magistrate. The bill requires law enforcement to make a report to the Central Criminal Records Exchange when any person is arrested on such charge.

*Patron - Norment*

**F SB1377 Prostitution; solicitation; penalties.** Increases the penalty for a third or subsequent offense of solicitation of prostitution from an adult from a Class 1 misdemeanor to a Class 6 felony.

*Patron - Vogel*

**F SB1378 Use, display, or concealment of firearm in committing certain felonies; penalty.** Provides that a person is guilty of a separate felony if he carries about his person any pistol, shotgun, rifle, or other firearm that is hidden from common observation while committing or attempting to commit certain other felonies. The bill also increases from three to five years for a first offense and from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies.

*Patron - DeSteph*

**F SB1382 Purchase, possession, sale, transfer, etc., of assault firearms and certain ammunition feeding devices prohibited; penalty.** Creates a Class 1 misdemeanor for any person who imports, sells, manufactures, purchases, possesses, transports, or transfers an assault firearm, as that term is defined in the bill, and prohibits a person who has been convicted of such violation from purchasing, possessing, or transporting a firearm for a period of three years from the date of conviction. The bill provides that an assault firearm does not

include any firearm that is an antique firearm, has been rendered permanently inoperable, is manually operated by bolt, pump, lever, or slide action, or was manufactured before July 1, 2023. The bill also prohibits the sale of a large capacity ammunition feeding device, as that term is defined in the bill. The bill provides that any person who willfully and intentionally (i) sells an assault firearm to another person or (ii) purchases an assault firearm from another person is guilty of a Class 1 misdemeanor and that any person who imports, sells, barter, or transfers a large capacity ammunition feeding device is guilty of a Class 1 misdemeanor. The bill also makes it a Class 1 misdemeanor for any person younger than 21 years of age to import, sell, manufacture, purchase, possess, transport, or transfer an assault firearm regardless of the date of manufacture of such assault firearm.

*Patron - Deeds*

**F SB1385 Abortion; when lawful; 15-week gestational age; exceptions; penalty.** Makes it a Class 4 felony for any physician licensed by the Board of Medicine to practice medicine and surgery to terminate or attempt to terminate a human pregnancy or aid or assist in the termination of a human pregnancy by performing an abortion or causing a miscarriage on any woman if the physician determines using best clinical judgment that the gestational age of the unborn child is more than 15 weeks, unless (i) the physician determines, based upon best clinical judgment, that the continuation of the pregnancy will result in the death of the woman or substantially and irreversibly impair one or more of such woman's major bodily functions, not including psychological or emotional conditions, or (ii) the pregnancy is the result of rape or incest. The bill further requires that any abortion procedure performed after it is determined that the unborn child's gestational age is more than 15 weeks is required to be performed in a hospital licensed by the State Department of Health or operated by the Department of Behavioral Health and Developmental Services. The bill provides that its provisions shall be known as the Pain-Capable Unborn Child Protection Act.

*Patron - Newman*

**F SB1483 Abortion; viability; treatment of non-viable pregnancy.** Provides that it is lawful for any physician licensed by the Board of Medicine to practice medicine and surgery to terminate or attempt to terminate a human pregnancy by performing an abortion or causing a miscarriage on any woman during the second trimester of pregnancy and prior to viability, defined in the bill as when the gestational age of the unborn child is (i) 24 weeks or more or (ii) in the estimation of the physician and two consulting physicians, at least 22 weeks, as long as the abortion is performed in a hospital. Under current law, abortion is lawful under such conditions prior to the third trimester of pregnancy. The bill abolishes lawful abortion during the third trimester of pregnancy, except to save the life of the mother. The bill also provides that regardless of the duration of the pregnancy, measures for life support shall be available and utilized when there is any evidence of viability of a child that has been completely delivered. The bill specifies that the provisions of abortion laws do not apply to the treatment of a nonviable pregnancy, as defined in the bill.

*Patron - Dunnivant*

**F SB1484 Carrying a firearm or explosive material within Capitol Square or building owned or leased by the Commonwealth; exemptions; public institutions of higher education.** Limits the exemption from the prohibition on the carrying of any firearm or explosive material within any building owned or leased by the Commonwealth or agency thereof or any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties that currently applies to any

property owned or operated by a public institution of higher education to instead apply to any individual within a building owned or operated by a public institution of higher education who possesses a weapon as part of such public institution of higher education's curriculum or activities or as part of any organization authorized by the public institution of higher education to conduct its programs or activities within such building.

*Patron - Deeds*

**F SB1488 Firearms; removal from persons posing substantial risk; penalties.** Repeals the procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. The bill also removes the substantial risk order registry for the entry of orders issued.

*Patron - Chase*

**F SB1490 Selling, giving, or distributing a substance containing fentanyl; penalties.** Provides that any person who sells, gives, or distributes a substance he knows or should know contains two milligrams or more of any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, to another person without such person's knowledge that the substance sold, given, or distributed contains fentanyl is guilty of attempted murder of the first degree by poison. The bill also provides that if such sale, gift, or distribution results in the death of the other person from his use of the substance containing fentanyl, then the person who sold, gave, or distributed the substance is guilty of murder of the first degree by poison.

*Patron - Vogel*

**F SB1518 Charitable gaming; Texas Hold'em poker tournaments.** Amends the definition of "Texas Hold'em poker tournament" to include an organized competition of players who (i) pay an initial seating fee for entry into the competition and an additional seating fee up to once every 30 minutes, thereby allowing such players to purchase additional poker chips as needed for use in the competition, and (ii) may be seated at no more than 4 tables consisting of 10 players each simultaneously playing Texas Hold'em poker games. The bill prohibits a qualified organization from charging any initial or additional seating fee in excess of \$8 for the conduct of any such Texas Hold'em poker tournament and requires qualified organizations to hire a security officer that is licensed by the Department of Criminal Justice Services to be present during the times that any tournament is being played. The bill also requires any qualified organization that conducts any Texas Hold'em poker tournament to use at least 30 percent of its gross receipts from the conduct of Texas Hold'em poker tournaments for (a) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized or (b) those expenses related to the acquisition, construction, maintenance, or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes. This bill requires any qualified organization that conducts any Texas Hold'em poker tournament to certify that any individual acting as a dealer is 21 years of age or older and defines the required knowledge and skill for such individuals. The bill also requires any qualified organization that conducts any Texas Hold'em poker tournament to appoint a game manager and post a sign in a conspicuous location at the place where the organization collects of money for chips or seating

fees, stating that the game manager is present and outlining the game manager's responsibilities.

*Patron - Barker*

**F SB1527 Charitable gaming; definitions; organization; social organization.** Amends the definitions of "organization" and "social organization" for the purpose of charitable gaming in the Commonwealth to include (i) an organization (a) established on or before December 31, 1963, as a result of its members being prohibited from joining similar existing organizations because of laws such as the Public Assemblages Act of 1926; (b) that is exempt from income tax pursuant to § 501(c)(7) of the Internal Revenue Code; and (c) that is operated, and has always been operated, for community awareness and action through educational, economic, and cultural service activities and (ii) an organization established on or before December 31, 1977, that is exempt from income tax pursuant to § 501(c)(7) of the Internal Revenue Code and is incorporated, in part, to raise funds for donation to organizations whose missions include promoting early detection of and public education about and supporting research and treatment options for heart disease and various cancers.

*Patron - Rouse*

## Criminal Procedure

### Passed

**P HB1425 Conservators of the peace; search warrants; military criminal investigative organizations.** Provides that a special agent of the United States Army Criminal Investigation Division and United States Air Force Office of Special Investigations shall be a conservator of the peace and may serve a search warrant jointly with a Virginia law-enforcement officer. Under current law, of the federal military investigation offices, only a special agent of the United States Naval Criminal Investigative Service has this authority. The bill contains technical amendments. This bill is identical to SB 801.

*Patron - Coyner*

**P HB1706 Dissemination of criminal history record information; National Center for Missing and Exploited Children.** Authorizes the National Center for Missing and Exploited Children to obtain criminal history record information for the purpose of screening individuals who are offered or accept employment or will be providing volunteer or contractual services with the National Center.

*Patron - Bell*

**P HB1838 Child Pornography Registry; required information.** Requires the Child Pornography Registry to include hash values or other applicable identification method of all known or suspected child pornography obtained during the course of a criminal investigation or presented as evidence and used in any conviction. Under current law, the Registry is required to include copies of such content. This bill is identical to SB 1241.

*Patron - Taylor*

**P HB1897 Protective orders; extensions and continuances; penalty.** Provides that if a petitioner files a written motion requesting a hearing to extend a permanent protective order, the court may issue an ex parte protective order until the extension hearing, which shall be held within 15 days of the issuance of such ex parte protective order and may be held after the expiration of the permanent protective order. If

the respondent fails to appear at the extension hearing because the respondent was not personally served with such motion, a new date for the extension hearing shall be given and the judge may extend the ex parte preliminary protective order until the new date. The bill also provides that if the respondent was personally served, where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the extension hearing and such ex parte preliminary protective order shall remain in effect until the extension hearing. This bill is identical to SB 1532.

*Patron - Bell*

**P HB1908 Criminal proceedings; disposition when defendant found incompetent; evaluation for temporary detention.** Requires a competency evaluation report, when ordered to determine whether a defendant charged with certain misdemeanors lacks capacity to stand trial, to identify whether the defendant should be evaluated to determine whether he meets the criteria for temporary detention in the event that he is found incompetent but restorable or incompetent for the foreseeable future. The bill allows the court, when an evaluation for temporary detention is recommended, to order the local community services board or behavioral health authority to conduct an evaluation of the defendant and, if the defendant meets the criteria for temporary detention, file a petition for a temporary detention order. The bill requires the community services board or behavioral health authority to notify the court, in writing, within 72 hours of the completion of the evaluation. In cases in which the defendant fails or refuses to appear for the evaluation, the bill requires the community services board or behavioral health authority to notify the court of such failure or refusal and requires the court to issue a mandatory examination order and capias directing the local primary law-enforcement agency to transport the defendant to the location designated by the community services board or behavioral health authority for examination. The bill repeals the sunset on the provisions of Chapter 508 of the Acts of Assembly of 2022, which also relate to competency and temporary detention evaluations. This bill is identical to SB 1507.

*Patron - Hope*

**P HB1943 Crime victim rights; notification from the attorney for the Commonwealth.** Requires an attorney for the Commonwealth to consult with a crime victim in a felony case to (i) inform the victim of the contents of a proposed plea agreement and (ii) obtain the victim's views about the disposition of the case. The bill provides that the victim shall be notified of any proceeding in which the plea agreement will be tendered to the court. Under current law, such consultation and notification is required only upon the victim's request. This bill is identical to SB 989. This bill received Governor's recommendations.

*Patron - Runion*

**P HB1959 Disposition of the unrestorably incompetent defendant; aggravated murder charge; sexually violent offense charge.** Provides that if a defendant is ordered to undergo treatment to restore his competency to stand trial and the initial evaluator has found that the defendant has an ongoing and irreversible medical condition causing him to likely remain incompetent for the foreseeable future or that the defendant has been found to be unrestorably incompetent in the past two years, the initial evaluator shall send a report to the court and the court shall proceed with a competency determination.

*Patron - Mullin*

**P HB2016 Appointment of counsel; Class 1 felonies.** Provides that in any case in which an indigent defendant

is charged with a Class 1 felony the court shall appoint two competent, qualified, and experienced attorneys, one of whom shall be the public defender in a jurisdiction in which a public defender office is established, for the defendant. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

*Patron - Adams, L.R.*

**P HB2019 Review of discretionary sentencing guidelines; deferred disposition.** Requires the court to (i) review and consider discretionary sentencing guidelines before a deferred disposition in felony cases other than Class 1 felonies and (ii) within five days following a deferred disposition in felony cases, forward the original discretionary sentencing guidelines worksheets with a copy of the court order to the Virginia Criminal Sentencing Commission.

Under current law, the court is required to review discretionary sentencing guidelines only before imposing sentence in all felony cases other than Class 1 felonies and is required to forward the original discretionary sentencing guidelines worksheets with a copy of the court order to the Commission only following the entry of a final order of conviction and sentence in a felony case.

*Patron - Adams, L.R.*

**P HB2032 Compensating victims of crime; awards from Criminal Injuries Compensation Fund.** Provides an exception to the general rule that a victim must fully cooperate with all law-enforcement agencies in order to receive an award from the Criminal Injuries Compensation Fund in those instances where the law-enforcement agency certifies that the claimant or award recipient was willing but unable to cooperate due to a good faith belief that such cooperation would have endangered such claimant or award recipient and such claimant or award recipient was not provided with any victim or witness protection services when such protection services were requested by a law-enforcement agency.

*Patron - Glass*

**P HB2037 Supplementing compensation of public defender.** Allows the governing body of any county or city that elects to supplement the compensation of the public defender or any of his deputies to pay such funds directly to the Indigent Defense Commission or to the employees with notice to the Commission of any amount so provided. The bill requires the Commission to provide the funds directly to employees in combination with the compensation fixed by the executive director. Current law requires that such funds be provided directly to the employees, with notice to the Commission of the amount of such funds.

*Patron - Sewell*

**P HB2150 Trace evidence collection kit.** Provides for the collection, retention, and storage of a trace evidence collection kit or anonymous trace evidence collection kit, defined in the bill, collected as part of a forensic medical examination of a victim of strangulation, with some procedures that parallel existing procedures for the collection, retention, and storage of physical evidence recovery kits collected for victims of sexual assault. The bill requires the Commonwealth to pay all medical fees relating to the collection of a trace evidence collection kit and does not require victims complaining of strangulation to participate in the criminal justice system or cooperate with law-enforcement authorities in order to be provided with such forensic medical examination. The bill has a delayed effective date of July 1, 2025.

*Patron - Delaney*

**P HB2165 Criminal appeals; duties of the Attorney General and attorney for the Commonwealth.** Provides

that in all criminal cases before the Court of Appeals or the Supreme Court of Virginia in which the Commonwealth is a party or is directly interested, the Attorney General shall appear and represent the Commonwealth upon receipt of the record in the appellate court. The bill provides that the attorney for the Commonwealth shall continue to represent the Commonwealth in any appeal regarding bail, bond, or recognizance before the Court of Appeals or the Supreme Court for which he was the prosecuting attorney. Under current law, the Attorney General assumes representation of the Commonwealth upon the filing of the notice of appeal.

The bill provides that the attorney for the Commonwealth shall represent the Commonwealth before the appellate courts on criminal pretrial petitions for appeal. The bill also provides that any appeal from any action collaterally attacking a criminal conviction lies directly to the Supreme Court. The bill eliminates the requirement that four copies of each brief shall be filed and three copies shall be mailed or delivered to opposing counsel on or before the date of filing in criminal pretrial appeals. This bill is identical to SB 1259.

*Patron - Williams*

**P HB2221 Personal appearance by two-way electronic video and audio communication; waiver of preliminary hearing.** Allows an appearance in court to be made by two-way electronic video and audio communication with the consent of the court and all parties for the purpose of waiver of a preliminary hearing.

*Patron - Hayes*

**P HB2313 Criminal history record information; dissemination.** Allows criminal history record information to be disseminated to the Commissioner of Behavioral Health and Developmental Services or his designee for individuals who are being evaluated by the Commissioner to determine the individual's sanity at the time of a criminal offense or capacity to stand trial for the purpose of placement, evaluation, treatment, or discharge planning. This bill is identical to SB 1132.

*Patron - Head*

**P HB2400 Criminal records; expungement and sealing of records; repeal.** Repeals the statute providing for the limitation on the dissemination of criminal history record information related to the possession of marijuana and the statute related to automatic sealing for mistaken identity or unauthorized use of identifying information. The bill also repeals the provisions related to the automatic and petition-based expungement of former marijuana offenses and instead provides for the sealing of such offenses. The bill also removes the provisions related to the automatic sealing of underage possession of alcohol offenses and instead provides for petition-based sealing of such offenses.

The bill creates an electronic, name-based criminal history record search to be used when an expungement or sealing petition is filed and requires the court to maintain a copy of a sealing order and send an electronic notification, rather than an order as current law requires, to the Department of State Police after an offense is sealed. The bill also allows courts and attorneys for the Commonwealth to access sealed records in instances where the court or parties failed to strictly comply with sealing procedures or an order for sealing was entered contrary to law and clarifies that a petition for sealing can only include offenses that arose out of the same transaction or occurrence. The bill makes additional changes to the processes for expungement and sealing, including updates to the process of forwarding a petitioner's criminal history record to the court and maintaining expungement pleadings under seal. The bill provides a petition process by which the person who was

charged with an offense that was ordered to be expunged may request access to such expunged court or police record.

The repeal of the statute related to the limitation on the dissemination of criminal history record information related to the possession of marijuana and various other provisions of the bill have a delayed effective date of the earlier of (i) the date on which the processes to seal criminal history record information and court records pursuant to Chapters 524 and 542 of the Acts of Assembly of 2021, Special Session I, become effective or (ii) July 1, 2025. As introduced, this bill was a recommendation of the Virginia State Crime Commission. This bill is identical to SB 1402.

*Patron - Herring*

**P SB801 Conservators of the peace; search warrants; military criminal investigative organizations.** Provides that a special agent of the United States Army Criminal Investigation Division and United States Air Force Office of Special Investigations shall be a conservator of the peace and may serve a search warrant jointly with a Virginia law-enforcement officer. Under current law, of the federal military investigation offices, only a special agent of the United States Naval Criminal Investigative Service has this authority. The bill contains technical amendments. This bill is identical to HB 1425.

*Patron - Surovell*

**P SB958 Writs of actual innocence.** Requires the Attorney General to provide written notice of intent to join a petition for a writ of actual innocence to the local attorney for the Commonwealth in the jurisdiction of conviction or adjudication of delinquency. The bill directs the Court of Appeals to dismiss any second or subsequent petition for failure to identify new or different evidence in support of actual innocence or for failure to assert the new or different evidence in a prior petition under circumstances that constitute an abuse of the writ. The bill directs the Attorney General to notify the victim or victim's representative of a hearing scheduled or any oral argument; the victim or victim's representative has the right to attend such hearing or oral argument.

*Patron - Stuart*

**P SB989 Crime victim rights; notification from the attorney for the Commonwealth.** Requires an attorney for the Commonwealth to consult with a crime victim in a felony case to (i) inform the victim of the contents of a proposed plea agreement and (ii) obtain the victim's views about the disposition of the case. The bill provides that the victim shall be notified of any proceeding in which the plea agreement will be tendered to the court. Under current law, such consultation and notification is required only upon the victim's request. This bill is identical to HB 1943. This bill received Governor's recommendations.

*Patron - Peake*

**P SB1132 Criminal history record information; dissemination.** Allows criminal history record information to be disseminated to the Commissioner of Behavioral Health and Developmental Services or his designee for individuals who are being evaluated by the Commissioner to determine the individual's sanity at the time of a criminal offense or capacity to stand trial for the purpose of placement, evaluation, treatment, or discharge planning. This bill is identical to HB 2313.

*Patron - Peake*

**P SB1241 Child Pornography Registry; required information.** Requires the Child Pornography Registry to include hash values or other applicable identification method of all known or suspected child pornography obtained during the course of a criminal investigation or presented as evidence and used in any conviction. Under current law, the

Registry is required to include copies of such content. This bill is identical to HB 1838.

*Patron - Obenshain*

**P SB1244 Crime Victim and Witness Rights Act; notifications to victims; Attorney General.** Directs the Attorney General, whenever the Attorney General represents the Commonwealth in any criminal appeal, to consult with the victim in the same manner as prescribed by current law for the attorney for the Commonwealth in a felony case.

*Patron - Surovell*

**P SB1304 Court-appointed counsel; requests for additional compensation; determination by judge.** Requires the presiding judge or chief judge of a circuit or district court, when reviewing a request from court-appointed counsel for additional compensation exceeding existing statutory limits, to provide, in writing, the reason for a determination that such request for additional compensation is not justified.

*Patron - Deeds*

**P SB1402 Criminal records; expungement and sealing of records; repeal.** Repeals the statute providing for the limitation on the dissemination of criminal history record information related to the possession of marijuana and the statute related to automatic sealing for mistaken identity or unauthorized use of identifying information. The bill also repeals the provisions related to the automatic and petition-based expungement of former marijuana offenses and instead provides for the sealing of such offenses. The bill also removes the provisions related to the automatic sealing of underage possession of alcohol offenses and instead provides for petition-based sealing of such offenses. The bill creates an electronic, name-based criminal history record search to be used when an expungement or sealing petition is filed and requires the court to maintain a copy of a sealing order and send an electronic notification, rather than an order as current law requires, to the Department of State Police after an offense is sealed. The bill also allows courts and attorneys for the Commonwealth to access sealed records in instances where the court or parties failed to strictly comply with sealing procedures or an order for sealing was entered contrary to law and clarifies that a petition for sealing can only include offenses that arose out of the same transaction or occurrence. The bill makes additional changes to the processes for expungement and sealing, including updates to the process of forwarding a petitioner's criminal history record to the court and maintaining expungement pleadings under seal. The bill provides a petition process by which the person who was charged with an offense that was ordered to be expunged may request access to such expunged court or police record. The repeal of the statute related to the limitation on the dissemination of criminal history record information related to the possession of marijuana and various other provisions of the bill have a delayed effective date of the earlier of (i) the date on which the processes to seal criminal history record information and court records pursuant to Chapters 524 and 542 of the Acts of Assembly of 2021, Special Session I, become effective or (ii) July 1, 2025. As introduced, this bill was a recommendation of the Virginia State Crime Commission. This bill is identical to HB 2400.

*Patron - Surovell*

**P SB1413 Motion for the disclosure of expunged records in a civil case.** Provides that in an action for damages against a locality or a law-enforcement officer arising out of or relating to charges where a petition for the expungement of police and court records for such charges is pending or where the records have been expunged, any party to such action may file a motion in the court in which the action is pending, or in

the court where the petition for the expungement was or is pending, for the release of the expunged records for use in the civil litigation, and, upon motion and for good cause shown, such police and court records shall be ordered to be released and the relevant penalties relating to disclosure of such expunged records shall not apply.

*Patron - Norment*

**P SB1507 Criminal proceedings; disposition when defendant found incompetent; evaluation for temporary detention.** Requires a competency evaluation report, when ordered to determine whether a defendant charged with certain misdemeanors lacks capacity to stand trial, to identify whether the defendant should be evaluated to determine whether he meets the criteria for temporary detention in the event that he is found incompetent but restorable or incompetent for the foreseeable future. The bill allows the court, when an evaluation for temporary detention is recommended, to order the local community services board or behavioral health authority to conduct an evaluation of the defendant and, if the defendant meets the criteria for temporary detention, file a petition for a temporary detention order. The bill requires the community services board or behavioral health authority to notify the court, in writing, within 72 hours of the completion of the evaluation. In cases in which the defendant fails or refuses to appear for the evaluation, the bill requires the community services board or behavioral health authority to notify the court of such failure or refusal and requires the court to issue a mandatory examination order and capias directing the local primary law-enforcement agency to transport the defendant to the location designated by the community services board or behavioral health authority for examination. The bill repeals the sunset on the provisions of Chapter 508 of the Acts of Assembly of 2022, which also relate to competency and temporary detention evaluations. This bill is identical to HB 1908.

*Patron - Mason*

## Failed

**F HB1365 Admission to bail; rebuttable presumptions against bail.** Creates a rebuttable presumption against bail for certain criminal offenses enumerated in the bill and for persons identified as being illegally present in the United States by U.S. Immigration and Customs Enforcement who are charged with certain offenses. The bill also requires the court to consider specified factors when determining whether the presumption against bail has been rebutted and whether there are appropriate conditions of release.

*Patron - Williams*

**F HB1429 Supplementing compensation of public defender.** Requires the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of his deputies or employees, above the salary set by the Compensation Board to proportionally supplement the compensation of the public defender, or any of his deputies or employees, commensurate with the compensation of the attorney for the Commonwealth, or any of his deputies or employees, and to pay for such additional compensation from the funds of the county or city.

*Patron - Anderson*

**F HB1435 Revocation of suspension of sentence and probation; hearing; sentencing.** Requires that if an alleged violation of the terms and conditions of a suspended sentence of probation is based on a criminal offense that was committed after the date of suspension, the hearing to revoke the suspension of sentence shall be held as soon as practicable after the accused has been convicted of the criminal offense.

The bill also requires that if the court revokes the suspension and imposes any or all of the period previously suspended for a violation based on a new conviction, the court shall order such sentence to run concurrently with any sentence imposed for the new criminal conviction.

*Patron - Ballard*

**F HB1474 Law-enforcement officers; protected personal information.** Provides that any law-enforcement officer who provides information relative to a criminal investigation or in proceedings preliminary to a criminal prosecution may refuse, unless ordered by a court, to disclose his residence address, home telephone number, or any personal information concerning his family. The bill also provides that any law-enforcement officer who testifies as a witness in a criminal case may refuse to disclose personal information concerning his family unless it is determined by the court that such evidence is relevant to the case.

*Patron - Webert*

**F HB1506 Post-conviction relief; previously admitted scientific evidence.** Provides that a person who was convicted of certain offenses, upon a plea of not guilty or an Alford plea, or who was adjudicated delinquent, upon a plea of not guilty or an Alford plea, by a circuit court of an offense that would be a covered offense if committed by an adult may petition the Court of Appeals to have his conviction vacated on the basis of new or discredited forensic scientific evidence, defined in the bill. The petition shall allege (i) that the petitioner did not commit the covered offense for which the petitioner was convicted or adjudicated delinquent, nor engage in conduct that would support a conviction for a lesser offense or any other crime arising from, or reasonably connected to, the facts supporting the indictment or information upon which he was convicted or adjudicated delinquent; (ii) an exact description of the forensic scientific evidence and its relevance in demonstrating that the petitioner did not commit the covered offense; (iii) specific facts indicating that relevant forensic scientific evidence was not available at the time of the petitioner's conviction or adjudication of delinquency through the exercise of reasonable due diligence by the petitioner or that discredited forensic scientific evidence was presented at the petitioner's conviction or adjudication of delinquency; and (iv) that had the forensic scientific evidence been presented at conviction or adjudication of delinquency, the petitioner would not have been convicted or adjudicated delinquent. The bill provides that if the court finds by clear and convincing evidence that the petitioner has proven all of the required allegations contained in the petition, the court may grant the petition and vacate the petitioner's conviction, subject to retrial in the discretion of the Commonwealth. The bill has a delayed effective date of July 1, 2024, and an expiration date of July 1, 2028.

*Patron - Convirs-Fowler*

**F HB1545 Special conservators of the peace; use of word "police" on badge.** Provides that a court, upon request and for good cause shown, may authorize a special conservator of the peace who meets all requirements for law-enforcement officers and is employed by the Roanoke College Office of Campus Safety or the Dinwiddie Airport and Industrial Authority to use the word "police" on any badge, uniform, or vehicle in the performance of his duties or the seal of the Commonwealth on any badge or credential in the performance of his duties.

*Patron - Taylor*

**F HB1584 Storage, preservation, and retention of biological evidence in felony cases.** Requires any governmental entity that possesses any biological evidence, defined in the bill, collected or obtained during an investigation of a fel-

ony case to ensure the storage, preservation, and retention of such biological evidence or representative samples (i) for such period of time that the defendant remains incarcerated or under any registration or supervision requirement in connection with the felony conviction or (ii) until the expiration of the statute of limitations for the alleged offense has lapsed in such case where a felony remains unsolved or no charges have been filed. The bill requires biological evidence to be preserved in a condition that is suitable for deoxyribonucleic acid (DNA) testing and analysis, and such evidence shall be made available for DNA testing.

The bill requires the court, upon motion by the defendant, to order the Department of Forensic Science to submit an inventory of the biological evidence that has been preserved in connection with the defendant's case, a copy of which shall be provided to the defendant. The bill requires the chief evidence custodian of a governmental entity to submit an affidavit if such government entity cannot locate biological evidence that it is required to preserve, under penalty of perjury, that describes the biological evidence that cannot be located and details the efforts made to locate such evidence.

The bill provides remedies the court may order if it finds that biological evidence has not been properly preserved, including (i) granting a new trial; (ii) dismissing the charges; (iii) reducing the sentence; (iv) vacating the defendant's conviction; or (v) entering a finding that a presumption exists that the evidence would have been exculpatory to the defendant because the biological evidence has not been preserved properly.

*Patron - Sullivan*

**F HB1655 Fines, costs, forfeitures, penalties, and restitution; collection fees; assessment against incarcerated defendant.** Provides that no collection fees, including the fees of any private attorneys or collection agencies, administrative fees, or any other fees related to collection activities, shall be assessed for the collection of any fines, costs, forfeitures, penalties, or restitution imposed in a criminal case or in a case involving a traffic infraction (i) for any period during which the defendant is incarcerated and (ii) for a period of 180 days following the date of the defendant's release from incarceration if the sentence includes an active term of incarceration.

The bill also extends from 90 days without payment to 180 days without payment the period of delinquency for which the clerk of circuit court and district court is required to submit monthly lists of delinquent accounts.

*Patron - Price*

**F HB1718 Community corrections alternative program.** Requires defendants to enter into and complete the community corrections alternative program (CCAP) after (i) a recommendation from the Department of Corrections, (ii) a determination by the court that the defendant will benefit from the CCAP and is capable of returning to society as a productive citizen following successful completion of the CCAP, and (iii) the defendant would otherwise be committed to the Department. The bill provides that if the defendant is removed from the CCAP for intractable behavior or failure to comply with the terms and conditions of probation, the court shall show cause the defendant to show cause why his probation and suspension of sentence should not be revoked.

The bill also directs the Parole Board to require violators to enter into and complete CCAP upon the same above conditions; the Parole Board may revoke parole or mandatory release and recommit the violator upon removal from the CCAP by the Department for intractable behavior or failure to comply with the terms and conditions of parole or mandatory release.

Current law allows defendants and parole violators to be placed on probation conditioned upon entry and successful competition of the CCAP and directs the court to require a defendant to show cause why his probation and suspension of sentence should not be revoked on the grounds of his voluntary withdrawal from the CCAP.

*Patron - Clark*

### **F HB1956 Training standards; magistrates.**

Requires every magistrate to observe a law-enforcement officer who is employed by a law-enforcement agency within the magistrate's jurisdiction while such officer is engaged in his official duties for a minimum of six hours annually and submit proof of observation by June 30 to the Office of the Executive Secretary of the Supreme Court.

*Patron - Runion*

**F HB2013 Probation, revocation, and suspension of sentence; penalty.** Makes changes to the definition of a technical violation as it pertains to the revocation of suspension of sentence and probation. The bill also provides that upon a first technical violation, if the court originally suspended the imposition of sentence, the court shall revoke such suspension and again suspend all of this sentence and upon a second or subsequent violation, the court may pronounce whatever sentence might have been originally imposed. The bill also specifies that a violation of a term or condition included in the definition of technical violation shall not be considered a special or specific term or condition for sentencing purposes.

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

The bill also adds the offense of crimes against nature committed on or after July 1, 2023, to the list of offenses for which if some period of the sentence for such offense is suspended, the judge is required to order that period of suspension be for the length of time equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned.

*Patron - Adams, L.R.*

**F HB2040 Correctional officers; arrest without a warrant during transportation of inmate.** Adds the escape of an inmate while being transported by a correctional officer to the crimes for which a correctional officer is authorized to arrest without a warrant.

*Patron - Shin*

**F HB2051 Custodial interrogations; false statements to a child prohibited; inauthentic replica documents prohibited.** Prohibits law-enforcement officers from making false statements or materially misrepresenting any fact prior to or during a custodial interrogation of a child to secure the cooperation, confession, or conviction of such child. The bill also prohibits law-enforcement officers from using inauthentic replica documents during a custodial interrogation to secure a person's cooperation or confession or to secure a conviction. "Inauthentic replica document" is defined by the bill as any document generated by law-enforcement officers or their agents that (i) contains a false statement, signature, seal, letterhead, or contact information or (ii) materially misrepresents any fact.

*Patron - Glass*

**F HB2072 Action of forfeiture; disposal of property; exemptions.** Prohibits the forfeiture of any moneys or motor vehicle subject to seizure if (i) the total value of moneys does not exceed \$200 or (ii) the fair market value of the motor vehicle does not exceed \$2,000. The bill permits an innocent owner claimant, defined in the bill, or lien holder to petition the court for a hearing at any time prior to the commencement of the criminal trial, directs the court to hear such petition within 30 days or at the court's discretion before the court alone and without a jury, and permits the court to consolidate such hearing with any other hearing related to the case before the court.

The bill requires a lawful plea agreement in a prosecution for a criminal offense authorizing the forfeiture of property to dispose of all property seized, regardless of whether a civil case has been initiated, provided that the innocent owner claimant and any lien holder consent to the forfeiture. The bill provides that if the criminal case is dismissed, all property shall be returned to the defendant, all civil cases shall be dismissed, and the dismissal shall mark an end to all claims on the property seized. Under current law, if the court does not find a person guilty of a criminal offense that initiated the property seizure, then the court shall release all property within 21 days from the date the stay terminated; however, property may still be forfeited if ordered by lawful plea agreement or the owner of the property or the person who possessed the property when seized has not submitted a written demand for the return of the property to the law-enforcement agency that seized the property within 21 days from the date the stay terminated.

The bill waives court fees for any person prosecuted for an offense authorizing forfeiture who is acquitted of such offense or an innocent owner claimant.

*Patron - Glass*

**F HB2129 Child victims and witnesses using two-way closed-circuit television; standard.** Expands the age range that a child may testify using two-way closed-circuit television in a criminal case to any child younger than 18 years of age at the time of the trial. Under current law, an alleged victim must be 14 years of age or younger at the time of the alleged offense and 16 years of age or younger at the time of the trial and a child witness must be 14 years of age or younger at the time of the trial to testify by two-way closed-circuit television. The bill also provides that the court may order that the testimony of a child be taken by closed-circuit television if it finds that the child is unavailable to testify in open court in the presence of the defendant, the jury, the judge, and the public if the court finds, by a preponderance of the evidence, based upon expert opinion testimony, that the child will suffer emotional trauma that is more than de minimis as a result of testifying in the defendant's presence and not the courtroom generally. Under current law, the court may order such testimony be taken by closed-circuit television if there is a substantial likelihood, based upon expert opinion testimony, that the child will suffer severe emotional trauma from so testifying.

*Patron - Delaney*

**F HB2159 Community service work in lieu of payment of fines and costs; work performed while incarcerated.** Requires a court to establish a program and allow any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work or work performed while incarcerated, defined in the bill as any work done on or after July 1, 2020, by a person confined in any penal or corrective institution of the Commonwealth or any of its political subdivisions who is paid a wage that is less than the Virginia minimum wage.



The bill requires such program be available during imprisonment in a local, regional, or state correctional facility. The bill provides that a person who is performing work while incarcerated shall be credited at the same rate as the community service work rate less any wages received. Under current law, a court is required to establish a program for providing an option for community service work in lieu of payment of fines and costs but offering such option is not mandatory.

*Patron - Price*

**F HB2203 Fines and costs; period of limitations on collection.** Changes the period of limitations for the collection of court fines and costs from within 60 years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court or within 30 years if imposed by a general district court to within 10 years from the date of the judgment whether imposed by a circuit court or general district court. The bill provides that upon the expiration of the period of limitations, the fines imposed and costs taxed are extinguished, there shall be no right to collect the debt, and the period of limitations shall not be extended or revived on account of a partial payment; a written or verbal affirmation of any fines, monetary penalties, or costs; or a change in collection methods.

*Patron - Williams Graves*

**F HB2252 Magistrates; appointment and supervision.** Gives supervisory control over the magistrate system to the chief circuit court judge and the Committee on District Courts and abolishes magisterial regions. Under current law, the Executive Secretary of the Supreme Court of Virginia exercises such authority with a provision for consultation with the chief judges of the circuit courts in the region where the appointment is made.

*Patron - Williams*

**F HB2339 Expedited diversion to court-ordered treatment in lieu of criminal adjudication.** Establishes a process where a defendant who is charged with certain misdemeanor violations and appears to have a mental illness, and such charged conduct appears to be associated with that mental illness, may be considered for transfer from criminal court to civil process for court-ordered mental health treatment without any adjudication on such misdemeanor charges.

*Patron - Bell*

**F HB2434 Orders for involuntary outpatient evaluations and services; evidence of defendant's mental condition.** Allows the court, if a defendant is found not guilty of any offense after a trial at which evidence of his mental condition was admitted, to enter an order for an outpatient evaluation of the defendant if the court finds probable cause to believe the defendant meets the criteria for an outpatient evaluation set forth in the bill. The bill requires the court to subsequently enter an order for outpatient services if it finds, by clear and convincing evidence, that the defendant has a mental condition, defined in the bill; the defendant engaged in conduct that created a risk of harm to himself or others; the conduct was related to the defendant's mental condition; the defendant is in need of outpatient treatment to prevent a relapse or deterioration of his mental condition; and there is a reasonable likelihood that community-based services for the defendant's mental condition will reduce the risk of harm. The bill imposes a time limit of 180 days on orders for outpatient services and provides processes for rescinding and continuing the order. The bill requires that orders for outpatient services include an outpatient services plan prepared by the community services board or behavioral health authority. The bill also clarifies a defendant's ability to offer evidence regarding his mental condition at the time of the alleged offense in certain circum-

stances if such evidence tends to show that the defendant did not have the requisite intent required for the offense charged.

*Patron - Bell*

**F HB2448 Arrest without warrant authorized in certain cases; powers of arrest; private police officers.** Adds private police officers employed by a private police department to the list of officers that have the powers of arrest without a warrant in certain cases.

*Patron - Avoli*

**F HB2466 Probation; possession of controlled substance by confidential informant.** Provides that the court shall permit a person under the court's supervision to (i) serve as a confidential informant and (ii) possess controlled substances in furtherance of his duties as a confidential informant while under the supervision of law-enforcement officers upon motion by the attorney for the Commonwealth and based on an allegation that such person has information that could assist law enforcement with the interdiction or prosecution of the distribution of controlled substances. The bill bars prosecution of a confidential informant for possession or distribution of controlled substances while the confidential informant is performing his duties under the supervision of law-enforcement officers.

*Patron - Hodges*

**F HB2474 Collection and reporting of data related to adults charged with a criminal offense punishable by confinement in jail or a term of imprisonment; Virginia Longitudinal Data System.** Allows the Virginia Criminal Sentencing Commission to contribute the statewide and locality-level data it collects on adults charged with criminal offenses punishable by incarceration to the Virginia Longitudinal Data System administered by the State Council of Higher Education for Virginia.

*Patron - Herring*

**F SB842 Petition for modification of sentence; eligibility; procedures.** Provides a petition process for a person serving a sentence for any conviction or a combination of any convictions who remains incarcerated in a state or local correctional facility and meets certain criteria to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed.

*Patron - Petersen*

**F SB852 Search warrants; menstrual health data prohibited; definition.** Prohibits the issuance of a search warrant for the search and seizure of menstrual health data, as defined in the bill, stored on a computer, computer network, or other device containing electronic or digital information.

*Patron - Favola*

**F SB858 Evidence of defendant's mental condition admissible; mental illness.** Eliminates "mental illness" from the list of mental conditions for which a defendant may offer evidence to show his mental condition at the time of an alleged offense.

*Patron - Cosgrove*

**F SB877 Admission to bail; act of violence.** Provides that a magistrate shall not admit a person to bail who is charged with an act of violence without the consent of the



attorney for the Commonwealth for the jurisdiction in which the case is filed.

*Patron - McDougale*

**F SB879 Deferred disposition in a criminal case for persons with autism or intellectual disabilities; child pornography offenses.** Adds child pornography offenses to the list of offenses that are ineligible for a court to apply the deferred disposition provisions where the defendant has been diagnosed with autism or an intellectual disability.

*Patron - McDougale*

**F SB916 Public defender offices; County of Henrico.** Establishes a public defender office for the County of Henrico.

*Patron - Morrissey*

**F SB931 Disposition of unrestorably incompetent defendant; acts of violence.** Provides that the same disposition procedures currently in place for an unrestorably incompetent defendant charged with aggravated murder shall also apply to an unrestorably incompetent defendant charged with an act of violence, which include procedures providing that such charge shall not be dismissed and that the court may order that the defendant receive continued treatment to restore competency, provided that (i) hearings be held at yearly intervals for five years and at biennial intervals thereafter, or at any time that the director of the treating facility or his designee submits a competency report to the court that the defendant's competency has been restored; (ii) the defendant remains incompetent; (iii) the court finds continued treatment to be medically appropriate; and (iv) the defendant presents a danger to himself or others. Under current law, if a defendant charged with an act of violence is found to be unrestorably incompetent, the court shall order that he be (a) released, (b) involuntarily committed, (c) certified as eligible for admission to a training center, or, if applicable, (d) screened for civil commitment of sexually violent predators.

*Patron - Hashmi*

**F SB939 Sentencing guidelines; written explanation; appeal.** Requires that the written explanation the court files with the record of a case when departing from the sentencing guidelines adequately explains the sentence imposed to promote fair sentencing. The bill provides that the failure to follow any of the required sentencing provisions, including the failure to provide a written explanation that adequately explains the sentence imposed, shall be reviewable on appeal or may be the basis of any other post-conviction relief. The bill also provides that the failure to provide a written explanation that adequately explains the sentence imposed is an error that may constitute a basis for resentencing by the trial judge. Under current law, the failure to follow any or all of the provisions of the sentencing guidelines or the failure to follow any or all of such provisions in the prescribed manner is not reviewable on appeal and cannot be the basis of any other post-conviction relief. The provisions of the bill apply only to those sentencing hearings conducted and such sentences imposed on or after July 1, 2023.

*Patron - Edwards*

**F SB940 Compensation of court-appointed counsel.** Increases the statutory caps for fees paid to court-appointed counsel in indigent cases. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Edwards*

**F SB971 Magistrates; law-enforcement observation; annual requirement.** Requires each magistrate appointed by the Executive Secretary of the Supreme Court of

Virginia to ride along with an on-duty law-enforcement officer in the magisterial region that such magistrate represents for a minimum of six hours annually. The bill mandates that, by July 1, 2024, every magistrate shall have completed the first of such required ride-alongs, and each year thereafter by December 31.

*Patron - Peake*

**F SB990 Communications between ministers of religion and persons they counsel or advise.** Clarifies that no minister of religion shall be required to give testimony or evidence in a civil or criminal proceeding that would disclose confidential information provided to him by a person seeking spiritual counsel or advice unless such person seeking spiritual counsel or advice requests or consents to such disclosure from such minister of religion.

*Patron - Peake*

**F SB1004 Law-enforcement officers; protected personal information.** Provides that any law-enforcement officer who provides information relative to a criminal investigation or in proceedings preliminary to a criminal prosecution may refuse, unless ordered by a court, to disclose his residence address, home telephone number, or any personal information concerning his family. The bill also provides that any law-enforcement officer who testifies as a witness in a criminal case may refuse to disclose personal information concerning his family unless it is determined by the court that such evidence is relevant to the case.

*Patron - DeSteph*

**F SB1159 Fines, costs, etc.; time period to commence collection activity.** Extends from 90 days without payment to 180 days without payment the period of delinquency for which the clerk of the circuit court or district court is required to submit monthly lists of delinquent accounts. The bill also provides that no fines, costs, forfeitures, or penalties imposed in a criminal case or a traffic infraction shall be subject to collection nor shall any collection fees be assessed for (i) any period of time defendant is incarcerated and (ii) a period of 180 days following date of release from incarcerated if the sentence includes a term of active incarceration.

*Patron - Boysko*

**F SB1174 Expedited diversion to court-ordered treatment in lieu of criminal adjudication.** Establishes a process where a defendant who is charged with certain misdemeanor violations and appears to have a mental illness, and such charged conduct appears to be associated with that mental illness, may be considered for transfer from criminal court to civil process for court-ordered mental health treatment without any adjudication on such misdemeanor charges.

*Patron - Mason*

**F SB1256 Magistrates; appointment and supervision.** Gives supervisory control over the magistrate system to the chief circuit court judge and the Committee on District Courts and abolishes magisterial regions. Under current law, the Executive Secretary of the Supreme Court of Virginia exercises such authority with a provision for consultation with the chief judges of the circuit courts in the region where the appointment is made.

*Patron - Lucas*

**F SB1282 Community service work in lieu of payment of fines and costs; work performed while incarcerated.** Provides that in the program established by a court to provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work, work performed while incarcerated, defined in the bill as

work performed for a wage that is less than the Virginia minimum wage, is added as an option for earning such credits during imprisonment at a state, local, or regional correctional facility. The bill makes offering such option for community service work or work performed while incarcerated mandatory. The bill provides that a person who is performing work performed while incarcerated shall be credited at the same rate as the community service work rate less any wages received for such work performed while incarcerated. Under current law, a court is required to establish a program for providing an option for community service work in lieu of payment of fines and costs but offering such option is not mandatory.

*Patron - Boysko*

**F SB1303 Expungement and sealing of offenses resulting in a deferred and dismissed disposition or conviction by petition; defendant with a disorder or disability.** Provides that a defendant with a disorder or disability, as defined in the bill, may file a petition that requests the sealing of the criminal history record information and court records of a Class 4 felony conviction or deferred and dismissed disposition. Under current law, Class 4 felony convictions or deferred and dismissed dispositions are ineligible to be sealed. The bill also provides that when a conviction or deferral and dismissal has been sealed, the defendant of such sealed record is a defendant with a disorder or disability, and the Governor granted the defendant a simple pardon for the commission of the crime or offense that was sealed, such conviction or deferral and dismissal shall be considered to be otherwise dismissed for purposes of expungement.

*Patron - Boysko*

**F SB1510 Orders for involuntary outpatient evaluations and services; evidence of defendant's mental condition.** Allows the court, if a defendant is found not guilty of any offense after a trial at which evidence of his mental condition was admitted, to enter an order for an outpatient evaluation of the defendant if the court finds probable cause to believe the defendant meets the criteria for an outpatient evaluation set forth in the bill. The bill requires the court to subsequently enter an order for outpatient services if it finds, by clear and convincing evidence, that the defendant has a mental condition, defined in the bill; the defendant engaged in conduct that created a risk of harm to himself or others; the conduct was related to the defendant's mental condition; the defendant is in need of outpatient treatment to prevent a relapse or deterioration of his mental condition; and there is a reasonable likelihood that community-based services for the defendant's mental condition will reduce the risk of harm. The bill imposes a time limit of 180 days on orders for outpatient services and provides processes for rescinding and continuing the order. The bill requires that orders for outpatient services include an outpatient services plan prepared by the community services board or behavioral health authority. The bill also clarifies a defendant's ability to offer evidence regarding his mental condition at the time of the alleged offense in certain circumstances if such evidence tends to show that the defendant did not have the requisite intent required for the offense charged.

*Patron - Mason*

**F SB1523 Modification of sentence for marijuana related offenses.** Creates a process by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2022, who remain incarcerated or on community supervision on July 1, 2023, may receive an automatic hearing to consider modification of such person's sentence. The bill also allows persons convicted of any felony offense committed prior to July 1, 2022, who remain incarcerated or on community supervision on July 1, 2023, and whose sentence may have been enhanced because of a previous felony mari-

juana offense or without the involvement of marijuana such felony offense conviction or felony sentence enhancement would not have been possible, as the involvement of marijuana was necessary to satisfy the elements of the charged offense or the sentence enhancement, to petition the circuit court for modification of such person's sentence. The bill requires such petition to be filed by July 1, 2025. The provisions of this bill sunset on July 1, 2026.

*Patron - Lucas*

**F SB1534 Collection and reporting of data related to adults charged with a criminal offense punishable by confinement in jail or a term of imprisonment; Virginia Longitudinal Data System.** Allows the Virginia Criminal Sentencing Commission to contribute the statewide and locality-level data it collects on adults charged with criminal offenses punishable by incarceration to the Virginia Longitudinal Data System administered by the State Council of Higher Education for Virginia.

*Patron - Deeds*

## Domestic Relations

### Passed

**P HB1385 Divorce; affidavit; children of the parties.** Clarifies that an affidavit submitted as evidence in support of a divorce shall state whether there were minor children either born of the parties, born of either party and adopted by the other, or adopted by both parties. Current law provides that such an affidavit shall state whether there were children born or adopted of the marriage.

*Patron - Ballard*

**P HB1581 Child custody, visitation, or support proceedings; educational seminars approved by Office of the Executive Secretary of the Supreme Court of Virginia.** Provides that when the parties to any petition where a child whose custody, visitation, or support is contested are required show proof that they have attended an educational seminar or other like program conducted by a qualified person or organization, such educational seminar or other like program shall be one that has been approved by the Office of the Executive Secretary of the Supreme Court of Virginia. Current law provides that such educational seminars or other like programs are approved by the court. This bill is a recommendation of the Judicial Council of Virginia and the Committee on District Courts.

*Patron - Sullivan*

**P HB2071 Persons other than ministers who may perform rites of marriage; clerk; issuance of order; bond requirement.** Provides that a clerk may issue an order authorizing one or more persons resident in the circuit in which a petition was filed to celebrate the rites of marriage in the Commonwealth. Under current law, only a circuit court judge may issue such an order. The bill further allows the clerk to waive the \$500 bond required to be entered into prior to celebrating the rites of marriage if the person qualifies for in forma pauperis status. This bill received Governor's recommendations.

*Patron - Lopez*

**P HB2290 Judgment or order for pregnancy and delivery expenses.** Provides that in the event that the initial petition for the establishment of parentage is commenced within six months of the live birth of a child, the judgment or

order shall, except for good cause shown or as otherwise agreed to by the parties, apportion between the legal parents, in proportion to the legal parents' gross incomes, as used for calculating the monthly child support obligation, (i) the mother's unreimbursed pregnancy and delivery expenses and (ii) those reasonable expenses incurred by either parent for the benefit of the child prior to the birth of the child. This bill is identical to SB 1314.

*Patron - Brewer*

**P SB1314 Judgment or order for pregnancy and delivery expenses.** Provides that in the event that the initial petition for the establishment of parentage is commenced within six months of the live birth of a child, the judgment or order shall, except for good cause shown or as otherwise agreed to by the parties, apportion between the legal parents, in proportion to the legal parents' gross incomes, as used for calculating the monthly child support obligation, (i) the mother's unreimbursed pregnancy and delivery expenses and (ii) those reasonable expenses incurred by either parent for the benefit of the child prior to the birth of the child. This bill is identical to HB 2290.

*Patron - Dunnavant*

## Failed

**F HB1493 Best interests of the child; assuring frequent and continuing contact with both parents.** Provides that, in determining the best interests of a child for purposes of custody and parenting time arrangements, upon request of either party, the court shall assure a minor child of frequent and continuing contact with both parents so as to maximize the amount of time the minor child spends with each parent.

*Patron - Davis*

**F HB1549 Wrongful death; death of parent or guardian of child resulting from driving under the influence; child support.** Provides that in any action for death by wrongful act where the defendant, as a result of driving a motor vehicle or operating a watercraft under the influence, unintentionally caused the death of another person who was the parent or legal guardian of a child, the person who has custody of such child may petition the court to order that the defendant pay child support.

*Patron - Campbell, J.L.*

**F HB1720 Divorce; cruelty, reasonable apprehension of bodily hurt, or willful desertion or abandonment; divorce from bed and board.** Eliminates the one-year waiting period for being decreed a divorce on the grounds of cruelty, reasonable apprehension of bodily hurt, or willful desertion or abandonment by either party. The bill also repeals the provision allowing for a divorce from bed and board on the grounds of cruelty, reasonable apprehension of bodily hurt, or willful desertion or abandonment. The provisions of the bill apply to suits for divorce filed on or after July 1, 2023.

*Patron - Clark*

**F HB2174 Marriage lawful regardless of sex of parties.** Clarifies that a marriage between two parties is lawful regardless of the sex or gender of such parties, provided that such marriage is not otherwise prohibited by the laws of the Commonwealth. The bill also provides that religious organizations or members of the clergy acting in their religious capacity shall have the right to refuse to perform any marriage.

*Patron - Sickles*

**F HB2259 Paternity; genetic tests to determine parentage; relief from paternity.** Requires the court to set aside a final judgment, court order, administrative order, obligation to pay child support, or any legal determination of paternity if a scientifically reliable genetic test establishes the exclusion of the individual named as a father in the legal determination of paternity, except for good cause shown that such relief is not in the best interest of the child. Under current law, such a set aside is discretionary. The bill further requires that an alleged father of a child be informed of his option to request the administering of a scientifically reliable genetic test to determine paternity prior to being entered as the father on a birth certificate.

*Patron - Cordoza*

**F HB2357 Surrogacy; consent; relinquishment of parental rights.** Provides that, at any time prior to the birth of a child, a surrogate may relinquish her parental rights to an intended parent, if at least one intended parent is the genetic parent of the child or the embryo was subject to the legal or contractual custody of such intended parent, by signing a surrogate consent and report form naming the intended parent as the parent of the child. Under current law, the surrogate may relinquish such parental rights to the intended parent upon expiration of three days following the birth of the child.

*Patron - Murphy*

**F SB1096 Marriage lawful regardless of sex of parties.** Clarifies that a marriage between two parties is lawful regardless of the sex of such parties, provided that such marriage is not otherwise prohibited by the laws of the Commonwealth. The bill also provides that religious organizations or members of the clergy acting in their religious capacity shall have the right to refuse to perform any marriage.

*Patron - Ebbin*

## Education

### Passed

**P HB1423 School Readiness Committee; renaming as Commission on Early Childhood Care and Education; purpose; membership; powers and duties.** Renames the School Readiness Committee as the Commission on Early Childhood Care and Education and makes several changes to the Commission, including adjusting its purpose, increasing and adjusting its membership, and establishing eight enumerated powers and duties for the Commission. This bill is identical to SB 1404.

*Patron - Coyner*

**P HB1492 Board of Education; special education and related services; certain evaluation deadlines.** Requires the Board of Education to amend certain regulations to permit local educational agencies to shorten the deadline of 65 business days from the date of receipt of referral for an initial evaluation or a reevaluation of a child to determine eligibility for special education and related services.

*Patron - Davis*

**P HB1514 Deceased high school seniors; waiver of graduation requirements and award of posthumous high school diplomas.** Requires the Board of Education, in establishing high school graduation requirements, to provide for the waiver of certain graduation requirements and the subsequent award of a high school diploma upon the request of the parent

of any high school senior who died in good standing prior to graduation during the student's senior year. The bill provides that such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

*Patron - Adams, D.M.*

**P HB1526 Student literacy measures; scope; students in grades four through eight.** Expands several provisions of the Virginia Literacy Act, enacted during the 2022 Regular Session of the General Assembly, effective with the 2024–2025 school year, and currently applicable to students in kindergarten through grade three, to students in grades four through eight, including (i) requiring each local school board to provide a program of literacy instruction to such students that is aligned with science-based reading research and provides evidenced-based literacy instruction; (ii) requiring each local school board to provide reading intervention services to such students who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department of Education; (iii) permitting the reading plan required for certain students in grades six through eight to include a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in such plan; (iv) requiring the Department to develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for such students; (v) requiring each local school board to employ one reading specialist for each 550 students in kindergarten through grade eight; (vi) requiring the Board of Education to provide guidance on and each local school board to provide high-quality professional development and training in science-based reading research and evidence-based literacy instruction for certain middle school personnel; and (vii) requiring each divisionwide comprehensive plan to include a divisionwide literacy plan for such students.

*Patron - Coyner*

**P HB1554 Public high schools; special education; identification of faculty member responsible for school transition planning and coordination.** Requires each public high school in the Commonwealth to publicly identify on its official website the faculty member responsible for special education transition planning and coordination at such high school. This bill is identical to SB 943.

*Patron - Brewer*

**P HB1575 Internet Safety Advisory Council; collaboration, model instructional content, and resources.** Permits the Internet Safety Advisory Council (the Council) established by the Superintendent of Public Instruction to collaborate with certain agencies and organizations with expertise in child online safety issues and human trafficking prevention and requires the Council to establish model instructional content on certain student internet safety topics and post on the Department of Education website resources and assistance programs available for any child or parent who may have encountered online solicitation by sexual predators or other illegal online communications or activities, including the National Center for Missing and Exploited Children's CyberTipline.

*Patron - Walker*

**P HB1592 Public schools; codes of student conduct; policies and procedures prohibiting bullying; parental notification.** Requires each local school board to require the principal of each public school or his designee to notify the parent of any student who is involved in an alleged bullying incident of the alleged incident within 24 hours of learning of

such allegation. Current law only requires the principal to notify any such parent of the status of any investigation into an alleged incident of bullying within five school days of when such allegation was made. This bill is identical to SB 1072.

*Patron - Davis*

**P HB1629 Board of Education; creation and maintenance of Virginia Parent Data Portal; report.** Requires the Board of Education, on or before July 1, 2025, to create and maintain the Virginia Parent Data Portal that, among other things, (i) displays individualized student assessment data on all state-supported assessments, as that term is defined in the bill, (a) in a format that shows both current and cumulative data over time and (b) within 45 days of a state-supported assessment window closing for each state-supported assessment; (ii) provides a description of the purpose of each state-supported assessment, an explanation of how to interpret student data on each state-supported assessment, and a comparison of a student's performance on each state-supported assessment with the performance of the student's school, the student's school division, and the Commonwealth; (iii) is viewable from a mobile device in addition to a desktop computer; and (iv) provides functionality to enable school division personnel to manage and restrict user access to students and their parents. The bill requires the Board and the Department of Education to provide certain guidance and technical assistance to local school divisions on professional development for principals and teachers in parent engagement on and interpretation of student assessment data available through the Portal and requires each school board to annually provide high-quality professional development to principals and teachers on such topics. The foregoing provisions of the bill do not become effective unless reenacted by the 2024 Session of the General Assembly. Finally, the bill establishes a work group for the purpose of advising the Board of Education on the criteria for and the process of procuring the goods and services necessary to implement the Portal and requires such work group to submit a report containing its findings and any recommendations to the Board of Education and the General Assembly no later than November 1, 2023. This bill is identical to SB 1329.

*Patron - Coyner*

**P HB1698 Child day programs; exemption from licensure; certain programs offered by local school divisions.** Exempts from the requirement to be licensed by the Board of Education any child day program offered by a local school division that is operated for no more than four hours per day on full instructional days or for more than four hours per day on shortened instructional days or noninstructional days, staffed by local school division employees, and attended by children who are at least three years of age and are enrolled in public school or a preschool program within such school division. Under current law, only a child day program offered by a local school division that is operated for no more than four hours per day, staffed by local school division employees, and attended by children who are at least three years of age and are enrolled in public school or a preschool program within such school division is eligible to be exempt from licensure.

*Patron - Simon*

**P HB1700 Early childhood care and education; licensure requirements; certain accredited private school exempt.** Provides that child day programs that are affiliated with an accredited private school located west of Sandy Ridge and on the watersheds of Big Sandy River and to which no contributions are made by the Commonwealth shall not be required to obtain licensure to operate in the Commonwealth. Current law exempts only those programs that are offered to

children who reside at such private school. This bill is identical to SB 1097.

*Patron - Cherry*

**P HB1701 Certain private schools in the Commonwealth; disclosure of certain employee records for purpose of accreditation.** Permits private elementary and secondary schools to disclose to the Virginia Council for Private Education criminal history record information received for current employees for the purpose of seeking or maintaining Council accreditation.

*Patron - Cherry*

**P HB1704 Public elementary and secondary schools; reports of certain arrests and convictions; receipt, report, and compilation.** Requires each division superintendent to annually designate an employee in the local school division as the division safety official whose duty is to receive all reports required to be made pursuant to relevant law from (i) every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other employee in such local school division for a felony or a Class 1 misdemeanor or an equivalent offense in another state and (ii) the clerk of any circuit court or any district court in the Commonwealth upon the felony conviction of any person known by such clerk to be employed by such local school division. The bill requires each division superintendent to include such division safety official designation in the collated packet of school safety audits submitted to the Virginia Center for School and Campus Safety pursuant to relevant law and requires the Center to designate an employee of the Center as the school personnel safety official for the Commonwealth whose duty is to compile, maintain, and make publicly available a list of each such division safety official. The bill requires such designation to include updated contact information for the division safety official and requires such safety official to at least annually confirm with each division superintendent that such contact information is up to date and accurate. The bill also provides that a probation and parole officer who is supervising a person employed by a local school division in the Commonwealth shall, upon discovering that such supervised person has been arrested or convicted of a felony offense or an equivalent offense in another state, report such arrest or conviction to the Superintendent of Public Instruction and the designated division safety official in the local school division where such supervised person is employed as soon as practicable. The bill requires any such report to be transmitted via certified mail to the mailing address identified by the division superintendent or via fax and email to the fax number and email address identified by the division superintendent, pursuant to the applicable provisions of the bill. Finally, the bill requires, until July 1, 2027, that all such arresting officials or agencies request in writing that the Virginia Employment Commission provide the name of the current employer of each arrested person for purposes of determining whether such notice is required. This bill is identical to SB 821.

*Patron - Bell*

**P HB1713 Certain child day programs exempt from licensure by the Superintendent of Public Instruction; age of children in attendance.** Clarifies that any child day program offered by a private school accredited by and in good standing with the Virginia Council for Private Education, operated for no more than four hours per day, staffed by the accredited private school's employees, and attended by school-age children who are enrolled in the accredited private school is exempt from licensure by the Superintendent of Public Instruc-

tion. Current law provides a licensure exemption for any such program that is attended by children who are at least five years of age. This bill is identical to SB 964.

*Patron - Cherry*

**P HB1726 Department of Education; Virginia-based nonprofit organizations; schools for adults to earn credentials, college credit, and high school diplomas.** Requires the Department of Education to authorize a Virginia-based nonprofit organization with demonstrated evidence of positive student outcomes to provide schools for adults to earn (i) (a) an industry-recognized credential awarded through a partnership with a Virginia-based community college or an approved training provider or (b) dual college credit awarded through a partnership with a Virginia-based community college and (ii) a high school diploma on one or more diploma pathways set forth in the relevant Board of Education regulation in which enrollment is open, on a space-available basis, to adults who reside throughout the Commonwealth. This bill is identical to SB 1019.

*Patron - Head*

**P HB1762 School boards; Teacher Reengagement Program established.** Establishes the Teacher Reengagement Program for the purpose of addressing instructional personnel shortages and COVID-19 pandemic-related student learning loss. The bill permits any school board to hire an individual pursuant to the Program, subject to the following conditions and limitations: (i) the individual works on a part-time basis; (ii) the individual is compensated with part-time pay, with any health, dental, and vision insurance coverage that is available to full-time school board employees, or with some combination of such pay and coverage; (iii) in the case of an individual who holds a renewable or provisional teaching license issued by the Board of Education, the individual's duties consist of teaching students, providing one-on-one tutoring services to students, or mentoring teachers, or some combination thereof; (iv) in the case of an individual who does not hold a renewable or provisional teaching license issued by the Board, the individual has professional experience or expertise in a certain subject matter area and the individual's duties consist of providing one-on-one tutoring services to students in such subject matter area; and (v) the individual complies with all laws, regulations, and school board policies and procedures applicable to part-time school board employees. The bill requires any school board that hires any part-time employee pursuant to the Program to annually report to the Department of Education such data on the implementation of the Program that the Department deems necessary to evaluate its continued effectiveness at addressing instructional personnel shortages and student learning loss. The foregoing provisions of the bill expire on July 1, 2028. The bill requires the Department to submit to the General Assembly no later than October 1, 2027, its recommendation for preserving, extending, or eliminating such expiration date.

*Patron - Reid*

**P HB1820 Virtual school programs; virtual through-year growth assessment administration.** Permits, subject to certain enumerated conditions, any student enrolled in a virtual school program to take any beginning-of-year or mid-year growth assessment required pursuant to relevant law in a virtual setting that best meets the educational needs of the student.

*Patron - Avoli*

**P HB1822 Public school employees; offense involving solicitation of sexual molestation, physical or sexual abuse, or rape of a child; penalty.** Provides that the convictions that bar employment and contract work that requires

direct contact with students on school property during school hours or school-sponsored activities in public schools include any offense involving the solicitation of sexual molestation, physical or sexual abuse, or rape of a child. Current law prohibits any school board from employing or contracting with anyone who has been convicted of a violent felony set forth in the definition of barrier crime or any offense involving sexual molestation, physical or sexual abuse, or rape of a child, but does not specify that this includes any offense involving the solicitation of any such offense.

*Patron - Avoli*

**P HB1884 Standards of Learning assessment revision work group; consideration of effectiveness of assessments for students with disabilities.** Requires the work group established by the Secretary of Education and the Superintendent of Public Instruction to study and develop a plan relating to revisions to Standards of Learning assessments to consider the effectiveness of assessments for students with disabilities, including the Virginia Alternate Assessment Program for those students with the most significant cognitive disabilities, and the use of those assessments to improve and individualize instruction.

*Patron - Wampler*

**P HB1928 School bus operators; training; remote online and Spanish language options.** Permits the training program developed by the Board of Education for school bus operators to offer the option for an applicant for employment as a school bus operator to (i) except as otherwise provided in relevant law, complete all or any portion of the required hours of classroom training in a remote online format, as determined by the local school division, and (ii) receive instruction in the Spanish language for all or any portion of the required hours of classroom training, as determined by the local school division.

*Patron - Durant*

**P HB1929 Educational opportunities for children of certain foreign service employees and civilian employees of the Armed Forces of the United States.** Requires the provisions of the Interstate Compact on Educational Opportunity for Military Children to apply to school-age children who are dependents of foreign service employees and civilian members of the Armed Forces of the United States under federal orders when the parent produces documentation indicating that he is required to move in order to perform his job responsibilities and such move results in the student's intra-state, interstate, or overseas relocation, including any such relocation that results in the student attending a Department of Defense Education Activity school. The bill requires any such student who is in the eighth grade to be permitted to apply for admission to an academic year Governor's school in the same manner as an eighth grade student to whom the provisions of the Interstate Compact on Educational Opportunity for Military Children apply. This bill received Governor's recommendations.

*Patron - Durant*

**P HB1982 Public school principals; parental notification of certain student violations.** Requires the principal of any public elementary or secondary school or his designee to notify the parents of any student who violates a school board policy or the compulsory school attendance requirements when such violation is likely to result in the student's suspension or the filing of a court petition. Current law permits such principals to make such a notification when the violation could result in the student's suspension or the filing of a court petition and is silent on the designation of such power.

*Patron - Kory*

**P HB2021 School boards; back to school night events; free or reduced price meals applications.** Requires each school board to ensure that at any back to school night event in the local school division to which the parents of enrolled students are invited, any such parent in attendance receives prominent notification of and access, in paper or electronic form, or both, to information about application and eligibility for free or reduced price meals for students and a fillable free or reduced price meals application that may be completed and submitted on site.

*Patron - Roem*

**P HB2025 Department of Social Services; school boards; SNAP benefits program parent information sheet; free or reduced price meals application.** Requires the Department of Social Services to develop, annually update, and provide to each school board in advance of the start of each school year an information sheet on the SNAP benefits program that sets forth the application process and such other information as the Department deems necessary or appropriate in order to properly inform the parents of students enrolled in public elementary and secondary schools of such program and encourage application by those who are eligible. The bill requires each school board to ensure that such information sheet is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. The bill also requires each school board to ensure that a fillable free or reduced price meals application is sent home with each such student at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment.

*Patron - Roem*

**P HB2124 School psychologists; staffing flexibility.** Provides that in order to fill vacant school psychologist positions, any local school board may employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment. The bill requires the Department to consult the Virginia Academy of School Psychologists, and other stakeholders as necessary, to ensure that the process and criteria for provisionally licensed school psychologists to obtain full licensure as school psychologists appropriately address the challenges that are unique to school psychology training requirements and the school psychology profession generally.

*Patron - Wilt*

**P HB2137 School boards; divisionwide literacy plans; contents; posting.** Requires each divisionwide literacy plan to be submitted to the Department of Education and to identify which core literacy curricula, supplemental instructional practices and programs, and intervention programs from the list developed by the Department or alternative programs approved by the Department that consist of evidence-based literacy instruction and align with science-based reading research will be used in each grade level, kindergarten through 12, at each of the schools within such school division. The bill requires each local school board to post, maintain, and update as necessary on such school board's website a copy of its divisionwide literacy plan and the job description and contact information for any reading specialist employed by such

school division pursuant to relevant law and for any dyslexia specialist employed by such school division. The bill requires the Department to post each divisionwide literacy plan on its website.

*Patron - Delaney*

**P HB2140 Policies for the possession and administration of epinephrine at early childhood care and education entities; scope.** Limits, in the context of early childhood care and education entities, the requirement for the implementation of policies for the possession and administration of epinephrine to child day centers. Under current law, such requirement applies to all early childhood care and education entities, which include child day centers, family day homes, and family day systems serving children younger than the age of five. The bill also requires the Board of Education to amend its regulations to require each family day home provider or at least one other caregiver employed by such provider in the family day home to be trained in the administration of epinephrine and to notify the parents of each child who receives care in such family day home whether the provider stores an appropriate weight-based dosage of epinephrine in the residence or home in which the family day home operates. This bill is identical to SB 1146.

*Patron - Delaney*

**P HB2187 School counselors; staff time.** Defines the terms "direct counseling" and "program planning and school support" for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students and clarifies that each school counselor may also spend up to 20 percent of his staff time during normal school hours on program planning and support. This bill is a recommendation of the Behavioral Health Commission and the Joint Legislative Audit and Review Commission.

*Patron - Rasoul*

**P HB2225 Certain student assessment results; availability.** Requires each school board to provide teachers, parents, principals, and other school leaders with their students' results on any Standards of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment is administered. This bill is identical to SB 1253.

*Patron - Batten*

**P HB2375 Provisional teacher licensure; permissive extension; satisfactory performance evaluations during years of actual employment.** Requires the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year during the original three-year provisional license that such teacher was actually employed. Current law requires satisfactory performance evaluations for such teacher for each year of the original three-year provisional license in order to be eligible for such an extension. This bill received Governor's recommendations.

*Patron - Sewell*

**P HB2457 Public elementary and secondary school teachers; frequency of certain training activities; length of temporary teacher employment.** Prohibits any public elementary or secondary school teacher from being required to participate more frequently than once every five years in certain training relating to the appropriate management of stu-

dent conduct and student offenses in violation of school board policies or relating to secure mandatory test violations. The bill also permits, during the 2023-2024 and 2024-2025 school years, any school board to employ a temporarily employed teacher to fill a vacancy for a period of time not to exceed 180 days during one school year, with certain conditions and limitations.

*Patron - Batten*

**P HB2469 Department of Education; Standards of Learning assessment revision work group; timeline for Request for Proposal for provider of revised assessments.** Prohibits the Department of Education from releasing a Request for Proposal for a provider of revised Virginia Standards of Learning summative assessments of proficiency until after the work group convened for the purpose of developing a plan for the implementation of such revised assessments has submitted its initial iteration of such plan. The bill permits the Department of Education to extend the current state assessment contract until December 31, 2025, to ensure continuity in the administration of the state assessment program.

*Patron - Cherry*

**P SB821 Public elementary and secondary schools; reports of certain arrests and convictions; receipt, report, and compilation.** Requires each division superintendent to annually designate an employee in the local school division as the division safety official whose duty is to receive all reports required to be made pursuant to relevant law from (i) every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other employee in such local school division for a felony or a Class 1 misdemeanor or an equivalent offense in another state and (ii) the clerk of any circuit court or any district court in the Commonwealth upon the felony conviction of any person known by such clerk to be employed by such local school division. The bill requires each division superintendent to include such division safety official designation in the collated packet of school safety audits submitted to the Virginia Center for School and Campus Safety pursuant to relevant law and requires the Center to designate an employee of the Center as the school personnel safety official for the Commonwealth whose duty is to compile, maintain, and make publicly available a list of each such division safety official. The bill requires such designation to include updated contact information for the division safety official and requires such safety official to at least annually confirm with each division superintendent that such contact information is up to date and accurate. The bill also provides that a probation and parole officer who is supervising a person employed by a local school division in the Commonwealth shall, upon discovering that such supervised person has been arrested or convicted of a felony offense or an equivalent offense in another state, report such arrest or conviction to the Superintendent of Public Instruction and the designated division safety official in the local school division where such supervised person is employed as soon as practicable. The bill requires any such report to be transmitted via certified mail to the mailing address identified by the division superintendent or via fax and email to the fax number and email address identified by the division superintendent, pursuant to the applicable provisions of the bill. Finally, the bill requires, until July 1, 2027, that all such arresting officials or agencies request in writing that the Virginia Employment Commission provide the name of the current employer of each arrested person for purposes of determining whether such notice is required. This bill is identical to HB 1704.

*Patron - Surovell*



**P SB825 Public schools; background checks; Virginia School for the Deaf and the Blind.** Provides that the Board of Visitors of the Virginia School for the Deaf and the Blind is deemed a governmental entity for the purpose of receiving from the Central Criminal Records Exchange criminal history record information pertaining to an application for employment. The bill also provides that the Board of Visitors of the Virginia School for the Deaf and the Blind is subject to the same requirement of each local school board that all applicants for employment as instructional personnel at such school, or for employment as a contractor who shall have direct contact with students on school property during regular school hours or during school-sponsored activities, be required to provide data on prior convictions for certain crimes and submit to fingerprinting for the purpose of obtaining criminal history record information on such applicants.

*Patron - Bell*

**P SB943 Public high schools; special education; identification of faculty member responsible for school transition planning and coordination.** Requires each public high school in the Commonwealth to publicly identify on its official website the faculty member responsible for special education transition planning and coordination at such high school. This bill is identical to HB 1554.

*Patron - Suetterlein*

**P SB964 Certain child day programs exempt from licensure by the Superintendent of Public Instruction; age of children in attendance.** Clarifies that any child day program offered by a private school accredited by and in good standing with the Virginia Council for Private Education, operated for no more than four hours per day, staffed by the accredited private school's employees, and attended by school-age children who are enrolled in the accredited private school is exempt from licensure by the Superintendent of Public Instruction. Current law provides a licensure exemption for any such program that is attended by children who are at least five years of age. This bill is identical to HB 1713.

*Patron - Peake*

**P SB1019 Department of Education; Virginia-based nonprofit organizations; schools for adults to earn credentials, college credit, and high school diplomas.** Requires the Department of Education to authorize a Virginia-based nonprofit organization with demonstrated evidence of positive student outcomes to provide schools for adults to earn (i) (a) an industry-recognized credential awarded through a partnership with a Virginia-based community college or an approved training provider or (b) dual college credit awarded through a partnership with a Virginia-based community college and (ii) a high school diploma on one or more diploma pathways set forth in the relevant Board of Education regulation in which enrollment is open, on a space-available basis, to adults who reside throughout the Commonwealth. This bill is identical to HB 1726.

*Patron - Edwards*

**P SB1043 Public education; student mental health and counseling; definitions; licensure requirements.** Requires the Department of Education, in consultation with the Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services, to develop, adopt, and distribute to each school board a model memorandum of understanding between a school board and a public or private community mental health services provider that sets forth parameters for the provision of mental health services to public school students enrolled in the local school division by such provider. The bill requires the memorandum

of understanding to be available to each school board no later than the beginning of the 2023–2024 school year. The bill also permits, in order to fill vacant school psychologist positions, any local school board to employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment. Finally, the bill defines the terms "direct counseling" and "program planning and school support" for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students. This bill incorporates SB 1257 and SB 1268.

*Patron - McPike*

**P SB1044 Public schools and public institutions of higher education; student identification cards; 988 Suicide and Crisis Lifeline telephone number required.** Requires each local school division that issues student identification cards for any grade level, kindergarten through grade 12, and each public institution of higher education that issues student identification cards to clearly and conspicuously include on one side of each student identification card the telephone number for the 988 Suicide and Crisis Lifeline (formerly the National Suicide Prevention Lifeline) and to annually review the telephone number for accuracy and currency. The bill provides that each new student identification card and any replacement student identification card issued by any school division or by any public institution of higher education must comply with the provisions of the bill beginning with the 2023–2024 school year.

*Patron - McPike*

**P SB1052 Advisory Board on Teacher Education and Licensure; teacher licensure, recruitment, and retention.** Directs the Advisory Board on Teacher Education and Licensure to advise the Board of Education and submit recommendations on policies related to helping school divisions more effectively recruit and retain licensed teachers. The bill also requires the Board of Education to extend for at least one additional year, but for no more than two additional years, a teacher's three-year provisional license upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for any year during the original three-year provisional license for which such teacher was actually employed. Current law requires satisfactory performance evaluations for such teacher for each year of the original three-year provisional license in order to be eligible for such an extension. This bill received Governor's recommendations.

*Patron - McPike*

**P SB1072 Public schools; codes of student conduct; policies and procedures prohibiting bullying; parental notification.** Requires each local school board to require the principal of each public school or his designee to notify the parent of any student who is involved in an alleged bullying incident of the alleged incident within 24 hours of learning of such allegation. Current law only requires the principal to notify any such parent of the status of any investigation into an alleged incident of bullying within five school days of when such allegation was made. This bill is identical to HB 1592.

*Patron - Bell*

**P SB1097 Early childhood care and education; licensure requirements; certain accredited private school exempt.** Provides that child day programs that are affiliated



with an accredited private school located west of Sandy Ridge and on the watersheds of Big Sandy River and to which no contributions are made by the Commonwealth shall not be required to obtain licensure to operate in the Commonwealth. Current law exempts only those programs that are offered to children who reside at such private school. This bill is identical to HB 1700.

*Patron - Norment*

**P SB1124 Board of Education; standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings.** Requires the Board of Education to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2023. This bill is a recommendation of the Commission on School Construction and Modernization. This bill received Governor's recommendations.

*Patron - Stanley*

**P SB1146 Policies for the possession and administration of epinephrine at early childhood care and education entities; scope.** Limits, in the context of early childhood care and education entities, the requirement for the implementation of policies for the possession and administration of epinephrine to child day centers. Under current law, such requirement applies to all early childhood care and education entities, which include child day centers, family day homes, and family day systems serving children younger than the age of five. The bill also requires the Board of Education to amend its regulations to require each family day home provider or at least one other caregiver employed by such provider in the family day home to be trained in the administration of epinephrine and to notify the parents of each child who receives care in such family day home whether the provider stores an appropriate weight-based dosage of epinephrine in the residence or home in which the family day home operates. This bill is identical to HB 2140.

*Patron - Boysko*

**P SB1175 Student literacy measures; scope; students in grades four through eight.** Expands several provisions of the Virginia Literacy Act, enacted during the 2022 Regular Session of the General Assembly, effective with the 2024–2025 school year, and currently applicable to students in kindergarten through grade three, to students in grades four through eight, including (i) requiring each local school board to provide a program of literacy instruction to such students that is aligned with science-based reading research and provides evidenced-based literacy instruction; (ii) requiring each local school board to provide reading intervention services to such students who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department of Education; (iii) permitting the reading plan required for certain students in grades six through eight to include a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific

evidence-based literacy instruction identified in such plan; (iv) requiring the Department to develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for such students; (v) requiring each local school board to employ one reading specialist for each 550 students in kindergarten through grade five and for each 1,100 students in grades six through eight; (vi) requiring the Board of Education to provide guidance on and each local school board to provide high-quality professional development and training in science-based reading research and evidence-based literacy instruction for certain middle school personnel; and (vii) requiring each divisionwide comprehensive plan to include a divisionwide literacy plan for such students.

*Patron - Lucas*

**P SB1215 Department of Education; stakeholder work group; competitive teacher pay; report.** Requires the Department of Education to convene a stakeholder work group no later than August 15, 2023, to consider and make recommendations no later than November 1, 2023, on the appropriateness, feasibility, potential fiscal impact, and potential unintended consequences of certain definitions for and calculations of competitive teacher pay.

*Patron - Lucas*

**P SB1253 Certain student assessment results; availability.** Requires each school board to provide teachers, parents, principals, and other school leaders with their students' results on any Standards of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment is administered. This bill is identical to HB 2225.

*Patron - Dunnivant*

**P SB1277 High school students; academic credit for certain work experience and fine arts programs; guidelines.** Directs the Board of Education to develop guidelines and policies permitting any high school student in grades 11 and 12 to earn one-half standard unit of credit per semester for employment in certain fields or industries or participation in certain fine arts programs in which such student works or participates a certain minimum number of hours per week for each week of the semester, as determined by the Board. The bill requires the Board to collaborate with and seek input from the Coordinator of Fine Arts for the Department of Education and a representative from the Virginia Coalition for Fine Arts Education in developing and implementing guidelines and policies for awarding academic credit for participation in certain fine arts programs.

*Patron - Dunnivant*

**P SB1281 Board of Education; Passport dual enrollment courses; course credit; guidelines.** Directs the Board of Education to develop guidelines for prioritizing to the maximum extent practicable dual enrollment programs, including the Passport Program, the Uniform Certificate of General Studies Program, the New Economy Workforce Credential Grant Program, and other courses that allow high school students to receive credit toward the completion of an undergraduate course, degree, or credential offered in the Virginia Community College System. The bill provides that such guidelines shall include recommendations on how to direct prioritization of funding to such programs. The bill requires the Department of Education to convene a stakeholder work group, consisting of representatives from the Virginia Education Association, the Virginia Association of School Superintendents, and the local school boards, to make recommendations on policies for the prioritization of such dual enrollment pro-

grams and requires such recommendations to be submitted to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by November 1, 2024. The bill has a delayed effective date of July 1, 2024.

*Patron - Dunnivant*

**P SB1300 Department of Education; Virginia Tiered Systems of Supports Research and Implementation Center; Trauma Learning Modules; modifications; report.** Directs the Department of Education to collaborate with the Virginia Tiered Systems of Supports Research and Implementation Center (VTSS-RIC) to modify the existing Trauma Learning Modules provided by VTSS-RIC to incorporate (i) the definitions of "childhood trauma" and "trauma-informed" provided in the bill and (ii) information and guidance on concepts including (a) the impacts of childhood trauma on a child's physical, emotional, and behavioral development and health; (b) the importance of mental health and wellness; (c) how to foster a trauma-informed classroom environment; (d) how to recognize the signs of childhood trauma in students; (e) how to respond when a student informs a teacher of a traumatic experience or exhibits signs that such student has had a traumatic experience; and (f) when and how to contact support services or other resources outside the classroom to ensure any student who has experienced trauma receives the necessary support. The bill requires the Department and the VTSS-RIC to provide the report required pursuant to the bill to the Governor and the General Assembly by November 1, 2023.

*Patron - Deeds*

**P SB1329 Board of Education; creation and maintenance of Virginia Parent Data Portal; report.** Requires the Board of Education, on or before July 1, 2025, to create and maintain the Virginia Parent Data Portal that, among other things, (i) displays individualized student assessment data on all state-supported assessments, as that term is defined in the bill, (a) in a format that shows both current and cumulative data over time and (b) within 45 days of a state-supported assessment window closing for each state-supported assessment; (ii) provides a description of the purpose of each state-supported assessment, an explanation of how to interpret student data on each state-supported assessment, and a comparison of a student's performance on each state-supported assessment with the performance of the student's school, the student's school division, and the Commonwealth; (iii) is viewable from a mobile device in addition to a desktop computer; and (iv) provides functionality to enable school division personnel to manage and restrict user access to students and their parents. The bill requires the Board and the Department of Education to provide certain guidance and technical assistance to local school divisions on professional development for principals and teachers in parent engagement on and interpretation of student assessment data available through the Portal and requires each school board to annually provide high-quality professional development to principals and teachers on such topics. The foregoing provisions of the bill do not become effective unless reenacted by the 2024 Session of the General Assembly. Finally, the bill establishes a work group for the purpose of advising the Board of Education on the criteria for and the process of procuring the goods and services necessary to implement the Portal and requires such work group to submit a report containing its findings and any recommendations to the Board of Education and the General Assembly no later than November 1, 2023. This bill is identical to HB 1629.

*Patron - McClellan*

**P SB1359 Public elementary and secondary schools; threat assessment team members; training requirement.** Requires new threat assessment team members at each public elementary and secondary school to complete

initial threat assessment training and all threat assessment team members to complete refresher training every three years.

*Patron - Norment*

**P SB1404 School Readiness Committee; renaming as Commission on Early Childhood Care and Education; purpose; membership; powers and duties.** Renames the School Readiness Committee as the Commission on Early Childhood Care and Education and makes several changes to the Commission, including adjusting its purpose, increasing and adjusting its membership, and establishing eight enumerated powers and duties for the Commission. This bill is identical to HB 1423.

*Patron - Barker*

**P SB1430 Department of Education; work group on reducing barriers to access to paid work-based learning experiences for English language learner students.** Requires the Department of Education to convene a stakeholder work group to make recommendations on reducing barriers to and improving the access of paid work-based learning experiences for English language learner students.

*Patron - Suetterlein*

**P SB1453 Public elementary and secondary schools; automated external defibrillators required.** Requires each local school board to develop a plan for the placement, care, and use of an automated external defibrillator in every public elementary and secondary school in the local school division and to place an automated external defibrillator in every public elementary and secondary school in the local school division. Under current law, such a plan is optional and there is no requirement for each school board to place an automated external defibrillator in every public elementary and secondary school in the local school division. This bill received Governor's recommendations.

*Patron - McPike*

## Failed

**F HB1371 Education Savings Account Program established; Education Improvement Scholarships Tax Credits.** Establishes the Education Savings Account Program, to be administered by the Department of Education, whereby the parent of any individual who is a resident of the Commonwealth and who is eligible to enroll in a public elementary or secondary school may apply for an Education Savings Account for his child into which the Department of Education deposits certain state and local funds and from which the parent makes certain enumerated qualifying expenses to educate his child in a setting and a manner other than full-time education in a public school. The bill requires the Program to be fully implemented prior to the beginning of the 2023–2024 school year.

The bill also increases the value of the Education Improvement Scholarships income tax credit for a donation to a scholarship foundation from 65 percent to 100 percent of the donation. The bill removes the aggregate limit on tax credits per year, which under current law is \$25 million, and removes individual minimum and maximum required donation amounts.

The bill raises the threshold for students to qualify for scholarships from 300 percent of the current poverty guidelines to 1,000 percent of free or reduced-price lunch standards or, for eligible students with a disability, from 400 percent of the current poverty guidelines to 1,200 percent of such standards. The bill grants scholarship foundations the discretion to determine what expenses may be funded by tax-credit-subsidized scholarships. Under current law, such expenses are limited by statute. The bill expands eligibility for scholarships to any student who is a resident of the Commonwealth and eligible to enroll in a

public elementary or secondary school in the Commonwealth. Current law restricts eligibility to certain categories of students.

The bill removes the requirement that scholarship-funded schools report test results of scholarship-funded students. The provisions of the bill pertaining to the Education Improvement Scholarships income tax credits apply starting with taxable year 2023.

*Patron - Scott, P.A.*

**F HB1379 Public elementary and secondary school libraries; catalog of printed and audiovisual materials; graphic sexual content; parental opt out and request for review.** Requires the principal of each public elementary or secondary school or his designee to (i) maintain in an electronic spreadsheet or a substantially similar electronic format a catalog of all printed and audiovisual materials, as defined in the bill, that are contained in the school library; (ii) identify each item in such catalog by title, author, and such other identifying features or information as the principal or his designee deems appropriate; (iii) identify with a prominent notation in such catalog each item that contains graphic sexual content, as defined in the bill; (iv) make such catalog available to any parent of a student enrolled in the school; (v) permit any parent of a student enrolled in the school to restrict his child's access to any item in such catalog that is identified as containing graphic sexual content; and (vi) permit any parent of a student enrolled in the school to request a graphic sexual content review by school administrators for any item in such catalog that is not so identified.

*Patron - Anderson*

**F HB1387 K-12 schools and institutions of higher education; designation of interscholastic, intercollegiate, intramural, and club athletic teams and sports based on biological sex; student participation in female teams or sports; civil cause of action.** Requires each interscholastic, intercollegiate, intramural, or club athletic team or sport sponsored by a public elementary or secondary school or by a public institution of higher education to be expressly designated as one of the following based on biological sex: (i) males, men, or boys; (ii) females, women, or girls; or (iii) coed or mixed if participation on such team or sport is open to both (a) males, men, or boys and (b) females, women, or girls. The bill requires identification of the student's biological sex on an athletics eligibility form signed by a licensed physician, nurse practitioner, or physician assistant to be submitted by any such student who desires to try out for or participate in an interscholastic, intercollegiate, intramural, or club athletic team or sport. The bill prohibits any such team or sport that is expressly designated for females, women, or girls from being open to students whose biological sex is male. The bill further prohibits any interscholastic, intercollegiate, intramural, or club athletic team or sport sponsored by a public elementary or secondary school or a public institution of higher education from competing against any interscholastic, intercollegiate, intramural, or club athletic team or sport sponsored by a private elementary or secondary school or private institution of higher education in the Commonwealth unless such private school or institution complies with the applicable provisions of the bill.

The bill prohibits any government entity, licensing or accrediting organization, or athletic association or organization from entertaining a complaint, opening an investigation, or taking any other adverse action against public school or institution of higher education based on a violation of the provisions of the bill and creates a cause of action for any school or institution of higher education that suffers harm as a result of a violation of the bill. Finally, the bill creates a civil cause of action for any student that suffers harm as a result of a knowing violation of a provision of the bill by a school or institution or as a result of

the student's reporting a violation of a provision of the bill by a school, institution, athletic association, or organization.

*Patron - Greenhalgh*

**F HB1396 Education Savings Account Program established; Education Improvement Scholarships Tax Credits.** Establishes the Education Savings Account Program, to be administered by the Department of Education, whereby the parent of any individual who is a resident of the Commonwealth and who is eligible to enroll in a public elementary or secondary school may apply for an Education Savings Account for his child into which the Department of Education deposits certain state and local funds and from which the parent makes certain enumerated qualifying expenses to educate his child in a setting and a manner other than full-time education in a public school. The bill requires the Program to be fully implemented prior to the beginning of the 2023–2024 school year.

The bill also increases the value of the Education Improvement Scholarships income tax credit for a donation to a scholarship foundation from 65 percent to 100 percent of the donation. The bill removes the aggregate limit on tax credits per year, which under current law is \$25 million, and removes individual minimum and maximum required donation amounts.

The bill raises the threshold for students to qualify for scholarships from 300 percent of the current poverty guidelines to 1,000 percent of free or reduced-price lunch standards or, for eligible students with a disability, from 400 percent of the current poverty guidelines to 1,200 percent of such standards. The bill grants scholarship foundations the discretion to determine what expenses may be funded by tax-credit-subsidized scholarships. Under current law, such expenses are limited by statute. The bill expands eligibility for scholarships to any student who is a resident of the Commonwealth and eligible to enroll in a public elementary or secondary school in the Commonwealth. Current law restricts eligibility to certain categories of students.

The bill removes the requirement that scholarship-funded schools report test results of scholarship-funded students. The provisions of the bill pertaining to the Education Improvement Scholarships income tax credits apply starting with taxable year 2023.

*Patron - March*

**F HB1397 Student immunization requirements; parental opt-out.** Permits any parent of a child who attends any public or private preschool, nursery school, licensed child care center, or elementary or secondary school or who is school-aged but receives home instruction or is exempted or excused from school attendance pursuant to relevant law to elect for his child not to receive any immunization otherwise required by the State Board of Health. Under current law, such a parent is only permitted to make such an election if he (i) objects on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices or (ii) presents a statement from a physician licensed to practice medicine in Virginia, a licensed nurse practitioner, or a local health department that states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child.

*Patron - March*

**F HB1399 Elementary and secondary schools and institutions of higher education; interscholastic, intercollegiate, intramural, and club athletic teams and sports; student participation; certain requirements.** Requires each interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a public elementary or secondary school or a public institution of higher education to be expressly designated as one of the following based on each

team member's biological sex at birth: (i) for "males," "men," or "boys"; (ii) for "females," "women," or "girls"; or (iii) as "coed" or "mixed," including both (a) males, men, or boys and (b) females, women, or girls. The bill prohibits any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a public elementary or secondary school or a public institution of higher education and that is expressly designated for "males," "men," or "boys" from being open to any student whose biological sex at birth is female unless such school or institution does not sponsor such a team or sport that is expressly designated for "females," "women," or "girls" or as "coed" or "mixed." The bill prohibits any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a public elementary or secondary school or a public institution of higher education and that is expressly designated for "females," "women," or "girls" from being open to any student whose biological sex at birth is male. The bill prohibits any interscholastic, intercollegiate, or club athletic team or sport that is sponsored by a public elementary or secondary school or a public institution of higher education from competing against any interscholastic, intercollegiate, or club athletic team or sport that is sponsored by a private elementary or secondary school or a private institution of higher education unless such private school or institution complies with the applicable provisions of the bill for the team or sport that it sponsors. The bill also establishes a cause of action for students, schools, and institutions that suffer harm as a result of a violation of certain provisions of the bill. The bill finally prohibits any school board from using any funds or permitting any school within the local school division to use any funds to join, affiliate with, pay dues or fees to, or in any way financially support any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of such association, body, or entity recognizes, sanctions, and regulates interscholastic competition between wrestling teams exclusively comprised of students whose biological sex at birth is female.

*Patron - March*

**F HB1424 National Teacher Certification Incentive Reward Program and Fund; name; eligibility; incentive grant awards.** Renames the National Teacher Certification Incentive Reward Program and Fund as the National Board Certification Incentive Reward Program and Fund, expands eligibility for incentive grant awards from such Fund pursuant to such Program from solely teachers who have obtained national certification from the National Board for Professional Teaching Standards to (i) all public school staff who are candidates for initial national certification or maintenance of national certification to cover certain costs of obtaining or maintaining such certification and (ii) all public school staff who have successfully obtained or maintained such certification. The bill also declares eligible for an annual incentive grant award in the amount of \$7,500 all public school staff who have obtained or maintained such certification. Current law declares eligible for an annual incentive grant award of \$5,000 in the first year and \$2,500 in each subsequent year all teachers who have obtained or maintained such certification.

*Patron - Coyner*

**F HB1434 Student records; name change; court order required.** Prohibits any school board member or school board employee from changing the name of a student enrolled in the local school division on any education record relating to such student unless the member or employee receives a change of name order for such student that was issued in accordance with relevant law.

*Patron - Ballard*

**F HB1443 Public school funds; state share for basic aid; basic aid and supplemental basic aid payment**

**limit.** Removes the limitation on any school division qualifying for adjustment of state share of aid that capped the sum of the basic aid payment and any supplemental basic aid payment to the basic aid payment appropriated to such locality by the 2007 Session of the General Assembly.

*Patron - Weibert*

**F HB1448 Department of Education; recommendations; model policies; selection and removal of public school library materials.** Requires the Department of Education, in consultation with local school boards, public school librarians, parents of public school students, and other interested stakeholders, to make recommendations to the General Assembly, the Board of Education, and local school boards no later than September 1, 2024, on the adoption of model policies for the selection and removal of books and other audiovisual materials available to students in public school libraries.

*Patron - Orrock*

**F HB1454 Home instruction; parents; criteria.** Removes the four enumerated criteria—holding a high school diploma, being a teacher of qualifications prescribed by the Board of Education, providing the child with a program of study or curriculum that may be delivered through a correspondence course or distance learning program or in any other manner, or providing evidence of the ability to provide an adequate education for the child—by which a parent is permitted to provide home instruction for his school-aged child. The bill does not affect the requirement for such a parent to annually provide a description of the home instruction curriculum before the school year begins and evidence of the child's academic progress after the school year ends.

*Patron - McGuire*

**F HB1461 Department of Education; uniform system of discipline for disruptive student behavior; report.** Requires the Department of Education to establish, within its regulations governing student conduct, and each school board to adhere to, a uniform system of discipline for disruptive behavior and the removal of a student from a class that includes, among other things, criteria for teachers to remove disruptive students from their classes, including a requirement for a teacher to remove a disruptive student from a class if the disruptive behavior is violent. The bill also requires the Department of Education to establish and appoint members to a stakeholder work group to discuss and make recommendations to the Board of Education and the General Assembly no later than November 1, 2023, regarding the feasibility of implementing a uniform system of classroom discipline in public elementary and secondary schools in each local school division in the Commonwealth whereby a teacher is required to remove a student from a classroom if the student repeats or continues nonviolent disruptive behavior after the teacher provides two warnings to the student, giving due consideration to the need for appropriate exceptions for students with disabilities.

*Patron - Wiley*

**F HB1475 Students who receive home instruction; participation in interscholastic programs.** Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is a person of school age for whom public school is free; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with

all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2028.

*Patron - March*

**F HB1497 Teacher compensation; at or above national average.** Requires public school teachers to be compensated at a rate that is at or above the national average. Under current law, compensation at such rate is aspirational. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a five percent annual increase for public school teacher salaries, effective for the 2024-2025 and 2025-2026 school years. The bill has a delayed effective date of July 1, 2024.

*Patron - Convors-Fowler*

**F HB1507 Public elementary and secondary schools; fundamental right of parents.** Requires each school board and employee and agent thereof to seek to ensure that the fundamental right of parents in the care and upbringing of their children is recognized and protected and also requires each local school board to provide opportunities for parental involvement in several ways, including providing to parents of students enrolled in the local school division direct access to and an opportunity to review, within a reasonable period of time after the parent so requests, the complete curricular content in the local school division and the option to opt out of policies, surveys, research studies, or programs of instruction and instructional material that are inconsistent with the parent's beliefs, values, or goals and standards for his child.

*Patron - McGuire*

**F HB1508 Virginia Education Success Account Program; establishment.** Permits the parents of qualified students, defined in the bill, to apply for a one-year, renewable Virginia Education Success Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain qualified expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to program and account administration by the Department of the Treasury and a third-party financial institution that serves as program administrator pursuant to a contract with the Department of the Treasury.

*Patron - Davis*

**F HB1560 Department of Education; development of Title IX and sexual harassment prevention training modules for high school students.** Requires the Department of Education to develop culturally appropriate, age-appropriate, and trauma-informed Title IX and sexual harassment prevention training modules concerning Title IX rights and

protections, consent, and sexual harassment prevention and reporting and to make such training modules available to each school board for the education of high school students. The bill also requires each school board to (i) ensure that all high school students complete such training modules within 31 days of the start of each school year, (ii) set aside instructional time during school hours for the completion of such training modules, (iii) allow all high school students to opt-out of participation in the completion of such training modules by request of the student's parents if such student is under the age of 18, or by request of the student if such student is 18 years of age or older, and (iv) inform all high school students of any counseling services related to sexual harassment that are available to them prior to such students completing such training modules. Finally, the bill requires (a) the Department to develop and make available to each school board such training modules by December 31, 2023; (b) the Department to revise such training modules to ensure continued compliance with applicable state and federal laws no later than December 31 of each year; and (c) each school board to adopt policies to implement such training modules by the beginning of the 2024-2025 school year.

*Patron - Watts*

**F HB1566 Compensation of public school teachers and other Standards of Quality-funded positions; competitive rate.** Requires the Commonwealth to compensate its public school teachers at a rate that is competitive, defined in current law as at or above the national average teacher salary, in order to attract and keep highly qualified teachers. Current law declares it the policy of the Commonwealth to compensate public school teachers at such competitive rate but does not require it. The bill requires the Department of Education to conduct an annual calculation to determine the estimated national average teacher salary for each year of the current budget biennium that relies on the most up-to-date data from the source of the 50-state average salary of K-12 teachers in public school set forth in the annual Virginia Compared with the Other States report published by the Joint Legislative Audit and Review Commission. The bill permits the Department, in making such calculation, to use the trends of the percent change for the national average teacher salaries in the two to four years prior to project averages in each year of the current and upcoming biennia. The bill requires the results of such calculation to be reported to the Governor, the General Assembly, and the Board of Education by June 1 of each year. The bill also requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a certain flat percent annual pay increase for each individual employed in a Standards of Quality-funded position. The bill has a delayed effective date of July 1, 2024.

*Patron - Rasoul*

**F HB1574 School board selection; referendum on direct election of school board members by voters; authorization by local governing body.** Allows the governing body of a county, city, or town to file a petition with the circuit court of the county or city or of the county within which the town or the greater part thereof is located asking that a referendum be held on the question of whether the members of the school board of the county, city, or town shall be elected directly by the voters.

*Patron - Walker*

**F HB1576 School board for the City of Lynchburg; staggered terms in the event of election.** Requires, in the event that the school board for the City of Lynchburg is required to be elected by popular vote in accordance with relevant law that permits a voter referendum on the question of changing the method of school board member selection from

appointment to election, such school board to be elected for four-year terms and the school board elections to alternate biennially between the election of one member from each of the four ward districts and the election of one member from each of the three at-large districts to ensure staggered terms. The bill also establishes the timeline and process for the expiration of the terms of the nine then-currently appointed members and the election of the first seven elected members of such school board in the event of such a change in the school board member selection method in the City of Lynchburg.

*Patron - Walker*

**F HB1593 Standards for accreditation; school accreditation review frequency.** Eliminates the requirement that the Board of Education perform a triennial review of the accreditation status of a public school that has been fully accredited for three consecutive years. The bill also eliminates the provision permitting the Board to do a review of the accreditation status of any other school once every two or three years and the requirement that any such school receiving a multiyear accreditation status other than full accreditation be covered by a Board-approved multiyear corrective action plan. Under the bill, the Board is required to review annually the accreditation status of all schools in the Commonwealth.

*Patron - Davis*

**F HB1644 Public high schools; personnel; college and career specialist required.** Requires each school board to employ at least one college and career specialist, as defined in the bill, in each public high school in the local school division. The bill provides that each such individual shall be employed in addition to and not as a replacement for the required school counselor positions, specialized student support positions, or support services positions.

*Patron - Williams Graves*

**F HB1657 Virginia STEM Education Advisory Board; purpose and duties; historically underrepresented students.** Expands the purpose of the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board to include promoting the participation of historically underrepresented students, as defined in the bill, in primary and secondary schools in STEM education. The bill expands the duties of the Board to effectuate this additional purpose. Finally, the bill increases from 16 to 24 the nonlegislative citizen membership of the Board and provides that the eight additional members be appointed by the chairmen of the Virginia African American Advisory Board, Virginia-Asian Advisory Board, Latino Advisory Board, Council on Women, Virginia LGBTQ+ Advisory Board, Virginia Indian Advisory Board on State Recognition, Office of New Americans Advisory Board, and Virginia Board for People with Disabilities, with each chairman appointing one member representing the population served by his advisory board subject to the approval of a majority of the members of his advisory board.

*Patron - Price*

**F HB1666 Public schools; unscheduled remote learning days.** Provides that when severe weather conditions or other emergency situations have resulted in the closing of any school in a school division for in-person instruction, the school division shall declare an unscheduled remote learning day whereby the school provides instruction and student services that are consistent with guidelines established by the Department of Education to ensure the equitable provision of such services, provided, however, that no school division claims more than 10 unscheduled remote learning days in a school year unless the Superintendent of Public Instruction

grants an extension. Under current law, such unscheduled remote learning days are permissive rather than mandatory.

*Patron - Marshall*

**F HB1694 School boards; school building maintenance reserves.** Requires each local school board to establish and include in any multiyear capital improvement plan or substantially similar document that it adopts a school building maintenance reserve target of at least 1.5 percent of the replacement value of such building in order to avoid major replacement costs in the future. This bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - Simonds*

**F HB1695 Public high schools; personnel; career coach required.** Requires each school board to employ at least one career coach in each public high school in the local school division whose duties are required to include assisting students with securing internships, externships, and credentialing opportunities as required by the Profile of a Virginia Graduate, providing students with information on apprenticeship programs, and connecting students to career opportunities. The bill provides that each such individual shall be employed in addition to and not as a replacement for the required school counselor positions, specialized student support positions, or support services positions.

*Patron - Simonds*

**F HB1696 Public elementary school teachers; daily lunch breaks; length.** Requires each school board to ensure that all elementary school teachers in its employment are provided one lunch break per school day that is at least 30 minutes in length and unencumbered by any teaching or supervisory duties but that may be shortened or eliminated in the case of a bona fide emergency relating to health or safety.

*Patron - Simonds*

**F HB1707 Public school students; self-identification as gender other than biological sex; parental contact.** Requires any person licensed as administrative or instructional personnel by the Board of Education and employed by a local school board who, in the scope of his employment, has reason to believe, as a result of direct communication from a student, that such student is self-identifying as a gender that is different than his biological sex to contact, as soon as practicable and in accordance with Board guidelines, at least one of such student's parents to ask whether such parent is aware of the student's mental state and whether the parent wishes to obtain or has already obtained counseling for such student.

*Patron - Durant*

**F HB1717 Public elementary and secondary school teachers; certain training activities; frequency; report.** Prohibits any public elementary or secondary school teacher from being required to participate more frequently than once every five years in any training relating to the etiology, prevention, transmission modes, and effects of blood-borne pathogens; treating students with seizures and seizure disorders, including information about seizure recognition and related first aid; the appropriate management of student conduct and student offenses in violation of school board policies; or secure mandatory test violations. The bill requires each such teacher who completes any such training to sign a written attestation that the teacher has been trained in and understands the relevant subject matter. The bill requires each local school board to report to the Board of Education and the General Assembly no later than October 1, 2023, on the frequency with which each public elementary and secondary school teacher in

the local school division participates in each required training or professional development activity.

*Patron - VanValkenburg*

**F HB1728 Length of employment for certain temporarily employed teachers; short-term extension permitted.** Provides that, notwithstanding the relevant provision of law that permits a school board to employ a temporarily employed teacher to fill a teacher vacancy for a period of time not to exceed 90 days during one school year unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during the 2023–2024 and 2024–2025 school years, any school board may employ such a temporarily employed teacher to fill such a vacancy for a period of time not to exceed 180 days during one school year. The bill requires each such temporarily employed teacher to be at least 18 years of age and hold a high school diploma or have passed a high school equivalency examination approved by the Board of Education but provides that no such teacher shall be required to be employed pursuant to a written contract or to hold a license issued by the Board of Education.

*Patron - VanValkenburg*

**F HB1733 School boards; meetings; public comment or citizen participation; enrolled students.** Requires each school board to permit any student enrolled in a public elementary or secondary school in the local school division who provides acceptable proof of identification, including any current student identification card or other school document such as a report card or a personal school email address, and who signs up at least 12 hours in advance of the scheduled start of a school board meeting or is physically present at a school board meeting to submit oral comments during any public comment or citizen participation portion of such meeting.

*Patron - VanValkenburg*

**F HB1736 Family life education curriculum guidelines; human reproduction; viewing of ultrasound video recording.** Requires the instruction on human reproduction contained in the Board of Education's family life education curriculum guidelines to include the viewing of a video recording of an ultrasound of a live unborn human in the uterus.

*Patron - LaRock*

**F HB1742 Virginia student environmental literacy; plan; grant fund and program.** Requires the Board of Education, in consultation with the Office of Environmental Education at the Department of Conservation and Recreation, The Science Museum of Virginia, any other stakeholder that it deems appropriate, and the public, and in order to assist each local school board in developing and implementing a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning and emphasizes environmental literacy as an essential skill and concept of citizenship that is necessary for responsible participation in American society and in the international community, to establish and update at least once every five years a Virginia student environmental literacy plan (the plan) that includes certain descriptions and (i) prepares students to understand, analyze, and address the major environmental challenges facing the Commonwealth and the United States; (ii) provides field experiences as part of regular school curricula and creates programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition; and (iii) creates opportunities for the enhanced and ongoing professional development of teachers that improves teachers' environmental subject matter knowledge and pedagogical skills in teaching about environmental issues, including the use of interdisciplinary, field-based, and research-based learning and innovative technology in the classroom. The bill establishes the Virginia Student Environmental Literacy Plan

Grant Fund and Program, to be administered by the Department of Education, for the purpose of awarding grants on a competitive basis to any local school board that seeks assistance to initiate, expand, or improve teacher professional development opportunities or student environmental education programs that align with the content and objectives of the plan.

*Patron - Carr*

**F HB1794 High school student transcripts; certain test scores optional.** Prohibits any high school student transcript from including any test record, including scores, of any standardized test used for the purpose of college admissions, including any SAT or ACT test but excluding any Standards of Learning test, except upon the request of a high school student or the student's parent that such a test record be included on the student's high school transcript.

*Patron - Simonds*

**F HB1803 Public elementary and secondary schools; certain opportunities for parental involvement.** Requires the opportunities for parental involvement required to be provided by each school board to include the opportunity for parents of students enrolled in the local school division to receive advance written or electronic notification of and opt their child out of any speech, presentation, or performance in the relevant school by any outside individual or entity.

*Patron - Freitas*

**F HB1823 Board of Education; College and Career Readiness for English Language Learners Grant Program and Fund; established.** Establishes the College and Career Readiness for English Language Learners Grant Program and Fund to support English language learner students in preparing for postsecondary opportunities by providing reimbursement grants to eligible school divisions for providing and expanding access to certain career, technical, apprenticeship, and college readiness and preparation programs and courses for high school students identified as having limited English proficiency. The bill provides that the total value of reimbursement grants awarded to any school division annually shall not exceed an amount equal to \$500 times the number of English language learner students in grades nine through 12 enrolled in such school division. The bill directs the Board to establish such guidelines as it deems necessary for the administration of the Program and to establish procedures for determining amounts and prioritizing the award of such reimbursement grants in the event that the moneys in the Fund are not sufficient to provide each school division the full grant amount for which they are qualified. Finally, the bill provides that reimbursement grants shall be awarded to eligible school divisions beginning with the 2023–2024 school year.

*Patron - Avoli*

**F HB1824 Employment of teachers; English as a Second Language Incentive Reward Program and Fund; established.** Provides that each local school board shall adopt employment policies and practices designed to promote the employment of highly qualified teachers to effectively serve the educational needs of students who are English language learners, including providing financial support for teachers seeking and obtaining an endorsement in English as a second language pre-kindergarten through grade 12. The bill also establishes the English as a Second Language Incentive Reward Program and Fund for the purpose of awarding incentive grants to public school teachers in the Commonwealth who obtain an endorsement in English as a second language pre-kindergarten through grade 12. The bill provides that the Board of Education shall award to any teacher who obtains such endorsement an initial incentive grant of \$5,000 and a subsequent incentive grant of \$2,500 each year for the life of



the endorsement, with such incentive grants to resume upon renewal of the endorsement. Finally, the bill directs the Board to establish such guidelines as it deems necessary for the administration of the Program and to establish procedures for the award of such incentive grants in the event that the moneys in the Fund are not sufficient to award each eligible teacher the appropriate award amount.

*Patron - Avoli*

### **F HB1825 Child care; background checks.**

Allows applicants for employment and applicants to serve as volunteers to work in certain child day centers, family day homes, and family day systems pending the results of a full background check, provided that (i) the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation and (ii) the applicant is supervised at all times by a person who received a qualifying result on a full background check within the past five years.

*Patron - Avoli*

### **F HB1851 Board of Education; Standards of Learning; revision; consultation.**

Requires the Board of Education, at least 30 days prior to the public hearings that it is required to hold prior to establishing revised Standards of Learning, to publish on its website in a publicly accessible format a list of each individual and organization that has been consulted regarding the revision of such Standards of Learning and the amount paid by any state agency or entity for any such consultation, if applicable.

*Patron - Subramanyam*

### **F HB1852 Public school buildings and facilities; construction and renovation; renewable energy generation facilities; report.**

Directs the Commission on School Construction and Modernization, in consultation with the Department of Energy, to develop and make recommendations on strategies to assist interested school divisions with incorporating renewable energy generation facilities in the construction or renovation of school buildings. The bill requires the Commission to report the recommendations to the House Committee on Appropriations and the Senate Committee on Finance and Appropriations no later than November 1, 2023.

*Patron - Subramanyam*

### **F HB1887 Local school boards and comprehensive community colleges; compensation structure for adjunct instructors; credit-bearing and noncredit workforce credentials.**

Encourages local school boards and comprehensive community colleges to enter into local or regional agreements for the establishment and implementation of a competitive compensation structure to recruit and retain adjunct instructors to be jointly compensated by the relevant school boards and colleges to prepare both high school students and college students to earn credit-bearing workforce credentials and noncredit workforce credentials, as that term is defined in relevant law.

*Patron - Byron*

### **F HB1893 School boards; websites; posting of certain information required.**

Requires, prior to the start of each school year, each school board to post on its website in a prominent location and in a format that is easily accessible to the public (i) a list of each textbook to be used in any elementary or secondary school in the local school division during that school year and (ii) the Standards of Learning and any associated curriculum framework that correlate with any course or class to be offered in any elementary or secondary school in the

local school division during that school year or a link to another source that contains such information.

*Patron - Walker*

**F HB1903 School boards; school libraries; contents; online portal for parents.** Requires each school board to develop and adopt policies that include a requirement for the school board to (i) develop and maintain an online portal that is accessible by the parent of each student enrolled in the local school division whereby the parent may access a detailed description of the content of and other relevant information about each book contained in the library of the school that his child attends and (ii) email to the parent of a student enrolled in the local school division whenever such student checks a book out of the school library (a) the name of the book and (b) a link to such online portal.

*Patron - Durant*

### **F HB1909 Public elementary and secondary schools; establishment of opportunity classrooms.**

Provides that, subject to school board or school administration approval, each local school board shall enter into an agreement to establish an opportunity classroom, or a classroom in which an alternative curriculum is offered, with a requesting party if such party represents more than 20 students and permits such local school board to enter into such an agreement if such requesting party represents fewer than 20 students. The bill provides that a "requesting party" includes (i) a public elementary or secondary school teacher or a group of such teachers in a local school division or (ii) a parent whose child attends a public elementary or secondary school or group of such parents, with the involvement of at least one teacher employed in such local school division. Finally, the bill delineates requirements for such agreements to establish opportunity classrooms relating to funding for classroom instruction and services, provision of transportation for students enrolled in an opportunity classroom, and assessments and standards of evaluation for students enrolled in an opportunity classroom. The bill has an expiration date of July 1, 2028.

*Patron - Batten*

### **F HB1938 Public schools; staffing ratios; school counselors with training or experience in mental health.**

Requires each school board to employ, in addition to the school counselors that it employs as otherwise required by law, at least one full-time school counselor with specialized training or experience in mental health per 1,000 students in grades kindergarten through 12.

*Patron - Plum*

### **F HB1967 School meals; availability at no cost to students.**

Provides that each school board shall require each public elementary and secondary school in the local school division to participate in the federal National School Lunch Program and the federal School Breakfast Program administered by the U.S. Department of Agriculture or in the Community Eligibility Provision as provided in relevant law, if applicable, and to make lunch and breakfast available to any student who requests such a meal at no cost to the student, unless the student's parent has provided written permission to the school board to withhold such a meal from the student. The bill also repeals provisions of law relating to the federal School Breakfast Program and to school meal debt that are rendered obsolete by the aforementioned provisions of the bill.

*Patron - Mullin*

**F HB1980 School boards; codes of student conduct; student discipline alternatives.** Requires the Board of Education to include in its guidelines and model policies for codes of student conduct criteria for the use of non-exclusion-



ary student discipline measures. The bill requires each school board's code of student conduct to be consistent with but permits such code to be more stringent than such guidelines and the Board of Education's guidelines for alternatives to short-term and long-term suspension. The bill also requires each such code of student conduct to include a requirement to utilize as alternatives to suspension, expulsion, and exclusion other interventions such as positive behavior incentives, mediation, peer-to-peer counseling, and community service and to include a requirement to report on the use of student instructional supports and behavioral interventions as categorized by the Department of Education in its student behavior and administrative response data collection.

*Patron - Kory*

**F HB1981 Board of Education; Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia; school security officers and school resource officers.** Requires the Board of Education's Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia to apply to school security officers and school resource officers and requires the Board to make such amendments to such regulations as may be necessary to effectuate the provisions of the bill.

*Patron - Kory*

**F HB1983 Department of Education; work group; best practices for positive behavioral supports for students and trauma-informed school security practices; report.** Requires the Department of Education to establish a work group composed of certain enumerated and other stakeholders to consider best practices for positive behavioral supports for students and trauma-informed school security practices, including examining the feasibility and appropriateness of hiring of school safety coaches who can monitor the school environment for safety and build positive relationships with students and implementing policies and strategies for increasing the number of other appropriately trained school personnel. The bill requires the work group to complete its work and submit its findings and any recommendations to the Governor, the General Assembly, and the Board of Education no later than November 1, 2023.

*Patron - Kory*

**F HB2030 School boards; nonresident student enrollment policies; work group; report.** Requires any school board that accepts for enrollment students who reside outside of the local school division to establish and make available to the public policies or regulations that include considerations for the eligibility for such nonresident student enrollment, application procedures and timelines, and a transparent and fair method to address enrollment requests beyond capacity. The bill requires the Department of Education to compile and post publicly and prominently on its website a database of each such set of school board policies or regulations. The bill requires the Secretary of Education and the Superintendent of Public Instruction to convene a work group of relevant stakeholders to issue recommendations no later than October 1, 2023, to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, the House Committee on Education, and the Senate Committee on Education and Health on the implementation of tuition-free nonresident student enrollment in the Commonwealth.

*Patron - Ballard*

**F HB2031 Department of Education; establishment of Farm to School Program Task Force.** Requires the Department of Education to establish and appoint such mem-

bers as it deems necessary or appropriate to the Farm to School Program Task Force for the purpose of increasing student access throughout the Commonwealth to high-quality farm to school programs, defined in the bill as programs (i) whereby public schools purchase and feature prominently in school meals locally produced food or (ii) that involve experiential student learning opportunities relating to local food and agriculture, including school and community garden programs and local farm visits. The bill requires the Task Force to collaborate with local school boards, community-based organizations, farmers, relevant state and local agencies, and other relevant stakeholders to (a) assess existing farm to school programs within and outside the Commonwealth to identify and disseminate to each local school board best practices for implementing and sustaining such programs, (b) establish and distribute to each local school board a guidance document for the establishment and operation of school garden programs, (c) provide information and resources to each local school board to assist it in leveraging grant funds to support farm to school programs, and (d) collect such data and make such policy recommendations to local school boards, the Board of Education, and the General Assembly as it deems appropriate.

*Patron - Roem*

**F HB2052 School boards; policies for excusing students from attendance at school; religious reasons.** Requires each local school board to develop policies for excusing students who are absent from school for religious reasons, including the observance of a religious holiday or participation in religious instruction. Current law only requires each local school board to develop policies for excusing students who are absent from school by reason of observance of a religious holiday.

*Patron - Glass*

**F HB2067 Advanced Placement/International Baccalaureate Exam Fee Elimination Fund and Program established.** Establishes the Advanced Placement/International Baccalaureate (AP/IB) Exam Fee Elimination Fund and Program, to be administered by the Department of Education, pursuant to which each local school board is entitled to an annual grant in a sum sufficient to cover all applicable fees associated with taking an AP or IB examination for any public high school student in the local school division who is eligible to receive free or reduced price lunch. The bill requires each local school board to annually notify the parents of each public high school student in the local school division who is eligible for free or reduced price lunch of the opportunity for the student to take an AP or IB examination at no cost. The bill requires the Board of Education to transfer any unspent and unobligated federal Elementary and Secondary School Emergency Relief (ESSER) state reserve funds to the AP/IB Exam Fee Elimination Fund.

*Patron - Lopez*

**F HB2069 School boards; student member required.** Requires each school board to establish a method for the selection of a student to serve as a member of the school board, subject to the following conditions: (i) the student is enrolled in a public high school in the local school division; (ii) any such student is eligible to be selected as a member of the school board without regard to such student's age or citizenship status, provided, however, that in the event that the method for selection of the student member is election, the student meets the qualifications to hold elective office set forth in Article II, Section 5 of the Constitution of Virginia; (iii) the school board establishes detailed policies, procedures, and timelines relating to such selection method, including policies that establish term length, eligibility to serve with or without voting privileges, eligibility for a salary, eligibility for selection to subsequent

terms, and grounds for removal; and (iv) each student selected to serve as a member of the school board serves in addition to and not as a replacement for any member duly authorized and selected to serve on the school board in accordance with relevant law, and each such student member factors into the calculation of a quorum.

*Patron - Lopez*

**F HB2090 Standards of Quality; funding to support achievement of at-risk students.** Requires, in addition to the positions supported by basic aid, state funding to be provided to support the achievement of at-risk students, based upon the concentration of students identified as eligible for federal free or reduced lunch, as provided in the general appropriation act, in each school division.

*Patron - Glass*

**F HB2111 Standards of Quality; work-based learning; teacher leaders and mentors; principal mentors; certain personnel positions and initiatives.** Makes several changes to the Standards of Quality, including requiring the establishment of units in the Department of Education to oversee work-based learning and principal mentorship statewide and requiring the Board of Education to establish and oversee the local implementation of teacher leader and teacher mentor programs in Standard 5. The bill also makes several changes relating to school personnel in Standard 2, including (i) requiring each school board to employ teacher leaders and teacher mentors at specified student-to-position ratios; (ii) lowering the ratio of English language learner students to teachers; (iii) lowering the ratio of assistant principals to students in each elementary, middle, and high school; (iv) lowering the ratio of school counselors to students in grades kindergarten through 12; and (v) increasing the required number of specialized student support positions from at least three to at least four such positions per 1,000 students. Such specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions.

*Patron - Bourne*

**F HB2136 Removal or restriction of access to printed or audiovisual material in public school libraries; review standards and procedures; protected classes or characteristics.** Prohibits local school boards from removing or restricting access to printed or audiovisual materials available in public school libraries solely on the basis of the presence of characters, literary elements, themes, symbols, or other literary content relating to protected characteristics, including race, color, religion, national origin, sex, marital status, sexual orientation, gender identity, or disability or other medical condition, or protected classes as defined in relevant law. The bill further provides that each school board must apply review standards related to the removal or restriction of access to printed or audiovisual material in public secondary school libraries, including those involving sexual content or nudity, consistently and equally, free from viewpoint discrimination based on the presence of literary representations of or literary content relating to such protected classes or protected characteristics.

*Patron - Delaney*

**F HB2143 Department of Education; Teach for Virginia Loan Repayment Assistance Fund and Program established.** Establishes the Teach for Virginia Loan Repayment Assistance Fund and Program, to be administered by the Department of Education, for the purpose of recruiting and retaining teachers in communities and subject areas in which they are needed the most by providing on a competitive basis

an annual renewable grant of up to \$5,000 toward loan repayment assistance to any teacher licensed by the Board of Education who has certain student loan debt, who is currently employed by a local school division in the Commonwealth, and who, for at least one year immediately preceding application, has taught in a public elementary or secondary school in the Commonwealth in a critical shortage area identified by the Superintendent of Public Instruction pursuant to relevant law or in a public elementary or secondary school in the Commonwealth in which the percentage of students eligible for free or reduced price lunch is higher than the statewide average percentage of students eligible for free or reduced price lunch.

*Patron - Guzman*

**F HB2145 Standards of Learning assessments; English language learner students; parental opt out; parental notification; translation; report.** Requires each local school board to ensure that the parent of each English language learner student is notified of the option to not have his child take any Standards of Learning assessment. The bill requires such notification to be made in the parent's preferred language and, in the case of the parent of a high school student, to include a detailed explanation of the implications of such a decision on the student's ability to satisfy high school graduation requirements. The bill also requires the Department of Education to review and make recommendations on the feasibility of translating certain Standards of Learning assessments into native languages predominantly spoken by English language learner students in the Commonwealth and administering such translated assessments to certain English language learner students in lieu of the associated Standards of Learning assessments written in the English language and to submit to the Governor, the Board of Education, and the General Assembly no later than November 1, 2023, a report containing the findings of its review and its recommendations.

*Patron - Guzman*

**F HB2149 Certain public elementary schools; parent liaison position.** Requires a local school board to employ, in any public elementary or secondary school in which at least 20 percent of enrolled students are identified as members of a single racial or ethnic group that constitutes a minority of the total population of the United States, at least one full-time parent liaison who is also a member of such racial or ethnic group per the first 200 students who are identified as members of such group and at least one such additional full-time parent liaison per each additional 300 students who are identified as members of such group beyond the first 200 such students. The bill requires each such parent liaison to serve as a liaison between the guardians of such students and the school principal and staff and to provide guardians, particularly of minority students, with a variety of information about school programs, requirements, resources, events, and activities and perform related work as required. The bill requires these positions to be included in the Standards of Quality and funded by the Commonwealth at a rate equivalent to the school division's prevailing average secondary teacher cost and provides that these positions shall not be considered support services positions. The bill also provides that the General Assembly recognizes the necessity for and encourages each school board to employ parent liaisons in schools in the local school division with impacted attendance rates and lower enrollment rates because of the COVID-19 pandemic.

*Patron - Guzman*

**F HB2154 Mental health awareness training; school bus drivers.** Requires each school bus driver employed in each local school division in the Commonwealth to com-

plete at least once a mental health awareness training or similar program provided by the local school board.

*Patron - Guzman*

**F HB2170 Public school pupil participation on certain teams and in certain clubs; parental consent and notification.** Provides that the prior written consent of the parent of a public school pupil is required for the pupil to participate on any school-sponsored athletic or academic team or in any extracurricular club that meets before, during, or after regular school hours and that either is officially recognized by the school or meets on school property. The bill requires the school to notify any such parent of any such pupil when the pupil participates on any such team or in any such club without the required prior written consent of the parent.

*Patron - Williams*

**F HB2177 Critical National Security Language Grant Fund and Program established.** Establishes the Critical National Security Language Grant Fund and Program within the Department of Education for the purpose of awarding grants on a competitive basis to any school division that provides one or more foreign language courses in a foreign language that is currently identified as critical by the National Security Language Initiative for Youth scholarship program. The bill provides that such grants are limited to an annual amount sufficient to provide one or more full-time equivalent teaching positions to provide one or more critical foreign language courses.

*Patron - Sickles*

**F HB2188 School psychologists; staffing flexibility.** Provides that in order to fill vacant school psychologist positions, any local school board may employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment. This bill is a recommendation of the Behavioral Health Commission and the Joint Legislative Audit and Review Commission.

*Patron - Rasoul*

**F HB2264 Department of Education; written guidance for comprehensive school counseling program.** Requires the Department of Education to develop and implement by the beginning of the 2024-2025 school year written guidance for a comprehensive school counseling program for the purpose of providing counseling services and supports in the school setting that address the academic achievement, college and career readiness, and mental health and social and emotional needs of all students.

*Patron - Ransone*

**F HB2269 Certain federal pandemic relief funds for public education; certain conditions.** Requires any local school division that, as of July 1, 2023, has available and unspent or unobligated federal ESSER formula funds exceeding 20 percent of its total awarded allocations to return unspent or unobligated ESSER or GEER state set-aside funds awarded to the local school division by the Virginia Department of Education (the Department) to the Department no later than July 15, 2023, unless precluded by federal law or regulation. The bill requires the Department to subsequently expend, including through awarding such funds to local school divisions, any such returned ESSER or GEER state set-aside funds for student instruction and remediation. The bill also requires each local school division to obtain the approval of the local school

board for its federal ESSER III spending plan, update such spending plan at least once every six months, and publish such spending plan in an accessible format on a publicly available website.

*Patron - Greenhalgh*

**F HB2307 Board of Education; standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings.** Requires the Board of Education to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2023. This bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - Simonds*

**F HB2341 Board of Education; high school graduation; alternative pathways to the advanced studies diploma and associated diploma seals.** Directs the Board of Education to establish two pathways to the advanced studies high school diploma, and associated diploma seals for students who successfully follow and demonstrate excellence on such pathways: one pathway that requires advanced coursework in a career and technical education field but does not require coursework in world language and another pathway that requires advanced coursework in world language but does not require coursework in a career and technical education field. The bill requires such pathways and associated diploma seals to become effective for the 2024-2025 school year and to be available to any student, regardless of the school year during which the student enters ninth grade.

*Patron - Davis*

**F HB2346 School boards; anonymous reporting system; assessment of risk of violence and prevention of student harm to self or others.** Encourages each school board to contract with a private nonprofit organization to procure and make available an anonymous reporting system for the assessment of risk or violence and the prevention of student harm to self or others that includes the following features and components: (i) a secure platform for students to submit messages and tips relating to violence or harm to self or others by telephone, website, and a multiplatform compatible mobile application; (ii) student access, 24 hours per day, seven days per week, and 365 days per year, to a national crisis center that is staffed by a team of highly skilled and trained crisis counselors whose sole duty is to respond to messages and tips from students relating to violence or harm to self or others; (iii) ongoing program support; and (iv) training for student and adult users.

*Patron - Guzman*

**F HB2358 Employment of school protection officers in public schools.** Permits any local law-enforcement agency to employ in any public elementary or secondary school in the local school division, pursuant to an agreement with the local school board, a school protection officer, defined in the bill as a retired law-enforcement officer hired by the local law-enforcement agency on a part-time basis to provide

limited law-enforcement and security services to public elementary and secondary schools in the Commonwealth. The bill requires each such school board and local law-enforcement agency to enter into a memorandum of understanding that sets forth the powers and duties of school protection officers. The bill requires the Department of Criminal Justice Services to establish compulsory training standards for school protection officers and requires the collection of certain data relating to the activities of such officers.

*Patron - Durant*

**F HB2367 Department of Education; statewide strategic plan; speech-language pathologists.** Requires the Department to develop and maintain a statewide strategic plan for recruiting and retaining speech-language pathologists that, at a minimum, (i) analyzes data to determine the specific staffing needs of local school divisions on an ongoing basis; (ii) evaluates the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for speech-language pathologists, and the expansion of speech-language pathologist mentorships; and (iii) estimates the costs of implementing each such strategy, including the extent to which federal funds could be used to support implementation. The bill requires the Department, no later than November 1 of each year, to update the Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan. The foregoing provisions of the bill have a delayed effective date of July 1, 2024. The bill also directs the Department of Education and the Board of Education, in consultation with each local school board, to (a) examine the caseloads and compensation of speech-language pathologists in each local school division, (b) compare such caseloads and compensation to those of speech-language pathologists in contiguous states, and (c) make recommendations to the Governor and the General Assembly no later than November 1, 2023, for such amendments to relevant law and the general appropriation act as may be necessary to effectuate a reduction in caseloads and increase in compensation that would facilitate stronger recruitment and retention of speech-language pathologists in public elementary and secondary schools in the Commonwealth.

*Patron - Hudson*

**F HB2378 Public school teachers; licensure; recruitment and retention; provision of temporary funding.** Directs temporary funding to be provided to local school divisions identified as having experienced increased teacher turnover or teacher staffing shortages for the purpose of providing recruitment and retention bonuses to encourage teachers to attain employment and remain employed in such school divisions and teacher tuition assistance to support provisionally licensed teachers in such school divisions in attaining full licensure.

*Patron - Maldonado*

**F HB2388 Public elementary and secondary schools; programs of instruction; mental health education; curriculum guidelines; instruction required.** Requires each public elementary, middle, and high school to provide at each grade level, in addition to health instruction, an additional age-appropriate course of instruction on mental health. The bill directs the Board of Education to develop mental health curriculum guidelines for an age-appropriate, sequential mental health curriculum for each grade level and requires such curriculum guidelines to include instruction on (i) understanding general themes of social and emotional learning, including self-awareness, self-management, responsible decision making, relationship skills, and social awareness; (ii) recognizing symptoms of common mental health challenges; (iii) promot-

ing mental health wellness and healthy strategies for coping with stress and negative feelings, including conflict resolution skills; (iv) seeking assistance for mental health concerns and challenges; (v) promoting awareness of the prevalence of mental health challenges and the importance of overcoming common mental health stigmas; (vi) understanding the importance of mental health to a student's physical, academic, and overall well-being; and (vii) understanding age-appropriate instruction at such grade levels as the Board deems appropriate on the connection between mental health and substance use disorders. The bill permits the Board to consult with the Department of Behavioral Health and Developmental Services and other mental health experts in developing such curriculum guidelines and requires the Board to submit such guidelines to the State Board of Health for approval. The bill requires the Board to review and update by the beginning of the 2024–2025 school year the health Standards of Learning for each grade level to include such instruction on the mental health curriculum guidelines.

*Patron - Price*

**F HB2399 School boards; unexpended local funds; capital reserve fund permitted.** Permits any school board to establish a capital reserve fund as a savings account into which it exclusively deposits the local operating funds that remain unexpended at the end of the year for future school division capital expenditures at no additional cost to local taxpayers, subject to certain conditions enumerated in the bill.

*Patron - Simonds*

**F HB2405 High school graduation requirements; passing score on select questions from the U.S. Naturalization Test.** Requires the Board of Education, in establishing high school graduation requirements, to require, except in the case of a high school student whose individualized education program indicates otherwise, each high school student to take and correctly answer at least 70 percent of the questions on a test composed of at least 50 but not more than 60 of the questions on the civics portion of the U.S. Naturalization Test in order to graduate high school with a standard or advanced studies diploma, provided that such student may take such test at any time during grades nine through 12 and as many times during such period as necessary to achieve the minimum 70 percent passing score.

*Patron - Ware*

**F HB2426 Public school pupils and parents; access to certain postsecondary information.** Prohibits any school board, public elementary or secondary school, including any joint or regional school, or employee or agent of such school board or school, including any division superintendent or school principal, from withholding from any pupil or the pupil's parent any information that is transmitted to such school board, school, employee, or agent and that (i) relates to any recognition, award, or postsecondary scholarship eligibility earned by the student, including any such recognition, award, or eligibility earned as the result of the student's achievement on the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination, or (ii) may affect the student's admission to an institution of higher education. The bill requires all such information to be transmitted to the pupil and the pupil's parent as soon as practicable after receipt of the information.

*Patron - Freitas*

**F HB2432 Sage's Law; minor students experiencing gender incongruence; parental notification of certain expressions and requests and parental permission for certain plans required; parental care.** Requires each public elementary or secondary school principal or his designee to (i) as soon as practicable, inform at least one parent of a minor

student enrolled in such school if such minor (a) expresses to any individual who is employed in such school that such minor is experiencing gender incongruence, as defined in the bill, or (b) requests that any such employee participate in social affirmation of such minor's gender incongruence or the transition of such minor to a sex or gender different from the minor's biological sex while at school and (ii) request and receive permission from at least one parent of a minor student enrolled at such school prior to the implementation at such school of any plan concerning any gender incongruence experienced by such minor, including any counseling of such minor at school. Any such plan shall include provision for parental participation to the extent requested by the parent. The bill also clarifies, in the definition of the term "abused or neglected child," that in no event shall referring to and raising the child in a manner consistent with the child's biological sex, including related mental health or medical decisions, be considered abuse or neglect.

*Patron - LaRock*

**F HB2439 Elementary and secondary schools; temporary funding for instructional assistants.** Directs temporary funding to be provided to each elementary and secondary school identified as an underperforming school, as defined in the bill, for the purpose of hiring instructional assistants to aid and support teachers in providing small group and individualized instruction, meet the various instructional and behavioral needs of students, and reduce teacher workloads.

*Patron - Maldonado*

**F HB2440 Establishment of Asian American and Pacific Islander Heritage Commission; report.** Establishes the 16-member Asian American and Pacific Islander Heritage Commission as an advisory commission in the executive branch of state government for the purpose of advising the Board of Education on the implementation of educational standards regarding Asian or Asian American and Pacific Islander contributions, culture, history, heritage, and language. The bill requires annual reports on the Commission's interim activities and work to the Governor and General Assembly and has an expiration date of July 1, 2027.

*Patron - Greenhalgh*

**F HB2490 Division laboratory schools; application and establishment; Laboratory School Fund established.** Provides a framework for the application for and establishment of a division laboratory school as a public, non-religious, or non-home-based alternative school located within a local school division that is created as a new public school or through the conversion of all or part of an existing public school and is subject to the student assessment and accountability requirements applicable to other public schools in the Commonwealth. The bill exempts division laboratory schools from certain laws that govern other public schools in the Commonwealth and permits such schools to operate free from specified school division policies and state regulations and be granted flexibility in school scheduling. Finally, the bill establishes the Laboratory School Fund to be used for the purposes of establishing or supporting college partnership laboratory schools and division laboratory schools.

*Patron - Davis*

**F HB2495 Establishment of Middle School Mathematics Innovation Zone Program.** Establishes the Middle School Mathematics Innovation Zone Program, to be administered by the Department of Education, for the purpose of assisting local school divisions to implement competency-based mathematics education and evidence-based mathematics learning models in grades six, seven, and eight in partnership with technical assistance providers and other approved providers, with preference to be given to public middle schools that

demonstrate need based on data from the immediately preceding school year on the grades five, six, and seven mathematics Standards of Learning assessments, rural public middle schools, and public middle schools in economically disadvantaged areas.

*Patron - Durant*

**F HJ521 Study; Advisory Board on Teacher Education and Licensure; impact of the Commonwealth joining the Interstate Teacher Mobility Compact; report.** Requests the Advisory Board on Teacher Education and Licensure to study the impact of the Commonwealth joining the Interstate Teacher Mobility Compact and report to the General Assembly no later than November 30, 2023, its findings and a recommendation regarding whether the Commonwealth should join such compact.

*Patron - Sewell*

**F HJ534 Study; Department of Education; enhancing the usage of augmented reality and virtual reality technology in K-12 classrooms and curricula; use of augmented reality and virtual reality in special education; report.** Requests the Department of Education to study ways to enhance the usage of augmented reality and virtual reality (AR/VR) technology in the classroom and curricula for grades K-12 and how AR/VR technology can be used to improve and enhance education for students with certain disabilities and learning impairments.

*Patron - Wampler*

**F SB787 Public school libraries; printed or audiovisual materials; selection, evaluation, and checkout procedures.** Requires each local school board to adopt policies addressing the selection and evaluation of all printed or audiovisual materials purchased by, donated to, or otherwise made available to the school division that will be made available to students in school libraries, with clear procedures for (i) mandatory prior written parental consent before a student is permitted to check out from the school library any such printed or audiovisual materials that depict a child engaged in the fondling of the sexual or genital parts of another or the fondling of his sexual or genital parts by another, masturbation, sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, or object sexual penetration and (ii) handling challenged controversial instruction materials.

*Patron - DeSteph*

**F SB806 STEM+C Competition Team Grant Program and Fund; established.** Establishes the Science, Technology, Engineering, Mathematics, and Computing (STEM+C) Competition Team Grant Program to encourage interest in STEM+C-related subject areas and support STEM+C-related extracurricular team-building activities in public schools in the Commonwealth by providing grants to qualified schools, as defined in the bill, for use in establishing or supporting STEM+C competition teams. The bill also creates the STEM+C Competition Team Grant Fund for the purpose of providing such grants to qualified schools.

*Patron - Stanley*

**F SB818 Public elementary and secondary schools; programs of instruction; mental health education; curriculum guidelines; instruction required.** Requires each public elementary, middle, and high school to provide at each grade level, in addition to health instruction, an additional age-appropriate course of instruction on mental health. The bill directs the Board of Education to develop mental health curriculum guidelines for an age-appropriate, sequential mental health curriculum for each grade level and requires such curriculum guidelines to include instruction on (i) understanding

general themes of mental health and wellness, (ii) recognizing symptoms of common mental health challenges, (iii) promoting mental health wellness, (iv) seeking assistance for mental health concerns and challenges, (v) promoting awareness of the prevalence of mental health challenges and the importance of overcoming common mental health stigmas, (vi) understanding the importance of mental health to a student's physical, academic, and overall well-being, and (vii) understanding, at such grade levels as the Board deems appropriate, age-appropriate instruction on the connection between mental health and substance use disorders. The bill permits the Board to consult with the Department of Behavioral Health and Developmental Services and other mental health experts in developing such curriculum guidelines and requires the Board to submit such guidelines to the State Board of Health for approval. The bill requires the Board to review and update by the beginning of the 2024–2025 school year the health Standards of Learning for each grade level to include such instruction on the mental health curriculum guidelines.

*Patron - Spruill*

**F SB819 Public schools; Standards of Quality; early intervention services for reading and mathematics; use of certain alternative assessments permitted.** Provides that each local school division is permitted to use any nationally recognized, research-based assessment or screener in identifying and assessing the progress of any student in need of reading or algebra readiness intervention services as an alternative to a diagnostic test that must be approved by the Department of Education.

*Patron - Favola*

**F SB823 Parental Choice Education Savings Accounts.** Permits the parent of a public preschool, elementary, or secondary school student who meets certain criteria to apply to the school division in which the student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding to which the student is eligible. The bill permits the parent to use the moneys in such account for certain education-related expenses of the student, including tuition, deposits, fees, and required textbooks at a private, sectarian or nonsectarian elementary or secondary school or preschool that is located in the Commonwealth and does not discriminate on the basis of race, color, or national origin. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

*Patron - Chase*

**F SB832 Public schools; parental rights to educational transparency.** Declares that the parent of any student enrolled in a public elementary or secondary school in the Commonwealth has the right to (i) access a list of any printed or audiovisual instructional material; (ii) participate in the textbook review and approval process; (iii) receive notice of and give informed consent to any counseling or guidance program offered to his child by the school; (iv) access his child's education records; (v) receive advance, written notice of any school-sponsored field trip, activity, assembly, presentation, or other event at which his child's attendance is invited, including a clear opt-out provision; (vi) receive advance notice of any questionnaire or survey to be administered to his child; (vii) receive notice of and attend any public meeting of the school board in the local school division in which his child is enrolled; (viii) review the annual school division budget and expendi-

tures; and (ix) petition the circuit court with jurisdiction over such child's local school division to review an action of the school board if the parent is aggrieved by such action. The bill requires the Department of Education to develop and make available to each school board model policies and procedures to ensure compliance with the parental right to review and exempt his child from any printed or audiovisual instructional materials used as a part of the curriculum in any class or course in which such parent's child is enrolled. The bill also revises existing policies and duties of each local school board in accordance with the parental rights to transparency in education.

*Patron - Chase*

**F SB848 Public school buildings and facilities; construction and renovation; renewable energy generation facilities; report.** Directs the Commission on School Construction and Modernization, in consultation with the Department of Energy, to develop and make recommendations on strategies to assist interested school divisions with incorporating renewable energy generation facilities in the construction or renovation of school buildings. The bill requires the Commission to report the recommendations to the House Committee on Appropriations and the Senate Committee on Finance and Appropriations no later than November 1, 2023.

*Patron - Favola*

**F SB856 Public elementary and secondary schools; comprehensive school counseling program; development and implementation.** Requires each local school board to develop and implement a written plan for a comprehensive school counseling program for the purpose of providing support that meets the mental and emotional health needs of all students and guiding students in academic progress, post-secondary planning, and social-emotional learning. The bill requires each local school board to develop and implement such written plan by the beginning of the 2024–2025 school year.

*Patron - Spruill*

**F SB876 Public elementary and secondary schools; enrollment; immunization requirements.** Prohibits any child from being denied admission to school for not receiving a COVID-19 vaccination. The bill also prohibits the State Board of Health from adopting any regulation requiring immunization against COVID-19 for attendance at any public elementary or secondary school.

*Patron - McDougle*

**F SB883 Standards for accreditation; school accreditation review frequency.** Eliminates the requirement that the Board of Education perform a triennial review of the accreditation status of a public school that has been fully accredited for three consecutive years. The bill also eliminates the provision permitting the Board to do a review of the accreditation status of any other school once every two or three years and the requirement that any such school receiving a multiyear accreditation status other than full accreditation be covered by a Board-approved multiyear corrective action plan. Under the bill, the Board is required to review annually the accreditation status of all schools in the Commonwealth.

*Patron - Newman*

**F SB890 Veterans' Teaching Licensure Support Fund and Program; established.** Establishes the Veterans' Teaching Licensure Support Fund and Program for the purpose of supporting veterans and service members teaching in a public school in the Commonwealth or pursuing a career in education in the Commonwealth by awarding a reimbursement grant to eligible veterans and service members to reimburse them for

their professional studies tuition expenses incurred toward receiving teacher licensure in the Commonwealth.

*Patron - Hashmi*

**F SB911 K-12 schools and institutions of higher education; interscholastic, intercollegiate, intramural, and club athletic teams and sports; participation on teams based on biological sex; certain requirements; civil cause of action.** Requires each public elementary or secondary school and each public institution of higher education to expressly designate all interscholastic, intercollegiate, intramural, or club athletic teams and sports sponsored by such school based on biological sex as follows: (i) for "males," "men," or "boys"; (ii) for "females," "women," or "girls"; or (iii) as "coed" or "mixed" if such team or sport is open to participation by both (a) males, men, or boys and (b) females, women, or girls. The bill provides that a student's "biological sex" is the statement of such student's biological sex on such student's official birth certificate if the statement was filed at or near the time of the student's birth. The bill prohibits any student whose biological sex is female from participating on any interscholastic, intercollegiate, intramural, or club team or sport that is expressly designated for "males," "men," or "boys," unless such school or institution does not offer an equivalent team or sport that is expressly designated for "females," "women," or "girls," or as "coed" or "mixed." The bill also prohibits any student whose biological sex is male from participation on any interscholastic, intercollegiate, intramural, or club team or sport that is expressly designated for "females," "women," or "girls." Furthermore, the bill prohibits any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a public elementary or secondary school or sponsored by a public institution of higher education from competing against any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a private elementary or secondary school or a private institution of higher education unless such private school or institution also complies with the provisions of the bill. Finally, the bill creates a civil cause of action for students that suffer any deprivation, harm, retaliation, or adverse action or for schools that suffer any harm as a result of a violation of the provisions of the bill, provided that such action is initiated within two years of such deprivation, harm, retaliation, or adverse action.

*Patron - Cosgrove*

**F SB935 Teachers; development of a teacher licensure website and licensure application portal.** Directs the Department of Education to develop and maintain an easily accessible and streamlined website to provide clarification on teacher licensure and endorsement requirements, including information on specific requirements and certification credentials based on the specific type of licensure or endorsement. The bill also directs the Department to develop and maintain a teacher licensure application portal to integrate all forms and payment required for licensure and that includes (i) a feature enabling any teacher to track his progress in earning professional development points, completing licensure renewal requirements, and fulfilling any additional credentialing or endorsement options offered by the Board of Education and (ii) options for sharing and sending any application documents and forms to allow Educator Preparation Programs or division leadership to review and approve such documents and forms prior to the Department review process.

*Patron - Hashmi*

**F SB962 Elementary and secondary schools; athletics; participation in female sports; civil cause of action.** Requires each public elementary or secondary school and each private elementary or secondary school that competes in sponsored athletic events against such public schools to des-

ignate all interscholastic athletic teams and intramural athletic teams sponsored by such school based on biological sex as follows: (i) for "males," "men," or "boys"; (ii) for "females," "women," or "girls"; or (iii) as "coed" or "mixed" if such team is open to participation by (a) "males," "men," or "boys" and (b) "females," "women," or "girls." The bill prohibits students whose biological sex is male from participating on any school athletic team or squad designated for "females," "women," or "girls." Finally, the bill creates a civil cause of action for students and schools that suffer harm as a result of a violation of the provisions of the bill, provided that such action is initiated within two years of the harm occurring.

*Patron - Peake*

**F SB1007 Board of Education; Child Care Subsidy Program; extending scope of eligibility to certain foster parents.** Directs the Board of Education to amend its regulations for the Child Care Subsidy Program to expand the scope of eligibility to apply for the Program to any foster parent of a child placed in the foster parent's home if, at the time of eligibility determination or redetermination, the child (i) meets the criteria for eligibility currently set forth in the Board's regulations or (ii) is between the ages of 13 and 17 but otherwise meets the criteria for eligibility set forth in the Board's regulations, provided that there is documented evidence that such child between the ages of 13 and 17 has exhibited tendencies toward self-harm or harm to others.

*Patron - Hashmi*

**F SB1041 Division superintendents; certain localities; qualifications.** Provides that the Board of Education shall require any candidate for division superintendent of a local school division serving a locality with a population greater than 140,000 people to have (i) a master's degree and relevant endorsements or a doctorate degree in an education-related field and (ii) at least five years of instructional, administrative, and supervisory experience in education, with no exceptions or substitutes for senior leadership experience in non-education fields. The Board of Education may substitute certain requirements for education-specific endorsements, degrees, or educational, administrative, or supervisory experience for a certain amount of experience in senior leadership positions outside of the education field only for local school divisions serving a locality with a population not exceeding 140,000 people.

*Patron - McPike*

**F SB1045 School boards; school building maintenance capital target.** Requires each local school board to establish and include in any multiyear capital improvement plan or substantially similar document that it adopts a school building maintenance capital target of at least 1.5 percent of the replacement value of such buildings on average to avoid major replacement costs in the future. This bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - McPike*

**F SB1102 Public schools; hazing prevention training program.** Directs the Department of Education, in collaboration with the Department of Health and Human Resources, to convene an expert and stakeholder work group, consisting of representatives from families of hazing victims, experts knowledgeable about hazing prevention, school administrators and faculty, representatives from the Virginia Association of School Superintendents, the Virginia Education Association, and the Virginia School Boards Association, and other stakeholders as the Department of Education and Department of Health and Human Resources deem appropriate, to evaluate options for implementing hazing prevention training



programs in middle and high schools in the Commonwealth. The bill directs the work group to consider (i) a model hazing prevention training program that includes age-appropriate, extensive, and current education about hazing, the dangers of hazing, and school policies and laws relating to hazing; (ii) alternatives to in-person participation for such training programs for virtual learners; and (iii) proposed language to include instruction on hazing prevention in the Standards of Learning for health education. The bill directs the work group to report its recommendations to the Board of Education by July 1, 2024.

*Patron - Boysko*

**F SB1109 Board of Education; College and Career Readiness for English Language Learners Grant Program and Fund; established.** Establishes the College and Career Readiness for English Language Learners Grant Program and Fund to support English language learner students in preparing for postsecondary opportunities by providing reimbursement grants to eligible school divisions for providing and expanding access to certain career, technical, apprenticeship, and college readiness and preparation programs and courses for high school students identified as having limited English proficiency. The bill provides that the total value of reimbursement grants awarded to any school division annually shall not exceed an amount equal to \$500 times the number of English language learner students in grades nine through 12 enrolled in such school division. The bill directs the Board to establish such guidelines as it deems necessary for the administration of the Program and to establish procedures for determining amounts and prioritizing the award of such reimbursement grants in the event that the moneys in the Fund are not sufficient to provide each school division the full grant amount for which they are qualified. Finally, the bill provides that reimbursement grants shall be awarded to eligible school divisions beginning with the 2023-2024 school year.

*Patron - Hashmi*

**F SB1118 Employment of teachers; English as a Second Language Incentive Reward Program and Fund; established.** Provides that each local school board shall adopt employment policies and practices designed to promote the employment of highly qualified teachers to effectively serve the educational needs of students who are English language learners, including providing financial support for teachers seeking and obtaining an endorsement in English as a second language pre-kindergarten through grade 12. The bill also establishes the English as a Second Language Incentive Reward Program and Fund for the purpose of awarding incentive grants to public school teachers in the Commonwealth who obtain an endorsement in English as a second language pre-kindergarten through grade 12. The bill provides that the Board of Education shall award to any teacher who obtains such endorsement an initial incentive grant of \$5,000 and a subsequent incentive grant of \$2,500 each year for the life of the endorsement, with such incentive grants to resume upon renewal of the endorsement. Finally, the bill directs the Board to establish such guidelines as it deems necessary for the administration of the Program and to establish procedures for the award of such incentive grants in the event that the moneys in the Fund are not sufficient to award each eligible teacher the appropriate award amount.

*Patron - Hashmi*

**F SB1148 Department of Education; work group on twelfth grade transition planning and assistance online programs.** Requires the Department of Education to convene a work group to evaluate options and make recommendations for online twelfth grade transition planning and

assistance programs to be utilized by secondary school students in the Commonwealth.

*Patron - Marsden*

**F SB1164 Cost of competing adjustment; eligibility; certain school boards.** Provides that the Accomack County School Board and the Northampton County School Board are eligible to receive the cost of competing adjustment to salaries for instructional and support positions as part of the state share of basic aid pursuant to the general appropriation act.

*Patron - Lewis*

**F SB1173 Board of Education; advanced academic opportunity programs; guidelines and policies; availability.** Requires the Board of Education to develop guidelines for advanced academic opportunity programs, as defined in the bill, offered at the secondary school level (i) requiring any advanced academic opportunity program offered at any public secondary school in the Commonwealth to accept any eligible student and (ii) prohibiting the imposition of arbitrary class sizes or any other limitation that would impede the access of any otherwise eligible student to such program. The bill defines an "eligible student" as any student who has demonstrated an ability to participate and succeed in advanced academic opportunities, as determined by (a) such student's performance on a merit-based application, (b) such student's aptitude based on grades or exam results, or (c) the recommendation of a teacher. The bill requires each local school board to adopt policies that are consistent with and at least as rigorous as the guidelines developed by the Board. Finally, the bill requires the Board to develop and make available to each local school board the guidelines for advanced academic opportunity programs by the 2023-2024 school year and requires each local school board to develop and implement policies in accordance with the Board's guidelines by the 2025-2026 school year.

*Patron - Dunnivant*

**F SB1186 K-12 schools and institutions of higher education; designation of interscholastic, intercollegiate, intramural, and club athletic teams and sports based on biological sex; student participation in female teams or sports; civil cause of action.** Requires each interscholastic, intercollegiate, intramural, or club athletic team or sport sponsored by a public elementary or secondary school or by a public institution of higher education to be expressly designated as one of the following based on biological sex: (i) males, men, or boys; (ii) females, women, or girls; or (iii) coed or mixed if participation on such team or sport is open to both (a) males, men, or boys and (b) females, women, or girls. The bill requires identification of the student's biological sex on an athletics eligibility form signed by a licensed physician, nurse practitioner, or physician assistant to be submitted by any such student who desires to try out for or participate in an interscholastic, intercollegiate, intramural, or club athletic team or sport. The bill prohibits any such team or sport that is expressly designated for females, women, or girls from being open to students whose biological sex is male.

The bill prohibits any government entity, licensing or accrediting organization, or athletic association or organization from entertaining a complaint, opening an investigation, or taking any other adverse action against public school or institution of higher education based on a violation of the provisions of the bill and creates a cause of action for any school or institution of higher education that suffers harm as a result of a violation of the bill. Finally, the bill creates a civil cause of action for any student that suffers harm as a result of a knowing violation of a provision of the bill by a school or institution or as a result of



the student's reporting a violation of a provision of the bill by a school, institution, athletic association, or organization.

*Patron - Reeves*

**F SB1191 Education Savings Account Program established; Education Improvement Scholarships Tax Credits.** Establishes the Education Savings Account Program, to be administered by the Department of Education, whereby the parent of any individual who is a resident of the Commonwealth and who is eligible to enroll in a public elementary or secondary school may apply for an Education Savings Account for his child into which the Department of Education deposits certain state and local funds and from which the parent makes certain enumerated qualifying expenses to educate his child in a setting and a manner other than full-time education in a public school. The bill requires the Program to be fully implemented prior to the beginning of the 2023–2024 school year.

The bill also increases the value of the Education Improvement Scholarships income tax credit for a donation to a scholarship foundation from 65 percent to 100 percent of the donation. The bill removes the aggregate limit on tax credits per year, which under current law is \$25 million, and removes individual minimum and maximum required donation amounts.

The bill raises the threshold for students to qualify for scholarships from 300 percent of the current poverty guidelines to 1,000 percent of free or reduced-price lunch standards or, for eligible students with a disability, from 400 percent of the current poverty guidelines to 1,200 percent of such standards. The bill grants scholarship foundations the discretion to determine what expenses may be funded by tax-credit-subsidized scholarships. Under current law, such expenses are limited by statute. The bill expands eligibility for scholarships to any student who is a resident of the Commonwealth and eligible to enroll in a public elementary or secondary school in the Commonwealth. Current law restricts eligibility to certain categories of students.

The bill removes the requirement that scholarship-funded schools report test results of scholarship-funded students. The provisions of the bill pertaining to the Education Improvement Scholarships income tax credits apply starting with taxable year 2023.

*Patron - Reeves*

**F SB1199 Public schools; parental rights to educational transparency.** Declares that the parent of any student enrolled in a public elementary or secondary school in the Commonwealth has the right to (i) access a list of any printed or audiovisual instructional material; (ii) participate in the textbook review and approval process; (iii) receive notice of and give informed consent to any counseling or guidance program offered to his child by the school; (iv) access his child's education records; (v) receive advance, written notice of any school-sponsored field trip, activity, assembly, presentation, or other event at which his child's attendance is invited, including a clear opt-out provision; (vi) receive advance notice of any questionnaire or survey to be administered to his child; (vii) receive notice of and attend any public meeting of the school board in the local school division in which his child is enrolled; (viii) review the annual school division budget and expenditures; and (ix) petition the circuit court with jurisdiction over such child's local school division to review an action of the school board if the parent is aggrieved by such action. The bill requires the Department of Education to develop and make available to each school board model policies and procedures to ensure compliance with the parental right to review and exempt his child from any printed or audiovisual instructional materials used as a part of the curriculum in any class or course in which such parent's child is enrolled. The bill also revises

existing policies and duties of each local school board in accordance with the parental rights to transparency in education.

*Patron - Reeves*

**F SB1257 School counselors; staff time.** Defines the terms "direct counseling" and "program planning and school support" for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students and clarifies that each school counselor may also spend up to 20 percent of his staff time during normal school hours on program planning and support. This bill was incorporated into SB 1043.

*Patron - Favola*

**F SB1260 National Teacher Certification Incentive Reward Program and Fund; name; eligibility; incentive grant awards.** Renames the National Teacher Certification Incentive Reward Program and Fund as the National Board Certification Incentive Reward Program and Fund, expands eligibility for incentive grant awards from such Fund pursuant to such Program from solely teachers who have obtained national certification from the National Board for Professional Teaching Standards to (i) all public school staff who are candidates for initial national certification or maintenance of national certification to cover certain costs of obtaining or maintaining such certification and (ii) all public school staff who have successfully obtained or maintained such certification. The bill also declares eligible for an annual incentive grant award in the amount of \$7,500 all public school staff who have obtained or maintained such certification. Current law declares eligible for an annual incentive grant award of \$5,000 in the first year and \$2,500 in each subsequent year all teachers who have obtained or maintained such certification.

*Patron - Lucas*

**F SB1268 School psychologists; staffing flexibility.** Provides that in order to fill vacant school psychologist positions, any local school board may employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment. This bill was incorporated into SB 1043.

*Patron - Favola*

**F SB1290 School Choice Educational Savings Accounts.** Permits the parents of qualified students to apply to the local school division in which the qualified student resides for a one-year, renewable School Choice Educational Savings Account that consists of a monetary amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the qualified student resides. The bill sets out the education-related qualifying expenditures for which the parent of a qualified student may use the funds in the savings account, including tuition, deposits, fees, and required textbooks and instructional materials at (i) a private elementary or secondary school located in the Commonwealth, (ii) certain nonpublic online learning programs, and (iii) institutions of higher education and requires the Department of Education to establish certain policies, procedures, and processes relating to the savings accounts.

*Patron - DeSteph*

**F SB1315** **Localities, public and private schools, institutions of higher education, and employers; face coverings.** Prohibits any locality, school board, division superintendent, school principal, private school, institution of higher education, or employer from adopting, implementing, or enforcing any policy, rule, or order related to COVID-19 that requires individuals to wear a face covering.

*Patron - Chase*

**F SB1325** **Standard of Quality 2; specialized student support position ratio.** Amends Standard of Quality 2 by increasing the required number of specialized student support positions from at least three to at least four such positions per 1,000 students. Such specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions.

*Patron - McClellan*

**F SB1334** **Board of Education; Individualized Education Program (IEP) meeting participant code of ethics; development.** Directs the Department of Education (the Department) to convene a work group to provide recommendations for the development of a code of ethics relating to effective collaboration at Individualized Education Program (IEP) meetings among school staff, parents, students, and any other participants with expertise or knowledge of the student. The bill requires the work group to include (i) a facilitator with knowledge and expertise in the scope and mission of the IEP; (ii) the director of the disAbility Law Center or his designee; (iii) representatives from (a) the Legal Aid Justice Center, (b) the Parent Educational Advocacy Training Center (PEATC), (c) the Council of Parent Attorneys and Advocates (COPPA), (d) the Virginia School Counselor Association, (e) the Arc of Virginia or the Virginia Down Syndrome Association, (f) ChildSavers or Communities in Schools of Virginia, (g) community service boards, and (h) the Department; (iv) three representatives from the Virginia Council of Administrators of Special Education; (v) four parents, guardians, or caregivers of children with IEPs, with attention to families of color, families for whom English is not the primary language, and families who are economically disadvantaged; (vi) an independent parent advocate; and (vii) one division superintendent. The bill requires the work group to submit its recommendations to the Department by November 30, 2023.

*Patron - Hashmi*

**F SB1463** **Certain public libraries; books; sexually explicit materials; parental advisory label.** Requires each local school board, any local governing body or library board that governs a free public library system or regional library board that governs a regional library system, and the Library Board to require a parental advisory label to be affixed to the front of any book that contains sexually explicit content, as that term is defined elsewhere in law, and that is made available to minors in any public elementary or secondary school library, any public library in the free public library system or regional public library system, or the Library of Virginia, respectively.

*Patron - Chase*

**F SB1481** **Public school pupils and parents; access to certain postsecondary information.** Prohibits any school board, public elementary or secondary school, including any joint or regional school, or employee or agent of such school board or school, including any division superintendent or school principal, from withholding from any pupil or the pupil's parent any information that is transmitted solely to such school board, school, employee, or agent and that (i) relates to

any recognition, award, or postsecondary scholarship eligibility earned by the student, including any such recognition, award, or eligibility earned as the result of the student's achievement on the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination, or (ii) may affect the student's admission to an institution of higher education. The bill requires all such information to be transmitted to the pupil and the pupil's parent as soon as practicable after receipt of the information.

*Patron - Dunnavant*

**F SJ246** **Study; Department of Education; feasibility of expanding waiver of teacher licensure requirements for certain hard-to-fill educator positions; report.** Requests the Department of Education to study options for and the feasibility of expanding the criteria for granting a waiver of teacher licensure requirements for certain hard-to-fill educator positions, such as advanced or specialized science, technology, engineering, and mathematics (STEM) and computer science classes. In conducting its study, the Department shall (i) review the current law on granting a waiver of teacher licensure requirements; (ii) consider options for expanding the criteria for granting a waiver of teacher licensure requirements, with a focus on removing barriers to employing individuals to teach hard-to-fill elective and non-core courses, such as advanced or specialized STEM and computer science classes; and (iii) make recommendations on policies for granting a waiver of teacher licensure requirements, including amendments to the current law or pertinent regulations.

*Patron - Boysko*

## Elections

### Passed

**P HB1683** **Voter registration; final day of registration; notice requirements.** Requires notice of the last day of voter registration to be published at least once in a newspaper of general circulation in the county or city, if one is available. Such notice is also required to be posted on the official website of the county or city.

*Patron - Ransone*

**P HB1948** **Elections; absentee voting; witness requirement; required information on return ballot envelope; unique identifier.** Removes the witness requirement for absentee ballots and replaces it with the requirement that the voter provide the last four digits of his social security number and his date of birth. The bill provides that the unique identifier assigned to the voter in the voter registration system will also be accepted in place of the last four digits of the voter's social security number for such purposes. This bill received Governor's recommendations.

*Patron - Bloxom*

**P HB2266** **State Board of Elections; adopt policy regarding counting and reporting of absentee ballots in a central absentee voter precinct.** Directs the State Board of Elections to adopt a policy regarding the counting and reporting of absentee ballots in a central absentee voter precinct in order to ensure that (i) the results of absentee ballots cast early in person are reported separately from mailed absentee ballots and are posted promptly on the State Board website and (ii) the results of all absentee ballots cast by voters are reported by precinct in accordance with law and are posted on the State Board website no later than noon on the seventh calendar day following the election. The bill requires such policy to be adopted no

later than September 1, 2023, and the Chairmen of the House and Senate Committees on Privileges and Elections to be notified of such policy within seven days of its adoption.

*Patron - Ransone*

**P HB2289 Procedure for removal of elected and certain appointed officers by courts.** Sets out the procedure by which, and clarifies the reasons for which, an elected officer or officer who has been appointed to fill an elective office may be removed from office. The bill requires, among other things, that the general registrar review the petition for removal of an officer and determine its sufficiency in accordance with the uniform standards approved by the State Board of Elections and that the attorney for the Commonwealth review such petition to determine if valid grounds exist to remove the officer. If the attorney for the Commonwealth is the elected official who is subject to the removal petition, the bill specifies that the Chief Justice of the Supreme Court of Virginia is tasked with appointing an alternate attorney for the Commonwealth to receive such petition. As introduced, this bill was a recommendation of the Boyd-Graves Conference. This bill is identical to SB 1431.

*Patron - Williams*

**P HB2324 Recount elections; recount standards; elections for offices to which more than one candidate can be elected.** Directs the State Board of Elections to promulgate standards and instructions for the conduct of recounts in elections for any office to which more than one candidate can be elected. Such standards and instructions shall include which candidates apparently nominated or elected are required to be named in the petition for a recount or served a copy of the petition for a recount.

*Patron - Cordoza*

**P HB2443 Certificates of election; persons elected by write-in votes; exception for certain localities.** Provides that in an election for a local office in a locality with a population of no more than 4,000 persons, if the person having the highest number of votes for the office is elected by write-in votes and is not qualified to hold such office or declines to assume such office, the person having the next highest number of votes shall be deemed to have been elected to such office and shall receive the certificate of election.

*Patron - Bloxom*

**P HB2471 General registrars; petition for removal.** Provides for the removal of a general registrar by the circuit court upon a petition signed by a majority of the members of the State Board of Elections or a majority of the members of the local electoral board. Currently, a local electoral board may remove a general registrar with a majority vote, while the State Board of Elections may petition the circuit court to remove a general registrar only after petitioning the local electoral board to remove the registrar and the electoral board fails to do so. The bill requires the Virginia Division of Risk Management to assign counsel to the defense of any member of a local electoral board or general registrar subject to a petition for removal, upon that member's or registrar's application. This bill is identical to SB 1514.

*Patron - Batten*

**P SB944 Elections; filling vacancies in the General Assembly; certain vacancies to be filled within 30 days.** Requires the writ of election to fill a vacancy in the membership of the General Assembly (i) to be issued within 30 days of the vacancy or receipt of notification of the vacancy, whichever comes first, and (ii) if the vacancy occurs or will occur between December 10 and March 1, to order that the special

election take place no more than 30 days from the date of such vacancy.

*Patron - Suetterlein*

**P SB1150 Obsolescence of 2011 district descriptions; legal boundaries.** Repeals Code provisions related to the 2011 decennial redistricting, including descriptions of the districts enacted in that cycle, that are obsolete as a result of the 2021 decennial redistricting of the Commonwealth and provides that the legal and controlling congressional and state legislative district boundaries are those designated in the block equivalency file and resulting shapefile that are the electronic versions of the districts established pursuant to relevant law. The bill requires the block equivalency files and shapefiles to be maintained and available to the public on the website for the Virginia Redistricting Commission. This bill is a recommendation of the Virginia Code Commission.

*Patron - Edwards*

**P SB1427 Campaign finance; political action committees; certain large pre-election expenditures.** Increases the number of scheduled reports for political action committees from four to five and changes the reporting dates for some reports. The bill requires political action committees formed after the last report is due and before the third Tuesday in June to make special reports for any contribution or expenditure of \$500 or more. The bill requires that all in-state political action committees file a report for any single expenditure of \$1,000 or more made between (i) May 26 and the third Tuesday in June and (ii) October 8 and the date of the November general election. Such reports are to be made electronically and must be received by the State Board of Elections by 11:59 p.m. on the following day or, for an expenditure made on a Saturday, by 11:59 p.m. on the following Monday. However, the bill requires that any such expenditure made within the 24 hours prior to the election day be reported and a report thereof received on the day prior to the election. This bill received Governor's recommendations.

*Patron - Suetterlein*

**P SB1431 Procedure for removal of elected and certain appointed officers by courts.** Sets out the procedure by which, and clarifies the reasons for which, an elected officer or officer who has been appointed to fill an elective office may be removed from office. The bill requires, among other things, that the general registrar review the petition for removal of an officer and determine its sufficiency in accordance with the uniform standards approved by the State Board of Elections and that the attorney for the Commonwealth review such petition to determine if valid grounds exist to remove the officer. If the attorney for the Commonwealth is the elected official who is subject to the removal petition, the bill specifies that the Chief Justice of the Supreme Court of Virginia is tasked with appointing an alternate attorney for the Commonwealth to receive such petition. As introduced, this bill was a recommendation of the Boyd-Graves Conference. This bill is identical to HB 2289.

*Patron - Surovell*

**P SB1514 General registrars; petition for removal.** Provides for the removal of a general registrar by the circuit court upon a petition signed by a majority of the members of the State Board of Elections or a majority of the members of the local electoral board. Currently, a local electoral board may remove a general registrar with a majority vote, while the State Board of Elections may petition the circuit court to remove a general registrar only after petitioning the local electoral board to remove the registrar and the electoral board fails to do so. The bill requires the Virginia Division of Risk Management to assign counsel to the defense of any

member of a local electoral board or general registrar subject to a petition for removal, upon that member's or registrar's application. This bill is identical to HB 2471.

*Patron - Mason*

## Failed

**F HB1377** **Voter registration; cancellation for persons known to be deceased or disqualified to vote; deadline.** Requires the general registrar to cancel the voter registration of persons known by him to be deceased or disqualified to vote within seven days of discovering that the person is no longer entitled to be registered. Current law directs the general registrar to cancel a voter's registration for certain reasons and on the basis of certain information; the bill retains those requirements.

*Patron - Greenhalgh*

**F HB1414** **Form of ballot; party identification of candidates.** Extends to elections for local and constitutional offices the requirement that candidates who have been nominated by a political party or in a primary election be identified on the ballot by name of their political party. Currently, this requirement applies only to federal, statewide, and General Assembly elections.

*Patron - Wiley*

**F HB1444** **Elections; voter identification containing a photograph required.** Requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, the bill provides that such voter is entitled to cast a provisional ballot.

*Patron - Ware*

**F HB1467** **Elections; voter identification containing photograph required; who may register up to and including the day of the election; availability of absentee voting in person; return of absentee ballots.** Requires presentation of a form of identification containing a photograph in order to vote and provides that a voter who does not have one of the required forms of identification is entitled to cast a provisional ballot. The bill repeals a provision that would permit any person who is qualified to register to vote to do so in person up to and including the day of the election and limits the persons who are entitled to register to vote after the close of registration records to members of a uniformed service on active duty, persons who are residing temporarily outside of the United States, and their spouses and dependents. The bill limits the period during which absentee voting in person is available from 45 days preceding the date of the election to the Wednesday, Thursday, Friday, and Saturday immediately preceding the date of the election. The bill requires that absentee ballots returned by mail be returned to the office of the general registrar by the close of polls on election day and be postmarked on or before the Saturday preceding the date of the election. The bill eliminates the use of drop-off locations for the return of absentee ballots. The bill requires absentee ballot applications to contain the last four digits of the applicant's social security number and provides that the failure of an absentee ballot to include a witness signature is a material omission, rendering the ballot void.

*Patron - Wyatt*

**F HB1499** **Absentee voting; availability of absentee voting in person.** Limits the availability of absentee

voting in person to the two-week period immediately preceding an election. Under current law, absentee voting in person is available beginning on the forty-fifth day prior to an election.

*Patron - Runion*

**F HB1529** **Elections; candidates for office; political party nomination by non-primary method; filing fee.** Allows political parties to charge a filing fee for methods of nomination other than a primary and sets a cap on such fee. The maximum filing fee is set at two percent of the salary of any salaried office sought by a candidate or, for any office for which compensation is paid by fees, two percent of the average fees collected by the office.

*Patron - Convirs-Fowler*

**F HB1530** **Deadline for parties to nominate by methods other than primary; special elections not held at a general election; extension to 10 days.** Extends the period of time that parties have to nominate a candidate by a method other than a primary for a special election that is not held on the date of a general election from within five days to within 10 days of the writ ordering such special election.

*Patron - Convirs-Fowler*

**F HB1551** **Campaign advertisements; independent expenditures; electioneering communications; disclaimer requirements.** Broadens the scope of disclaimer requirements for campaign advertisements to include electioneering communications, as defined in the bill, and messages advocating for the passage or defeat of a referendum. The bill also requires an advertisement that is an independent expenditure or that expressly advocates for the passage or defeat of a referendum to contain a disclaimer providing the names of the advertisement sponsor's three largest contributors.

*Patron - Helmer*

**F HB1552** **Campaign finance; prohibited personal use of campaign funds; complaints, hearings, civil penalty, and advisory opinions.** Prohibits any person from converting contributions to a candidate or his campaign committee for personal use. Current law only prohibits such conversion of contributions with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office but allows a contribution to be used for the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds to pay for the candidate's child care expenses that are incurred as a direct result of campaign activity. The bill provides that any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The bill directs the State Board of Elections to adopt emergency regulations similar to those promulgated by the Federal Election Commission to implement the provisions of the bill and to provide an updated summary of Virginia campaign finance law that reflects the State Board of Elections' and Attorney General's guidance on the provisions of such law that prohibit the personal use of campaign funds and any new regulations promulgated by the State Board of Elections.

*Patron - Simon*

**F HB1648** **Prohibited contributions from foreign-influenced corporations; required reports.** Prohibits foreign-influenced corporations, as defined in the bill, from making independent expenditures or making contributions to a candidate, campaign committee, political committee, or political party committee. The bill provides that any such corpora-

tion violating the prohibition is subject to a fine of not more than \$50,000 and that any officer, director, or agent of any such corporation involved in such violation is subject to a fine of not more than \$10,000, imprisonment for not more than one year, or both. The bill also requires that any corporation, as defined in the bill, that makes an independent expenditure or makes a contribution to a candidate, campaign committee, political committee, or political party committee must certify with the Department of Elections that, after due inquiry, the corporation was not a foreign-influenced corporation on the date such expenditure or contribution was made.

*Patron - Anderson*

**F HB1680 Voter registration; registration after the close of registration records; required affirmation.** Requires the Department of Elections to prescribe procedures for the handling and counting of ballots cast by persons who register to vote on the day of the election, including a requirement that such person affirm, subject to felony penalties for making false statements, that he is not intentionally voting more than once in the same election, whether in the same or a different jurisdiction, and that he is not intentionally registering to vote at more than one residence at the same time, both of which constitute the crime of election fraud and are punishable as a Class 6 felony.

*Patron - Ransone*

**F HB1693 Absentee voting; return of absentee ballots; drop-off locations.** Repeals the provisions of the Code providing for the establishment of drop-off locations for the return of absentee ballots.

*Patron - McGuire*

**F HB1751 Elections; conduct of election; ranked choice voting; local governing bodies, school boards, and primaries for any office.** Allows ranked choice voting to be used in any state-run primary election at the option of the political party for which the primary is being held and changes from discretionary to mandatory the provision that the State Board of Elections promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting. The bill also allows elections of members of a local governing body or school board to be conducted by ranked choice voting. Current law only allows elections of members of a county board of supervisors or city council to be conducted by ranked choice voting.

*Patron - Davis*

**F HB1793 Voter registration through the Department of Motor Vehicles; optional transmission of information.** Provides that customers of the Department of Motor Vehicles shall be presented with the option to have their relevant information transmitted to the Department of Elections for voter registration purposes in accordance with federal law. Currently, this information is transmitted unless the DMV customer specifically declines to have such information transmitted.

*Patron - Ransone*

**F HB1796 Officers of election; eligibility of persons preregistered to vote.** Allows any person who has preregistered to vote to serve as an officer of election.

*Patron - Simonds*

**F HB1812 Elections; foreign interference in elections; registration, absentee voting, and conduct of election; penalty.** Requires the Attorney General to provide assessments and reports on foreign interference, defined in the bill, in elections in the Commonwealth to the Governor and the General Assembly and to levy or recommend appropriate sanc-

tions against any such foreign governments found to be interfering in elections in the Commonwealth. The bill also repeals the provision that allows persons 16 years of age or older to preregister to vote, removes the ability to register to vote using the websites of the Department of Elections or the Department of Motor Vehicles, and moves the deadline for registering to vote from 21 days prior to an election to 30 days prior to an election. In addition, the bill directs the Department of Elections to conduct list maintenance activities during the 30 days prior to any election in which a candidate for federal office is not on the ballot, including the removal of duplicate registrations, requires voters to provide an excuse in order to vote absentee, removes the option to vote absentee in person, reinstates provisions requiring the presentation of a valid form of photo identification in order to vote, and directs general registrars to provide a paper copy of the pollbook at each polling place during all elections. Finally, the bill eliminates curbside voting and same-day voter registration, prohibits the use of any voting system that can be connected to the Internet and directs the State Board of Elections to decertify any such voting system, and increases from a Class 6 felony to a Class 4 felony the penalty for voter registration fraud.

*Patron - March*

**F HB1826 Campaign finance; prohibited personal use of campaign funds; complaints, hearings, civil penalty, and advisory opinions.** Prohibits any person from converting contributions to a candidate or his campaign committee for personal use. Current law only prohibits such conversion of contributions with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office but allows a contribution to be used for the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds to pay for the candidate's child care expenses that are incurred as a direct result of campaign activity. The bill provides that any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The bill directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill and to provide an updated summary of Virginia campaign finance law that reflects the State Board of Elections' and Attorney General's guidance on the provisions of such law that prohibit the personal use of campaign funds and any new regulations promulgated by the State Board of Elections.

*Patron - Cherry*

**F HB1847 Elections; registration, absentee, and conduct of election.** Restores the local option to hold May elections; repeals laws permitting registration on election day and requiring preregistration of certain persons under 18 years of age; eliminates the permanent absentee voter list; removes provisions allowing general registrars to contract with a third party for the printing, assembly, and mailing of absentee ballot packets; requires an excuse to vote absentee; reduces absentee voting in person to the 10 days prior to the date of an election; requires that mailed absentee ballots be returned by the United States Postal Service; repeals provisions allowing for absentee ballot drop boxes; requires absentee ballots to be received by the general registrar by the close of polls on election day in order to be counted; requires presentation of a form of identification containing a photograph in order to vote; repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement that he is the named registered voter he claims to be; and requires that provisional ballot envelopes have written on them

certain required information in order to be considered, including the signature of the officer of election administering the provisional ballot and his indication of whether photo identification was shown, and if so, the type. The bill also amends provisions regarding risk-limiting audits to allow for (i) risk-limiting audits of the part of a district that covers multiple localities that lies in a single locality and (ii) the use of the batch comparison method when conducting a risk-limiting audit.

*Patron - LaRock*

**F HB1862 Electors for President and Vice President; binding of electors; vacancies.** Provides that an elector who is selected by the state convention of any political party and who, at the convening of the electors after the election, refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of his oath stating that he would, if elected, cast his ballot for the candidates for President and Vice President nominated by the party that selected the elector, or as the party may direct in the event of the death, withdrawal, or disqualification of the party nominee, is deemed to vacate the office of elector. The bill provides that the other electors present shall immediately fill such vacancy in the same manner as a vacancy due to an elector's death or failure or inability to attend. The bill applies the same provisions to electors who are named in a petition of qualified voters not constituting a political party. The bill contains technical amendments that consolidate into a single chapter the provisions of Title 24.2 relating to presidential electors.

*Patron - Sullivan*

**F HB1877 Absentee voting; availability of absentee voting in person.** Limits absentee voting in person to the two weeks immediately preceding an election. Under current law, absentee voting in person is available beginning on the forty-fifth day prior to an election.

*Patron - Scott, P.A.*

**F HB1901 Absentee voting in person; available beginning on the fourteenth day prior to election; hours of operation.** Limits absentee voting in person to the two weeks immediately preceding an election. During these two weeks, the bill requires that absentee voting in person be available to the public a minimum of eight hours per day at a general registrar or voter satellite office. Current law requires absentee voting in person to be available 45 days immediately preceding an election and specifies the hours of the day that such offices be open.

*Patron - Durant*

**F HB1910 Absentee voting; unsolicited absentee ballot applications; required information; penalty.** Requires any organization sending an application for an absentee ballot to a registered voter that was not solicited or requested by the registered voter to include with the application instructions on completing the application and submitting it to the appropriate general registrar. The bill requires a statement that the application is not being sent by any state or local government official or agency to be printed on the envelope containing the application or on the first page of any enclosed materials. The bill specifies that organizations are required to use the information provided in the list of registered voters acquired by such organization from the Department of Elections pursuant to relevant law and that a violation of this requirement is a Class 4 misdemeanor. The bill also requires the Department of Elections to ensure, when providing such list to such organization for purposes of sending unsolicited applications, that no voter is included on such list if such voter has applied for an absentee ballot on or before the date such list is requested. Finally, the bill provides that no application for an absentee ballot sent to a

registered voter that was not solicited or requested by the registered voter may be pre-populated with information that the applicant is required to provide.

*Patron - Batten*

**F HB1947 Absentee voting; annual absentee voter list.** Eliminates the permanent absentee voter list and provides for an annual absentee voter list by which any eligible voter who annually files an application and is enrolled on the list receives an absentee ballot for any election in which he is eligible to vote in the ensuing calendar year. The application for the annual absentee voter list requires, at a minimum, the voter to provide his printed name, his date of birth, and the last four digits of his social security number.

*Patron - Bloxom*

**F HB2049 Assistance for certain voters outside of the polling place; definition of disability.** Limits the entitlement of voters with disabilities to vote outside the polls to those whose disability prevents them from entering the polling place. Expands the definition of disability for purposes of providing assistance outside of a polling place to voters with disabilities to include any permanent or temporary disability. Under current law, the disability is limited to a permanent or temporary physical disability.

*Patron - Bennett-Parker*

**F HB2118 Elections; conduct of election; ranked choice voting; locally elected offices.** Allows elections for any local or constitutional office to be conducted by ranked choice voting. Under current law, only elections of members of a county board of supervisors or a city council are allowed to be conducted by ranked choice voting.

*Patron - Hudson*

**F HB2212 Elections administration; State Board of Elections duties; required election and voter participation information on the Internet.** Requires the State Board of Elections to provide information for voters on its website, including (i) the role of and contact information for the State Board and local electoral boards; (ii) how and where to register to vote; (iii) how and where to vote, including information about absentee voting, polling hours, Virginia's voter identification requirements and acceptable forms of identification, the casting of ballots, and a means for voters to find their polling place; and (iv) any laws, regulations, policies, or forms pertaining to any of the information in (i), (ii), and (iii). The website must also allow a voter to review any information about himself that is kept in the statewide voter registration database. The bill also requires that (a) at a minimum, the State Board provide a version of its website in which all required parts are translated into any language that is spoken by a language minority group; (b) any page that is linked to a translated page shall also be translated; and (c) all translated portions of the website be reviewed for accuracy, with appropriate updates made prior to the start of early voting for every primary and general election held in Virginia.

*Patron - Tran*

**F HB2234 Voter registration; registering in person up to and including the day of the election; limited to certain persons.** Provides that only members of a uniformed service, as defined in relevant law, persons who are residing temporarily outside of the United States, and spouses or dependents of such members or persons are entitled to register to vote after the close of registration records in person up to and including the day of the election. Under current law, any person who is qualified to register to vote is entitled to register to

vote after the close of registration records up to and including the day of the election.

*Patron - Wachsmann*

**F HB2242 Elections administration; requests made pursuant to Virginia Freedom of Information Act; tolling of period for responding to certain requests.** Provides that the period within which a local electoral board or general registrar is required to respond to requests made pursuant to the Virginia Freedom of Information Act shall be tolled when such request is (i) received on or after the first day on which absentee voting in person is available for an election and before the tenth day following the certification of such election and (ii) related to a previously conducted election until the deadline to request a recount pursuant to law has passed and, if any recount is pending in the locality thereafter, until it has been concluded.

*Patron - Simonds*

**F HB2257 Elections; local offices; election of council for cities and towns; exemption from district-based and ward-based restrictions for small localities.** Exempts any city or town with a population of 25,000 or fewer persons that imposes district-based or ward-based residency requirements for members of the city or town council from the requirement that the member elected from each district or ward be elected by the qualified voters of that district or ward and not by the locality at large.

*Patron - Cordoza*

**F HB2286 Elections; campaign finance; contribution limits; civil penalty.** Establishes contribution limits from any individual to any candidate campaign committee, political action committee, and political party committee and from any political action committee or political party committee to any campaign committee. The bill provides that any candidate, candidate campaign committee, political action committee, political party committee, or contributor that knowingly violates the contributions limits established by the bill is subject to a civil penalty of up to two times the amount by which the contribution exceeds the limit. The bill prohibits any person that is not an individual from making any contribution to any candidate for elected office.

*Patron - VanValkenburg*

**F HB2301 Elections; presidential primaries; ranked choice voting.** Allows political parties to hold presidential primaries using ballots that allow a voter to rank such party's candidates in his order of choice.

*Patron - Bloxom*

**F HB2308 Conduct of elections; electoral board to meet to ascertain results; permitted period of adjournment.** Permits local electoral boards, when meeting after an election to ascertain the results of such election, to adjourn as needed for a period not to exceed seven calendar days from the deadline for timely postmarked absentee ballots to be returned in order to be counted. Under current law, the local electoral boards are permitted to adjourn for a period not to exceed seven calendar days from the date of the election. The bill contains technical amendments for organizational purposes.

*Patron - Glass*

**F HB2436 Elections; conduct of election; ranked choice voting; primaries for federal, statewide, and General Assembly offices.** Permits political parties to hold primary elections for federal or statewide offices or offices in the General Assembly by ranked choice voting. The bill also allows elections for any local or constitutional office to be conducted by ranked choice voting. Under current law, only elec-

tions of members of a county board of supervisors or a city council are allowed to be conducted by ranked choice voting. The bill requires the State Board of Elections to promulgate regulations for the proper and efficient administration of all elections determined by ranked choice voting.

*Patron - Hudson*

**F HB2454 Voter registration; monthly list maintenance.** Requires the Department of Elections to conduct and complete voter list maintenance monthly using change of address information supplied by the United States Postal Service, except that such list maintenance will not be conducted during the 90 days prior to a federal primary or general election. Following any federal general election, the Department shall, within 30 days of such election, conduct and complete the list maintenance for the period beginning 90 days prior to the federal primary election through the date of the federal general election. The bill requires the Department to transmit the change of address information to the general registrars monthly and to include with such information the date on which it was received by the Department.

*Patron - Campbell, E.H.*

**F SB794 Voter identification; identification containing a photograph required.** Requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, the bill provides that such voter is entitled to cast a provisional ballot.

*Patron - McDougale*

**F SB803 Campaign finance; campaign contribution limits; civil penalty.** Prohibits persons from making any single contribution, or any combination of contributions, that exceeds \$20,000 to any one candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly in any one election cycle. No limits are placed on contributions made by the candidate or the candidate's family to the candidate's campaign or by political party committees. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts.

*Patron - Petersen*

**F SB804 Campaign finance; prohibited contributions to candidates.** Prohibits candidates, campaign committees, and political committees from soliciting or accepting contributions from any public utility, as defined in the bill, and prohibits any public utility or any political committee established by such public utility from making any such contribution.

*Patron - Petersen*

**F SB834 Absentee voting; permanent absentee voter list repealed.** Repeals the provisions of law by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote and remain on the absentee voter list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration.

*Patron - Chase*

**F SB854 Campaign advertisements; independent expenditures; electioneering communications; disclaimer requirements.** Broadens the scope of disclaimer requirements for campaign advertisements to include election-



eering communications, as defined in the bill, and messages advocating for the passage or defeat of a referendum. The bill also requires an advertisement that is an independent expenditure or that expressly advocates for the passage or defeat of a referendum to contain a disclaimer providing the names of the advertisement sponsor's three largest contributors.

*Patron - Favola*

**F SB878 Voter registration; noncitizens of the United States; penalty.** Provides that a person who is not a citizen of the United States is not entitled to register to vote and makes it a Class 6 felony for any person to intentionally procure, assist, or induce another to register to vote knowing that such person is not a United States citizen.

*Patron - McDougle*

**F SB880 Absentee voting; absentee voting in person available beginning seven days prior to any election.** Limits the availability of absentee voting in person to the week beginning seven days before the election. Under current law, absentee voting in person is available beginning 45 days prior to the election.

*Patron - McDougle*

**F SB884 Elections; registration, absentee voting, and conduct of election.** Repeals provisions of law permitting registration on election day; requires an excuse to vote absentee; removes the option to vote absentee in person; requires absentee ballots to either be accompanied by a copy of an approved form of identification or be notarized; requires absentee ballots returned to drop boxes to be returned by the voter; requires absentee ballots to be received by the general registrar by the close of polls on election day in order to be counted; requires presentation of a form of identification containing a photograph in order to vote; repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement that he is the named registered voter he claims to be; eliminates the use of electronic poll books and voting machines while polls are open; and requires that ballots be manually tabulated in order to determine the results of an election.

*Patron - Chase*

**F SB900 Voter identification; identification containing a photograph required.** Requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, the bill provides that such voter is entitled to cast a provisional ballot.

*Patron - McDougle*

**F SB907 Elections; protection of election officials; penalty.** Adds to the list of protected voters any election official or employee of an election official. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants. The bill also makes it a Class 5 felony to hinder or prevent an election official or employee of an election official from administering elections. Under current law it is only a Class 5 felony to hinder or prevent an officer of election at a location being used for voting from holding an election. This bill incorporates SB 1092.

*Patron - Spruill*

**F SB946 Campaign finance; fundraising during special sessions prohibited.** Prohibits campaign fundraising on any day the General Assembly is scheduled to meet during a special session. Currently, campaign fundraising is prohibited only during regular sessions of the General Assembly.

*Patron - Suetterlein*

**F SB947 Elections; candidates for office; political party nomination by non-primary method; filing fee.** Allows political parties to charge a filing fee for methods of nomination other than a primary and sets a cap on such fee. The maximum filing fee is set at four percent of the salary of any salaried office sought by a candidate or, for any office for which compensation is paid by fees, four percent of the average fees collected by the office.

*Patron - Suetterlein*

**F SB965 Voter registration; verification of social security numbers; provisional registration status.** Requires the general registrar to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections before registering such applicant. If the information provided by the applicant does not match the information on file in such database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrar to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with current law, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of the bill and to promulgate rules for the use of such database. The Department of Elections is required to provide each general registrar access to the Social Security Administration database and any other database approved by the State Board. The Department is further required to enter into any agreement with any federal or state agency to facilitate such access. The bill has a delayed effective date of July 1, 2025.

*Patron - Peake*

**F SB967 Voter registration; registering in person up to and including the day of the election; limited to certain persons.** Provides that only members of a uniformed service, as defined in relevant law, persons who are residing temporarily outside of the United States, and spouses or dependents of such members or persons are entitled to register to vote after the close of registration records in person up to and including the day of the election. Under current law, any person who is qualified to register to vote is entitled to register to vote after the close of registration records up to and including the day of the election.

*Patron - Peake*

**F SB968 Voter identification; identification containing a photograph required.** Requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for

false statements, that he is the named registered voter he claims to be. Instead, the bill provides that such voter is entitled to cast a provisional ballot.

*Patron - Peake*

**F SB1053 Campaign finance; mandatory electronic filing for all candidates.** Requires all candidates to file their campaign finance reports electronically with the State Board of Elections. The bill provides an exemption for any candidate who is incapable of accessing the technology necessary to make such filings.

*Patron - McPike*

**F SB1092 Elections; protection of election officials; penalty.** Adds to the list of protected voters any election official or employee of an election official. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants. The bill also makes it a Class 5 felony to hinder or prevent an election official or employee of an election official from administering elections. Under current law it is only a Class 5 felony to hinder or prevent an officer of election at a location being used for voting from holding an election. This bill was incorporated into SB 907.

*Patron - Ebbin*

**F SB1180 Elections administration; acceptance of certain services permitted.** Provides that (i) the acceptance of technical assistance, research, or subject matter expertise regarding election law, policies, and administration by any state or local elections officials; (ii) the acceptance or use of money or grants given by a private individual or nongovernmental entity when such money or grant is received and disbursed by the treasurer for the locality or provided through the regular process for appropriating public funds; and (iii) voter registration drives are not prohibited under the general prohibition on the solicitation or acceptance by such officials of money, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voting-related programs.

*Patron - Ebbin*

**F SB1251 Elections; conduct of election; election results to be delivered by officers representing both major parties on election night.** Requires ballots, election materials, and equipment keys to be returned to the clerk of the circuit court or the general registrar on the night of the election by one officer of election representing each political party. Under current law, a single officer of election may return ballots, election materials, and equipment keys to the clerk of the circuit court or general registrar and such items may be returned on the day following the election unless the local electoral board requires they be returned on the night of the election.

*Patron - Marsden*

**F SB1316 Elections; conduct of election; election results; post-election forensic audits.** Provides for the conduct of a forensic audit of an election in a county or city upon the request of certain officials or upon the petition of a group of residents of the locality in question. The purpose of an audit is to determine the accuracy and legality of the election in question. The bill provides that an audit includes a review of all materials, equipment, and procedures used during any part of the election, including ballots, pollbooks, voting machines, and routers. The bill requires that the audit be open to the pub-

lic and states that the auditing process may include participation by residents. The results of the audit are to be presented to a jury of local residents who have the power to declare the election valid or invalid. The bill also gives the State Inspector General the power and duty to conduct an audit of the 2020 general election and requires him to produce a report of his findings.

*Patron - Chase*

**F SB1317 Elections; voter registration; lists of registered voters; provided at cost to registered voters.** Provides that the Department of Elections must provide the list of registered voters for any district in which he resides to any registered voter of the Commonwealth for a reasonable charge not to exceed its actual cost incurred in supplying the requested list.

*Patron - Chase*

**F SB1319 Absentee voting; return of absentee ballots; drop-off locations.** Repeals the provisions of law providing for the establishment of drop-off locations for the return of absentee ballots.

*Patron - Chase*

**F SB1328 Removal of elected officers and certain appointed officers; petition for removal.** Requires signatures for a petition for removal of an officer to be collected within 90 days. No signatures on such petition shall be collected (i) within 75 days of a primary election or party nomination process in which the officer is a candidate and through the date of the next general election if the officer is the winner of the primary election or party nomination process or (ii) on the date of any general or special election in which the officer is a candidate through the thirtieth day after the officer takes office if the officer is the winner of the general or special election. The bill also requires the petition to be signed by a number of registered voters equal to 30 percent of the total number of votes cast at the last election for the office that the officer whose removal is sought holds. Current law requires the petition to be signed by a number of registered voters equal to 10 percent of the total number of votes cast at such election.

*Patron - McClellan*

**F SB1380 Elections; presidential primaries; ranked choice voting.** Allows political parties to hold presidential primaries using ballots that allow a voter to rank such party's candidates in his order of choice.

*Patron - Deeds*

**F SB1442 Conduct of election; abstract of votes; law-enforcement officer to obtain returns not forwarded; extension to 10 days.** Extends the period of time a locality has to forward its abstract of votes to the State Board of Elections before a law-enforcement officer is sent to obtain the abstract to 10 days for any election. Under current law, such time period is six days for a state primary election and seven days for any other election.

*Patron - Spruill*

**F SB1471 Campaign finance; prohibited personal use of campaign funds; complaints, hearings, civil penalty.** Prohibits any person from converting contributions to a candidate or his campaign committee for personal use. Current law only prohibits such conversion of contributions with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public

office but allows a contribution to be used for the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds to pay for the candidate's dependent care expenses that are incurred as a direct result of campaign activity. The bill provides that any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The bill directs the State Board of Elections to adopt emergency regulations similar to those promulgated by the Federal Election Commission to implement the provisions of the bill and to provide an updated summary of Virginia campaign finance law that reflects the State Board of Elections' and Attorney General's guidance on the provisions of such law that prohibit the personal use of campaign funds and any new regulations promulgated by the State Board of Elections.

*Patron - Boysko*

**F SB1516 Elections; general provisions and administration; guidance to local election officials from third parties.** Provides that any election official who receives guidance pertaining to voter registration or the administration of elections from any instrument of the federal government, any civil society group, or any other third party that is not an agent of the Commonwealth shall immediately report such receipt to the Department of Elections and that no election official may implement such guidance without written authorization by the Department.

*Patron - Stanley*

**F SB1524 Charter; City of Virginia Beach; vacancies in office of council member and mayor.** Alters the process for filling vacancies in the office of council member and mayor in the City of Virginia Beach by replacing council appointments with special elections.

*Patron - Rouse*

## Financial Institutions and Services

### Passed

**P HB1727 Credit unions; virtual currency custody services.** Permits a credit union in the Commonwealth to engage in virtual currency custody services, provided that the credit union has adequate protocols in place to effectively manage the associated risks and comply with applicable laws and, prior to offering virtual currency custody services, the credit union has carefully examined the risks in offering such services through a methodical self-assessment process. To engage in such services, the credit union must implement effective risk management systems, maintain adequate insurance coverage, and maintain a service provider oversight program. The bill allows that such credit union may provide such services in a fiduciary or nonfiduciary capacity; however, no credit union shall provide virtual currency custody services in a fiduciary capacity without first obtaining authorization to do so from the State Corporation Commission.

*Patron - Head*

**P HB1778 Financial institutions; certain investments by banks permitted.** Provides that the prohibition on a bank from investing its funds in certain entities does not prevent a bank from (i) investing in (a) a community development corporation; (b) an entity formed primarily to support community-based economic development; (c) an entity qualifying for the federal new markets tax credit; (d) an entity formed for a

predominantly civic, community, or public purpose; (e) an entity making qualified rehabilitation expenditures with respect to a qualified rehabilitated building or certified historic structure, or a similar state historic tax credit program; or (f) a rural business investment company; (ii) engaging in any tax equity finance transaction permissible for a national bank or federal savings association; or (iii) investing, subject to such conditions as the Commissioner of Financial Institutions may prescribe, in any community and economic development entity, community development project, or other public welfare investment. This bill is identical to SB 1153.

*Patron - O'Quinn*

**P HB1907 Consumer finance companies; short-term loan providers; licensee requirements.** Requires a consumer finance company or a short-term loan provider to include as part of every loan application a question regarding whether the potential borrower has been approached, including via telephone or electronic means, by any person to send money in consideration of receiving money via a government or lottery organization. The bill has a delayed effective date of January 1, 2024.

*Patron - Batten*

**P HB2389 Remote location requirements for mortgage lending and brokerage entities.** Defines "office" and "remote location," as those terms apply to the licensing of mortgage lenders and mortgage brokers, and permits licensees to allow employees and exclusive agents to work from a remote location. The bill allows such an employee or exclusive agent to work at a remote location only if certain requirements are met, including the establishment of written policies and procedures for remote work supervision; compliance with security plans and federal and state security requirements; the employment of appropriate risk-based monitoring and oversight processes; agreement of the employee or exclusive agent to comply with established practices; the proper maintenance of physical records; access of the licensee's secure systems via a virtual private network with password protection; the installation and maintenance of security updates; and the designation of the principal place of business as the mortgage loan originator's registered location for the purposes of the Nationwide Mortgage Licensing System and Registry record.

*Patron - Wiley*

**P SB974 Financial institutions; consumer finance companies; authority of Attorney General to issue civil investigative demand.** Authorizes the Attorney General, whenever he has reasonable cause to believe that any person not licensed by the State Corporation Commission has violated any provision relating to consumer finance companies, to issue a civil investigative demand.

*Patron - Peake*

**P SB1153 Financial institutions; certain investments by banks permitted.** Provides that the prohibition on a bank from investing its funds in certain entities does not prevent a bank from (i) investing in (a) a community development corporation; (b) an entity formed primarily to support community-based economic development; (c) an entity qualifying for the federal new markets tax credit; (d) an entity formed for a predominantly civic, community, or public purpose; (e) an entity making qualified rehabilitation expenditures with respect to a qualified rehabilitated building or certified historic structure, or a similar state historic tax credit program; or (f) a rural business investment company; (ii) engaging in any tax equity finance transaction permissible for a national bank or federal savings association; or (iii) investing, subject to such conditions as the Commissioner of Financial Institutions may prescribe, in any community and economic development

entity, community development project, or other public welfare investment. This bill is identical to HB 1778.

*Patron - Lewis*

## Failed

**F HB1921 Financial institutions; earned wage access services; licensure requirements; penalties.** Prohibits any person from providing earned wage access services without first obtaining a license from the State Corporation Commission. The bill provides for qualifications for licensure, posting of a bond, annual fees, recordkeeping, reporting, and disclosure requirements. The bill authorizes the Commission to investigate and examine applicants and licensees, to suspend and revoke licenses, and to impose a civil penalty of up to \$1,000 for violations of the earned wage access services provisions. The bill authorizes the Attorney General to investigate violations of its provisions and seek damages or other relief allowed by applicable law and specifies that any violation of its provisions constitutes a prohibited practice for purposes of the Virginia Consumer Protection Act. The bill provides that any person who engages in earned wage access services without having first obtained a license from the Commission is guilty of a Class 1 misdemeanor. The bill licensure requirements have a delayed effective date of January 1, 2025, and the bill requires any person required to be licensed by the Commission to engage in earned wage access services to submit an application for licensure no later than October 1, 2024.

*Patron - Batten*

**F HB2485 Operators of automated teller machines and similar electronic terminals; registration required.** Requires an operator of an automated teller machine (ATM), cash-dispensing machine, or similar electronic terminal to register by July 1, 2024, with the State Corporation Commission in accordance with procedures established by the Commission. The bill prohibits registered operators from imposing a fee for the use of its ATM, cash dispensing machine, or similar electronic terminal without first disclosing the fee to the customer and prohibits registered operators from imposing a transaction fee in excess of \$3 per transaction or two percent of the gross amount of the transaction, whichever is greater. The bill requires the Commission to adopt regulations to implement the provisions of the bill and authorizes the Attorney General to seek to enjoin violations of the bill's provisions and to seek damages and other relief as allowed by law. The bill has a delayed effective date of January 1, 2024.

*Patron - Shin*

**F SB1217 Financial institutions; earned wage access services; stakeholder process; report.** Directs the Bureau of Financial Institutions of the State Corporation Commission to convene a stakeholder process regarding the provision or offering of earned wage access services that includes representatives from providers of earned wage access services, consumer advocates, and the Office of the Attorney General. The bill requires the Bureau of Financial Institutions to report its findings and recommendations by November 1, 2023.

*Patron - Mason*

## Fire Protection

### Passed

**P HB1765 Fire protection; definition of fire company.** Provides that firefighter support group members shall

not be included in certain provisions of the Code of Virginia related to public safety, fire protection, or workers' compensation unless otherwise designated for inclusion by ordinance or resolution of the governing body of the applicable county, city, or town of the Commonwealth.

*Patron - Carr*

**P HB1818 Establishment of fire zones; Augusta County.** Removes a prohibition on the creation of fire zones and the levy of a related tax on certain property in Augusta County that has qualified for an agricultural or forestal use-value assessment.

*Patron - Avoli*

**P HB1993 Police powers of fire marshals; training requirements.** Provides that a local fire marshal or assistant shall not exercise any police powers until such person has satisfactorily completed a basic law-enforcement course for fire marshals with police powers and maintains satisfactory participation in in-service and advanced courses and programs. The bill also provides that current or prior certification as a law-enforcement officer may satisfy the police powers training requirements. This bill is identical to SB 905.

*Patron - Krizek*

**P SB905 Police powers of fire marshals; training requirements.** Provides that a local fire marshal or assistant shall not exercise any police powers until such person has satisfactorily completed a basic law-enforcement course for fire marshals with police powers and maintains satisfactory participation in in-service and advanced courses and programs. The bill also provides that current or prior certification as a law-enforcement officer may satisfy the police powers training requirements. This bill is identical to HB 1993.

*Patron - DeSteph*

## Failed

**F HB1813 Fireworks; sale, use, and taxation.** Exempts consumer, display, and permissible fireworks, defined in the bill and relevant law, from the definition of "device" as it pertains to criminal penalties for the possession, manufacture, transportation, distribution, or use of explosive devices. The bill provides that the Statewide Fire Prevention Code does not apply (i) to the sale of permissible or consumer fireworks; (ii) to any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property; or (iii) when such permissible or consumer fireworks are being transported from a locality where they were legally obtained to a locality where they are legally permitted. The bill imposes a 12 percent retail sales and use tax on the sale or use of consumer, display, or permissible fireworks, the revenues from which shall be deposited in the Law Enforcement Support Fund, created by the bill. The bill contains technical amendments.

*Patron - March*

## Fisheries and Habitat of the Tidal Waters

### Passed

**P HB1949 Riparian assignments; transfer fee.** Increases the fee for transferring a riparian assignment for planting or gathering oysters and clams from \$5 to \$100 when

ownership of such riparian assignment is transferred with ownership of the adjacent highland. This bill is identical to SB 899. This bill received Governor's recommendations.

*Patron - Bloxom*

**P HB1950 Virginia Marine Resources Commission; wetland mitigation site; improving and enhancing tidal wetlands.** Directs the Virginia Marine Resources Commission (VMRC) to review and update its "Guidelines for Establishment, Use and Operation of Tidal Wetland Mitigation Banks in Virginia" (January 1, 1998) and its regulations, Wetlands Mitigation-Compensation Banks and Supplemental Guidelines (the Guidelines). The bill requires VMRC to consider provisions relating to the generation of vegetated and unvegetated wetland credits from wetland creation, restoration, conversion, and enhancement activities; invasive species control; and the establishment of open water channels. The bill requires VMRC to form a stakeholder group for the purpose of reviewing and updating the Guidelines.

*Patron - Bloxom*

**P HB2181 Use of subaqueous beds; nontidal waters; permit requirements; penalty.** Authorizes any person to build, dump, trespass, encroach upon or over, or take or use any materials from subaqueous beds that are the property of the Commonwealth, provided that such activity is conducted in nontidal waters and such person obtains a Virginia Water Protection Permit and complies with all requirements of the Virginia Water Resources and Wetlands Protection Program. A violation of the provisions of the bill is a Class 1 misdemeanor. This bill is identical to SB 1074.

*Patron - Morefield*

**P SB867 Wetlands zoning permit; notarization requirement.** Eliminates the notarization requirement for a permit issued by a local wetlands board for the use or development of any wetland.

*Patron - Cosgrove*

**P SB899 Riparian assignments; transfer fee.** Increases the fee for transferring a riparian assignment for planting or gathering oysters and clams from \$5 to \$100 when ownership of such riparian assignment is transferred with ownership of the adjacent highland. This bill is identical to HB 1949. This bill received Governor's recommendations.

*Patron - Stuart*

**P SB1074 Use of subaqueous beds; nontidal waters; permit requirements; penalty.** Authorizes any person to build, dump, trespass, encroach upon or over, or take or use any materials from subaqueous beds that are the property of the Commonwealth, provided that such activity is conducted in nontidal waters and such person obtains a Virginia Water Protection Permit and complies with all requirements of the Virginia Water Resources and Wetlands Protection Program. A violation of the provisions of the bill is a Class 1 misdemeanor. This bill is identical to HB 2181.

*Patron - Stuart*

**P SB1152 Expedited wetlands permits; Marine Resources Commission.** Requires the Virginia Marine Resources Commission, in conjunction with local wetlands boards and other affected state and federal agencies, to develop administrative procedures to expedite the processing of applications for wetlands permits from agencies of the United States government, including any branch of the Armed Forces of the United States.

*Patron - Cosgrove*

**P SB1160 Marine Resources Commission and local wetlands boards; permit applications; public notice.**

Requires notices to the public for certain permit hearings relating to fisheries and habitat of the tidal waters to be posted on the Virginia Regulatory Town Hall website and reduces the frequency at which such hearing notices are required to be published in a newspaper of general circulation from once a week for two weeks to at least once in the seven days prior to such hearing. The bill allows the Marine Resources Commission or a local wetlands board to email notice of a certain public hearing to any applicant for such permit and any other parties interested in such application and also requires such notice to be posted on the Commission's website at least 14 days prior to such hearing. The bill also requires localities that have adopted a coastal primary sand dune or wetlands zoning ordinance to amend any such ordinance to conform with the provisions of the bill by January 1, 2024.

*Patron - Stuart*

**P SB1388 Study; Virginia Institute of Marine Science; menhaden; report.** Directs the Virginia Institute of Marine Science (VIMS) to develop plans for studying the ecology, fishery impacts, and economic importance of menhaden populations in the waters of the Commonwealth and to provide a report on its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources and the House Committee on Agriculture, Chesapeake and Natural Resources and the Secretary of Natural and Historic Resources no later than September 1, 2023.

*Patron - Lewis*

## Failed

**F HB1383 Menhaden reduction fishing; prohibition.** Prohibits menhaden reduction fishing in any territorial sea or inland waters of the Commonwealth for two years and prohibits the Marine Resources Commission from granting any permit for menhaden reduction fishing for two years. The bill also directs the Department of Environmental Quality to prepare and submit a report relating to the environmental impact of menhaden reduction fishing in the territorial sea and inland waters of the Commonwealth to the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources and the Chairman of the Senate Committee on Agriculture, Conservation and Natural Resources by July 1, 2024. The bill has a delayed effective date of November 18, 2023, and a sunset date of November 22, 2025.

*Patron - Anderson*

**F SB1395 Marine Resources Commission; permits; navigable channels.** Prohibits the Marine Resources Commission from issuing any permit for (i) the use of state-owned bottomlands that would obstruct any marked or unmarked navigable channel regularly used by boaters or (ii) any oyster reef or aquacultural float in the Lynnhaven River within 300 feet of any marked or unmarked navigable channel.

*Patron - DeSteph*

**F SB1400 Marine Resources Commission; permits; electronic notification.** Requires the Commissioner of the Marine Resources Commission to ensure that for any project under consideration for a permit issued by the Commission for any floating aquaculture or oyster broodstock reef project the Commission sends public notice electronically to any business, residence, or civic organization that has requested to be added to the Commission's public notice email list.

*Patron - DeSteph*

**F SB1500 Potomac River Fisheries Commission; authority.** Repeals the authority of the Potomac River Fisheries Commission in certain areas of the Potomac River to (i) regulate an experimental oyster hatchery program, (ii) regulate the dredging of oysters, and (iii) regulate leasing of the river bottom or water column.

*Patron - Stuart*

**F SB1547 Placement of piles; no permit required.** Provides that no permit shall be required for the placement of piles for (i) an existing private pier or to establish a boat slip or mooring within the owner's riparian area or (ii) a de minimis subaqueous disturbance of 10 square feet or less for purposes of placing a pile more than 50 feet from a marked navigation channel.

*Patron - Cosgrove*

## General Assembly

### Passed

**P HB1368 Department of Taxation; policies and procedures; work group.** Directs the Department of Taxation to convene a work group for the purpose of studying the Department's current policies and procedures in order to determine options for a mechanism for tax practitioners to provide feedback to the Department on an ongoing basis.

*Patron - Coyner*

**P HB1419 Brown v. Board of Education Scholarship Program; extension of eligibility.** Extends eligibility for the Brown v. Board of Education Scholarship Program to the lineal and collateral descendants of persons who were residing in jurisdictions in Virginia in which the public schools were closed to avoid desegregation between 1954 and 1964 and whose educations were affected by the school closings. Currently, only persons who resided in such jurisdictions at the time of the school closings are eligible for the program. This bill is identical to SB 1498.

*Patron - Kory*

**P HB2155 Behavioral Health Commission; funding; sunset.** Repeals provisions that provided temporary alternative funding for and contingent expiration of the Behavioral Health Commission in the event that the Commission was not funded in the general appropriation act. This bill is identical to SB 1381.

*Patron - Watts*

**P HB2156 Behavioral Health Commission; agency assistance; access; records.** Clarifies the duty of agencies and political subdivisions of the Commonwealth to cooperate with and assist the Behavioral Health Commission in the performance of its duties and requires such agencies and political subdivisions to provide to the Commission (i) to the fullest extent possible and except as prohibited by law, any records, including data and information, requested by the Commission and (ii) upon request and availability, access to the facilities of any such agency or political subdivision. The bill also excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act records of the Commission. This bill is identical to SB 1170.

*Patron - Watts*

**P HB2182 Behavioral Health Commission; process to solicit and receive input.** Provides that the Behavioral

Health Commission shall have the power and duty to implement a process to solicit and receive input from (i) individuals who are currently receiving or have received behavioral health services or (ii) individuals with intellectual or developmental disabilities or autism spectrum disorders or the family members of such individuals to inform the work of the Commission.

*Patron - Robinson*

**P HB2199 Health Insurance Reform Commission; review of essential health benefits plan.** Requires that the Health Insurance Reform Commission review the essential health benefits benchmark plan and establish a process for such review. The bill requires the Commission, in coordination with the Bureau of Insurance, to conduct a review of the essential health benefits benchmark plan in 2025 and every five years thereafter. The bill requires during such review (i) the Bureau to convene a stakeholder work group to make recommendations to the Commission, (ii) the Bureau to estimate the effects of certain referred legislation on the costs of health coverage in the Commonwealth, (iii) the Commission to determine if any changes are to be made to the benchmark plan and to identify such changes, (iv) the Bureau to conduct an actuarial analysis of any changes identified by the Commission, and (v) the Commission to determine which changes will be recommended and to make a recommendation to the General Assembly in the form of a bill that directs the Bureau to select a new benchmark plan that includes any such changes at the next regular session of the General Assembly. The bill (a) requires public hearings to be held throughout the process, (b) establishes a timeline for each step of the process, and (c) requires the Bureau to maintain a website to convey relevant information regarding the process to the public. As introduced, this bill was a recommendation of the Health Insurance Reform Commission. This bill is identical to SB 1397.

*Patron - Byron*

**P HB2275 Energy planning and electric utility oversight.** Increases from 10 to 13 the membership of the Commission on Electric Utility Regulation (the Commission) by adding three nonlegislative citizen members; requires the Commission to annually elect a chairman and vice-chairman, meet twice annually, and receive an annual report from the State Corporation Commission by November 1 regarding the implementation of the Virginia Electric Utility Regulation Act; requires newly appointed members of the Commission to receive an orientation on electric utility regulation from the State Corporation Commission; authorizes the Commission to employ an executive director and such other persons as it deems necessary and to employ experts who have knowledge of the issues before it; and extends the expiration of the Commission from July 1, 2024, to July 1, 2029. The bill requires the Commission to (i) monitor applications by the Commonwealth for grants and awards for energy projects from the federal government, (ii) consider legislation referred to it during any session of the General Assembly or other requests by members of the General Assembly, and (iii) conduct studies and gather information and data in order to accomplish its purposes.

The bill requires the Division of Renewable Energy and Energy Efficiency of the Department of Energy to present a draft of the Virginia Energy Plan or any updates to the Plan to the Virginia Coal and Energy Commission and the Commission at a public meeting and to present the final Plan to the Commission at a public meeting.

The bill changes the date by which an electric utility is required to file its updated integrated resource plan from May 1 to October 15, in each year immediately preceding the year the utility is subject to a review of rates for generation and distribution services filing, and provides that after January 1, 2024, each electric utility not subject to an annual review shall file an annual update to the integrated resource plan by October 15, in

each year that the utility is subject to review of rates for generation and distribution services filing. The bill requires electric utilities, as part of preparing any integrated resource plan, to conduct outreach to engage the public in a stakeholder review process and provide opportunities for the public to contribute information, input, and ideas on the utility's integrated resource plan including the plan's development methodology, modeling inputs, and assumptions, as well as the ability for the public to make relevant inquiries, to the utility when formulating its integrated resource plan and to report its public outreach efforts to the Commission. This bill is identical to SB 1166. This bill received Governor's recommendations.

*Patron - Kilgore*

**P HB2415 American Revolution 250 Commission; report.** Changes the American Revolution 250 Commission, established in 2020, from an executive branch advisory commission to a legislative branch commission. The bill provides that members previously appointed to the Commission shall continue to serve pursuant to their original appointments. The bill also creates the Virginia American Revolution 250 Commission Fund. The bill extends the Commission's sunset date from July 1, 2027, to July 1, 2032. This bill is identical to SB 1412.

*Patron - Austin*

**P SB1166 Energy planning and electric utility oversight.** Increases from 10 to 13 the membership of the Commission on Electric Utility Regulation (the Commission) by adding three nonlegislative citizen members; requires the Commission to annually elect a chairman and vice-chairman, meet twice annually, and receive an annual report from the State Corporation Commission by November 1 regarding the implementation of the Virginia Electric Utility Regulation Act; requires newly appointed members of the Commission to receive an orientation on electric utility regulation from the State Corporation Commission; authorizes the Commission to employ an executive director and such other persons as it deems necessary and to employ experts who have knowledge of the issues before it; and extends the expiration of the Commission from July 1, 2024, to July 1, 2029. The bill requires the Commission to (i) monitor applications by the Commonwealth for grants and awards for energy projects from the federal government, (ii) consider legislation referred to it during any session of the General Assembly or other requests by members of the General Assembly, and (iii) conduct studies and gather information and data in order to accomplish its purposes.

The bill requires the Division of Renewable Energy and Energy Efficiency of the Department of Energy to present a draft of the Virginia Energy Plan or any updates to the Plan to the Virginia Coal and Energy Commission and the Commission at a public meeting and to present the final Plan to the Commission at a public meeting.

The bill changes the date by which an electric utility is required to file its updated integrated resource plan from May 1 to October 15, in each year immediately preceding the year the utility is subject to a review of rates for generation and distribution services filing, and provides that after January 1, 2024, each electric utility not subject to an annual review shall file an annual update to the integrated resource plan by October 15, in each year that the utility is subject to review of rates for generation and distribution services filing. The bill requires electric utilities, as part of preparing any integrated resource plan, to conduct outreach to engage the public in a stakeholder review process and provide opportunities for the public to contribute information, input, and ideas on the utility's integrated resource plan including the plan's development methodology, modeling inputs, and assumptions, as well as the ability for the public to make relevant inquiries, to the utility when formulating its integrated resource plan and to report its public outreach

efforts to the Commission. This bill is identical to HB 2275. This bill received Governor's recommendations.

*Patron - Surovell*

**P SB1170 Behavioral Health Commission; agency assistance; access; records.** Clarifies the duty of agencies and political subdivisions of the Commonwealth to cooperate with and assist the Behavioral Health Commission in the performance of its duties and requires such agencies and political subdivisions to provide to the Commission (i) to the fullest extent possible and except as prohibited by law, any records, including data and information, requested by the Commission and (ii) upon request and availability, access to the facilities of any such agency or political subdivision. The bill also excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act records of the Commission. This bill is identical to HB 2156.

*Patron - Hanger*

**P SB1357 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 Rotunda, the old Senate chamber, and the old hall of the House of Delegates, and excluding the new Senate chamber and the new hall of the House of Delegates, office space, and any other area designated as legislative space that is not open to the public.

*Patron - Norment*

**P SB1381 Behavioral Health Commission; funding; sunset.** Repeals provisions that provided temporary alternative funding for and contingent expiration of the Behavioral Health Commission in the event that the Commission was not funded in the general appropriation act. This bill is identical to HB 2155.

*Patron - Deeds*

**P SB1397 Health Insurance Reform Commission; review of essential health benefits plan.** Requires that the Health Insurance Reform Commission review the essential health benefits benchmark plan and establish a process for such review. The bill requires the Commission, in coordination with the Bureau of Insurance, to conduct a review of the essential health benefits benchmark plan in 2025 and every five years thereafter. The bill requires during such review (i) the Bureau to convene a stakeholder work group to make recommendations to the Commission, (ii) the Bureau to estimate the effects of certain referred legislation on the costs of health coverage in the Commonwealth, (iii) the Commission to determine if any changes are to be made to the benchmark plan and to identify such changes, (iv) the Bureau to conduct an actuarial analysis of any changes identified by the Commission, and (v) the Commission to determine which changes will be recommended and to make a recommendation to the General Assembly in the form of a bill that directs the Bureau to select a new benchmark plan that includes any such changes at the next regular session of the General Assembly. The bill (a) requires public hearings to be held throughout the process, (b) establishes a timeline for each step of the process, and (c) requires the Bureau to maintain a website to convey relevant information regarding the process to the public. As introduced, this bill was a recommendation of the Health Insurance Reform Commission. This bill is identical to HB 2199.

*Patron - Surovell*



**P SB1412 American Revolution 250 Commission; report.** Changes the American Revolution 250 Commission, established in 2020, from an executive branch advisory commission to a legislative branch commission. The bill provides that members previously appointed to the Commission shall continue to serve pursuant to their original appointments. The bill also creates the Virginia American Revolution 250 Commission Fund. The bill extends the Commission's sunset date from July 1, 2027, to July 1, 2032. This bill is identical to HB 2415.

*Patron - Norment*

**P SB1498 Brown v. Board of Education Scholarship Program; extension of eligibility.** Extends eligibility for the Brown v. Board of Education Scholarship Program to the lineal and collateral descendants of persons who were residing in jurisdictions in Virginia in which the public schools were closed to avoid desegregation between 1954 and 1964 and whose educations were affected by the school closings. Currently, only persons who resided in such jurisdictions at the time of the school closings are eligible for the program. This bill is identical to HB 1419.

*Patron - McClellan*

## Failed

**F HB1391 Commission on Social Media established; report.** Establishes the 20-member Commission on Social Media in the legislative branch to study and make recommendations on the impacts and harms to citizens caused by social media platforms hosting or amplifying content that includes threats or suggestions of physical violence or danger toward citizens, institutions, groups, associations, or physical structures of the Commonwealth. The Commission will study the impact on citizens of dangerous and violent rhetoric, threats, harassment, doxing, intimidation, misinformation, disinformation, defamation, and deceptive practices of social media companies. The Commission will also study the impact of certain practices by social media companies, such as algorithmic amplification and target advertising, on citizens. The bill requires the Commission to report annually to the General Assembly on its activities and provides that the Commission will sunset on July 1, 2026.

*Patron - Gooditis*

**F HB1518 General Assembly; annual verification of member's legal residence within electoral district.** Requires each member of the General Assembly to annually submit a certification of his legal residence to the clerk of the house in which he serves, signed by the member under penalty of perjury to be true and correct. The bill requires the clerk of each house to verify that the address provided on the certification is within the district that the member was most recently elected to represent. Any member who is found to not be a resident of the district that he was most recently elected to represent shall, in accordance with Article IV, Section 4 of the Constitution of Virginia, vacate his office.

*Patron - Adams, D.M.*

**F HB1869 Bills creating certain boards and commissions; required sunset provision.** Requires all bills creating a board, council, commission, or other collegial body in the legislative branch to contain a provision for the expiration of such body three years after its creation. Currently, only bills creating such advisory boards, councils, commissions, and other collegial bodies in the executive branch are required to include such sunset provision. The bill directs the Secretary of the Commonwealth and the Clerks of the House of Delegates and the Senate to submit to the Virginia Code Commission by

October 1, 2023, a list of those boards, councils, commissions, or other collegial bodies in the executive or legislative branch that are not set to expire within three years and directs the Virginia Code Commission to submit legislation at the 2024 Regular Session that prescribes an expiration date that is no later than July 1, 2027, for such bodies.

*Patron - Scott, P.A.*

**F HB1937 General Assembly; Legislator Compensation Commission established.** Establishes the Legislator Compensation Commission, to be formed every four years for the purpose of reviewing the salaries, expense allowances, retirement benefits, and other emoluments received by members of the General Assembly and determining whether any adjustments to salaries or allowances are needed. The Commission shall consist of two former Governors, two former members of the Senate of Virginia, and two former members of the House of Delegates, to be appointed by the Joint Rules Committee, with equal representation given to the two major political parties in the Commonwealth. Any adjustments made to salaries, expense allowances, or other emoluments or benefits based upon the recommendation of the Commission shall be effective beginning with January 1 of the year immediately following the general election for all members of the General Assembly.

*Patron - Plum*

**F HB2253 Commission on Historically Black Colleges and Universities in the Commonwealth; report.** Establishes the 10-member Commission on Historically Black Colleges and Universities in the Commonwealth in the legislative branch to identify and recommend legislative priorities and policies for adoption or examination by the General Assembly and the Governor in order to provide ongoing support in developing and reviewing services and funding related to the five historically black colleges and universities in the Commonwealth, which are Hampton University, Norfolk State University, Virginia State University, Virginia Union University, and Virginia University of Lynchburg.

*Patron - Cordoza*

**F HB2281 Virginia Conflict of Interest and Ethics Advisory Council; powers and duties; complaints; penalties.** Authorizes the Virginia Conflict of Interest and Ethics Advisory Council to investigate alleged violations of the State and Local Government Conflict of Interests Act and the General Assembly Conflicts of Interests Act. The Council may initiate an investigation upon its own motion or in response to a complaint filed by a resident of the Commonwealth who has firsthand knowledge of an alleged violation. The bill directs the Council to review the disclosure forms filed by members of the General Assembly for compliance with applicable disclosure requirements and limitations on gifts and the accuracy of all information disclosed and authorizes the Council to initiate an investigation based on the findings of this review. The bill increases from a Class 1 misdemeanor to a Class 6 felony the penalty for any knowing violation of the General Assembly Conflicts of Interests Act.

*Patron - Shin*

**F HB2413 Mandatory reporting of all offenders released from a local correctional facility or state correctional facility before the completion of the offender's sentence.** Requires the Department of Corrections and all local correctional facilities to provide the Virginia State Crime Commission with the name, last known address, criminal history information, length of sentence incarcerated, reason for early release, and remaining time on such length of sentence for each offender in the custody of the Department or such local correctional facility. The bill requires the Commission to publish the

names of such offenders along with the reason for early release on its website and provide an annual report by November 15 to the General Assembly concerning the release of such offenders and any future criminal charges and convictions for such offenders.

*Patron - Campbell, E.H.*

**F SB913 Public-Private Partnership Advisory Commission; membership.** Makes the Secretary of Finance a permanent member of the Public-Private Partnership Advisory Commission and requires a responsible public entity to submit to the Secretary a copy of any proposal or proposed interim or comprehensive agreement for a qualifying project that it submits to the Commission and other enumerated entities.

*Patron - Ruff*

**F SB1248 MEI Project Approval Commission; board-level gender and diversity requirements.** Prohibits the MEI Project Approval Commission from recommending approval of any major employment and investment (MEI) project for a business that does not have and does not commit to maintaining a balanced board of directors based upon gender and racial diversity, such that at least 30 percent of such board of directors consists of women and historically underrepresented groups. The bill requires any business seeking approval of a project to submit a board diversity disclosure and to update such disclosure annually, specifying the number and percentage of diverse directors on the board of such business who self-identify as female or represent a national, racial, ethnic, indigenous, or cultural identity in the country of the business's principal executive offices.

*Patron - Lucas*

**F SB1335 Fiscal impact statements; formula for estimated appropriations.** Establishes a formula for determining the estimated appropriations in a fiscal impact statement of any bill that adds a new felony for which imprisonment or commitment is authorized.

*Patron - Morrissey*

**F SB1352 General Assembly Conflicts of Interests Act; prohibited ownership interests; casino gaming establishments and retail marijuana stores; penalty.** Prohibits any member of the General Assembly or any member of his immediate family from holding a direct or indirect ownership interest in a casino gaming establishment or retail marijuana store or in any entity that sells or distributes on the premises of such establishment or store any goods or services that are incidental or ancillary to the principal business of the establishment or store. Such prohibition shall apply during the legislator's service as a legislator and for the five years immediately following the termination of such service. The bill provides that any person who violates the prohibition is guilty of a Class 6 felony and that any money or thing of value derived by the legislator from such violation is forfeited to the Commonwealth.

*Patron - Norment*

## General Provisions

### Passed

**P HB1450 Individuals with disabilities; terminology.** Replaces various instances of the terms "handicap," "handicapped," and similar variations throughout the Code of Virginia with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment." The bill con-

tains technical amendments. As introduced, this bill was a recommendation of the Virginia Disability Commission. This bill is identical to SB 798.

*Patron - Orrock*

**P HB1463 Claims; Michael Haas; compensation for wrongful incarceration.** Provides relief in the amount of \$1,530,653 to Michael Haas, who was wrongly convicted of forcible sodomy. This bill is identical to SB 928.

*Patron - Ware*

**P HB1582 Claims; David Wayne Kingrea; compensation for wrongful incarceration.** Provides relief in the amount of \$58,942 to David Wayne Kingrea, who was wrongly convicted of indecent liberties with a minor.

*Patron - Sullivan*

**P HB1606 Antisemitism.** Provides that the Commonwealth adopts the non-legally binding Working Definition of Antisemitism adopted by the International Holocaust Remembrance Alliance on May 26, 2016, including the contemporary examples of antisemitism set forth therein, exclusively as a tool and guide for training, education, recognizing, and combating antisemitic hate crimes or discrimination and for tracking and reporting antisemitic incidents in the Commonwealth.

*Patron - Tata*

**P HB1951 Official emblems and designations; state pony.** Designates the Chincoteague Pony as the official pony of the Commonwealth. This bill is identical to SB 1478.

*Patron - Bloxom*

**P HB2323 Posting of notices.** Provides that if any notice, summons, order, or other official document of any type is required to be posted by a circuit court clerk on or at the front door of a courthouse or on a public bulletin board at a courthouse, it shall constitute compliance with such requirement if the notice, summons, order, or other official document is posted on the public government website of the locality served by the court or the website of the circuit court clerk. The bill further directs the chief judge of the circuit in which the courthouse is situated to approve a location, at or near the principal public entrance to the courthouse, that is conspicuous to the public for the physical posting of such notice. The bill has a delayed effective date of July 1, 2025.

*Patron - Hope*

**P SB798 Individuals with disabilities; terminology.** Replaces various instances of the terms "handicap," "handicapped," and similar variations throughout the Code of Virginia with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment." The bill contains technical amendments. As introduced, this bill was a recommendation of the Virginia Disability Commission. This bill is identical to HB 1450.

*Patron - Hashmi*

**P SB928 Claims; Michael Haas; compensation for wrongful incarceration.** Provides relief in the amount of \$1,530,653 to Michael Haas, who was wrongly convicted of forcible sodomy. This bill is identical to HB 1463.

*Patron - Hashmi*

**P SB1443 Office of the Children's Ombudsman; recommendations for establishment of Parents Advocacy Commission; report.** Directs the Office of the Children's Ombudsman to convene a work group to study and make recommendations for the establishment of the Parents Advocacy Commission. The bill directs the work group to report such

recommendations to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by November 1, 2023.

*Patron - Deeds*

**P SB1478 Official emblems and designations; state pony.** Designates the Chincoteague Pony as the official pony of the Commonwealth. This bill is identical to HB 1951.

*Patron - Lewis*

**P SB1520 Capital outlay funding.** Authorizes the Virginia Public Building Authority to issue bonds in an aggregate principal amount not to exceed \$21,664,500 for the state share of certain approved capital project costs and amends 2016 legislation to authorize the Six-Year Capital Outlay Plan Advisory Committee to meet four times annually rather than quarterly.

*Patron - Howell*

## Failed

**F HB1864 Vaccine requirements for state agency employees; exemption.** Creates an exemption to vaccine requirements implemented by state agencies for any state agency employees who are philosophically opposed to receiving such vaccination.

*Patron - Scott, P.A.*

**F SB792 COVID-19 immunization; prohibition on requirement; discrimination prohibited; civil penalty.** Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person, including any child, to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status (i) with regard to education, employment, or issuance of a driver's license or other state identification or (ii) in numerous other contexts. The bill establishes a civil penalty for violation of this prohibition by an employer.

*Patron - Chase*

**F SB833 COVID-19 immunization; prohibition on requirement; discrimination prohibited; civil penalty.** Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person, including any child, to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status (i) with regard to education, employment, or issuance of a driver's license or other state identification or (ii) in numerous other contexts. The bill establishes a civil penalty for violation of this prohibition by an employer.

*Patron - Chase*

**F SB1017 Time zone of the Commonwealth.** Provides that the Commonwealth shall observe Eastern Daylight Time (Eastern Standard Time, advanced one hour) year-round upon the enactment by Congress of a law allowing states to observe Eastern Daylight Time year-round.

*Patron - Stuart*

**F SB1206 Virginia Commercial Space Flight Authority; emergency.** Overrides a provision in the appropriation act that required a certain approval from the National Aeronautics and Space Administration prior to disbursement of

funds to the Virginia Commercial Space Flight Authority. The bill contains an emergency clause.

*Patron - Saslaw*

**F SB1252 Anti-Semitism.** Provides that the term "anti-Semitism" when used in reference to discrimination in the Code of Virginia and acts of the General Assembly is defined by the Working Definition of Anti-Semitism adopted by the International Holocaust Remembrance Alliance on May 26, 2016, including the contemporary examples of anti-Semitism set forth in such definition.

*Patron - Dunnivant*

## Health

### Passed

**P HB1446 Minimum staffing standards for certified nursing facilities; administrative sanctions.** Sets nursing staffing requirements for certified nursing facilities, imposes administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, provides for exemptions to the administrative sanctions under certain circumstances, and directs the promulgation of regulations consistent with the bill. The bill has a delayed effective date of July 1, 2025. This bill is identical to SB 1339.

*Patron - Orrock*

**P HB1452 Appointment of sworn unit investigators to Medicaid Fraud Control Unit.** Allows the Attorney General to designate up to 30 persons in the Medicaid Fraud Control Unit as sworn unit investigators, sworn only to enforce the provisions of law related to the provision and receipt of medical assistance services in the Commonwealth. The bill defines sworn unit investigators as law-enforcement officers and specifies that sworn unit investigators will remain subject to the federal requirements authorizing State Medicaid Fraud Control Units and are required to notify and request assistance from the State Police or the local law-enforcement agency in order to execute a search warrant issued for a place of abode.

*Patron - Orrock*

**P HB1512 State plan for medical assistance services; durable medical equipment; complex rehabilitation technology.** Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for payment of medical assistance for the initial purchase or replacement of complex rehabilitative technology manual and power wheelchair bases and related accessories. The bill directs the Board to adopt emergency regulations to implement the provisions of the bill.

*Patron - Adams, D.M.*

**P HB1567 Department of Health; perinatal health hub work group; report.** Directs the Department of Health, in collaboration with the Virginia Neonatal Perinatal Collaborative, the Virginia Maternal Quality Care Alliance, and Urban Baby Beginnings, to convene a work group of stakeholders to evaluate strategies to reduce maternal and infant mortality rates and make recommendations to enhance maternal health and public health support systems through expansion of the perinatal health hub model. The bill directs the Department of Health to report on the results and recommendations of the work group to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by December 1, 2023.

*Patron - Rasoul*

**P HB1602 State plan for medical assistance services; telemedicine; in-state presence.** Establishes that health care providers are not required to maintain a physical presence in the Commonwealth to maintain eligibility to enroll as a Medicaid provider. Additionally, the bill establishes that telemedicine services provider groups with health care providers duly licensed by the Commonwealth are not required to maintain an in-state service address to maintain eligibility to enroll as a Medicaid vendor or Medicaid provider group. This bill is identical to SB 1418.

*Patron - Robinson*

**P HB1681 Long-term services and supports screening; screening after admission; coverage of institutional long-term services and supports.** Provides that if an individual is admitted to a skilled nursing facility for skilled nursing services and such individual was not screened but is subsequently determined to have been required to be screened prior to admission to the skilled nursing facility, then the screening may be conducted after admission. Under the bill, coverage of institutional long-term services and supports by the Commonwealth for such patients who have not been pre-screened shall not begin until six months after the initial admission to the skilled nursing facility. During this six-month period, the nursing home in which the individual resides shall be responsible for all costs indicated for institutional long-term services and supports, without accessing the patient's funds. The bill provides that if sufficient evidence indicates that the admission without screening was of no fault of the skilled nursing facility, the Department of Medical Assistance Services shall begin coverage of institutional long-term services and supports immediately upon the completion of the functional screening indicating skilled nursing facility level of care pending the financial eligibility determination. This bill is identical to SB 1457.

*Patron - Robinson*

**P HB1817 Disposition of unclaimed bodies; how disposition expenses paid; seizure of assets.** Permits seizure of a decedent's nonprobate assets to cover the costs of disposition of such decedent's unclaimed body. Currently, seizure is limited to estate assets out of which disposition costs may be paid.

*Patron - Avoli*

**P HB1827 Autopsies; decedents in the custody of Department of Corrections.** Requires, if a decedent is an inmate in the custody of the Department of Corrections, that an autopsy be performed by the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a pathologist with whom the State Health Commissioner has entered into an agreement. The bill has a delayed effective date of January 1, 2024. This bill is identical to SB 1276.

*Patron - Cherry*

**P HB1963 Department of Medical Assistance Services; services for individuals with developmental disabilities; financial flexibility; report.** Directs the Department of Medical Assistance Services to take steps to amend the Family and Individual Supports, Community Living, and Building Independence waivers to provide greater financial flexibility to individuals with developmental disabilities who are receiving waiver services. The bill requires the Department to report on its progress to the Governor and the General Assembly by December 1, 2023. This bill is identical to SB 945.

*Patron - Runion*

**P HB2008 Department of Health; study of tick-borne diseases in the Commonwealth; report.** Directs the Department of Health to convene a work group to study and make recommendations for reducing the occurrence and impact of tick-borne diseases in the Commonwealth. The work group shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2023.

*Patron - Adams, L.R.*

**P HB2158 Department of Medical Assistance Services; compliance with certain federal requirements; work group; report.** Directs the Department of Medical Assistance Services to evaluate its ability to comply with certain federal requirements regarding the Commonwealth's right of recovery from insurance carriers for items or services for which payment was made under the state plan for medical assistance services by the effective compliance date of July 1, 2024, and to convene a work group to develop a communication plan to notify carriers of the changes required by such federal law. The bill directs the Department to report its findings and recommendations to the Chairs of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2023.

*Patron - Fariss*

**P HB2173 Bedding and upholstered furniture; exemption from regulation.** Exempts from the Board of Health regulations governing bedding and upholstered furniture any items of bedding or upholstered furniture that are 75 years old or older. This bill is identical to SB 1016.

*Patron - Sickles*

**P HB2190 Department of Medical Assistance Services; data collection and analysis; claims submitted to managed care organizations; report.** Requires the Department of Medical Assistance Services to collect data for each fiscal year from fiscal year 2018 through fiscal year 2022 regarding (i) the number and percentage of claims submitted to managed care organizations that were denied and the reasons for such denials and (ii) the number and percentage of claims submitted to managed care organizations that required resubmission prior to payment and the reasons for such resubmissions and to examine such data and identify barriers that providers encounter when accepting and treating patients enrolled in the state plan for medical assistance services. Under the bill, the Department shall report such data and analysis by November 1, 2023, to the Joint Commission on Health Care and the Joint Subcommittee for Health and Human Resources Oversight. As introduced, this bill was a recommendation of the Joint Commission on Health Care. This bill is identical to SB 1270.

*Patron - Rasoul*

**P HB2224 Department of Health; Department of General Services; newborn screening program; funding; work group.** Directs the Department of Health and the Department of General Services to convene a work group to evaluate the current funding model for the Commonwealth's newborn screening program. The bill directs the Departments to report their findings and recommendations to the General Assembly by December 1, 2023.

*Patron - Murphy*

**P HB2345 Smartchart Network Program.** Renames the Emergency Department Care Coordination Program as the Smartchart Network Program and expands the Program to allow participation by all health care providers, insurance carriers, and other organizations with a treatment, payment, or operations relationship with a patient in the Com-

monwealth to facilitate real-time communication and collaboration. Under current law, participation is limited to hospital emergency departments. The bill makes several other modifications to the Program, including adding a requirement that the Program allow health care providers, health care entities, and insurance carriers to access information necessary to evaluate and monitor the care and treatment of a patient in accordance with applicable patient privacy and security requirements and adding a requirement that such entities continue to improve care coordination in hospital emergency departments in order to reduce the frequency of visits by high-volume emergency department utilizers. The bill also directs the State Health Commissioner and the Director of the Department of Health Professions to convene a work group to study and establish a plan to develop and implement a system to share information regarding a patient's prescription history and medication reconciliation. The bill requires the Commissioner and the Director to report their findings and recommendations to the Chairmen of the Joint Commission on Health Care, Senate Committee on Education and Health, and House Committee on Health, Welfare and Institutions by October 1, 2023. The provisions of the bill other than creation of the work group have a delayed effective date of January 1, 2024. This bill is identical to SB 1255.

*Patron - Head*

**P SB827 Hospital emergency departments; required security plan; regulations.** Directs the Board of Health to amend its regulations to require every hospital with an emergency department to establish a security plan. The bill requires that such security plan be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and be based on the results of a security risk assessment of each emergency department location of the hospital. The bill requires that the security plan include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. The bill provides for a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment.

*Patron - Favola*

**P SB945 Department of Medical Assistance Services; services for individuals with developmental disabilities; financial flexibility; report.** Directs the Department of Medical Assistance Services to take steps to amend the Family and Individual Supports, Community Living, and Building Independence waivers to provide greater financial flexibility to individuals with developmental disabilities who are receiving waiver services. The bill requires the Department to report on its progress to the Governor and the General Assembly by December 1, 2023. This bill is identical to HB 1963.

*Patron - Suetterlein*

**P SB975 Certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners; designation as advanced practice registered nurses.** Changes references to certain practitioners in the Code to advanced practice registered nurse in order to align the Code with the professional designations established by the Consensus Model for Advanced Practice Registered Nurses Regulation established by the National Council of State Boards of Nursing.

*Patron - Peake*

**P SB1016 Bedding and upholstered furniture; exemption from regulation.** Exempts from the Board of Health regulations governing bedding and upholstered furniture any items of bedding or upholstered furniture that are 75 years old or older. This bill is identical to HB 2173.

*Patron - Suetterlein*

**P SB1232 Death investigations; individuals receiving services in a state hospital or training center.** Clarifies that the deaths of individuals who are or who were, immediately prior to admission to another hospital, receiving services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services must be investigated by the Office of the Chief Medical Examiner, whether the death of such individual was expected or unexpected. The bill also requires that any report concerning the death of an individual who is receiving services or who, immediately prior to admission to another hospital, received services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services be delivered to the Commissioner of Behavioral Health and Developmental Services and to the State Inspector General. Current law only requires the delivery of autopsy reports.

*Patron - Dunnivant*

**P SB1254 Maternal Mortality Review Team; annual compilation and release of statistical data.** Requires the Maternal Mortality Review Team to annually compile statistical data and make such data available to the Governor, General Assembly, and the public. Currently, the Maternal Mortality Review Team is required to compile and release such data on a triennial basis.

*Patron - Dunnivant*

**P SB1255 Smartchart Network Program.** Renames the Emergency Department Care Coordination Program as the Smartchart Network Program and expands the Program to allow participation by all health care providers, insurance carriers, and other organizations with a treatment, payment, or operations relationship with a patient in the Commonwealth to facilitate real-time communication and collaboration. Under current law, participation is limited to hospital emergency departments. The bill makes several other modifications to the Program, including adding a requirement that the Program allow health care providers, health care entities, and insurance carriers to access information necessary to evaluate and monitor the care and treatment of a patient in accordance with applicable patient privacy and security requirements and adding a requirement that such entities continue to improve care coordination in hospital emergency departments in order to reduce the frequency of visits by high-volume emergency department utilizers. The bill also directs the State Health Commissioner and the Director of the Department of Health Professions to convene a work group to study and establish a plan to develop and implement a system to share information regarding a patient's prescription history and medication reconciliation. The bill requires the Commissioner and the Director to report their findings and recommendations to the Chairmen of the Joint Commission on Health Care, Senate Committee on Education and Health, and House Committee on Health, Welfare and Institutions by October 1, 2023. The provisions of the bill other than creation of the work group have a delayed effective date of January 1, 2024. This bill is identical to HB 2345.

*Patron - Dunnivant*

**P SB1270 Department of Medical Assistance Services; data collection and analysis; claims submitted to managed care organizations; report.** Requires the Depart-

ment of Medical Assistance Services to collect data for each fiscal year from fiscal year 2018 through fiscal year 2022 regarding (i) the number and percentage of claims submitted to managed care organizations that were denied and the reasons for such denials and (ii) the number and percentage of claims submitted to managed care organizations that required resubmission prior to payment and the reasons for such resubmissions and to examine such data and identify barriers that providers encounter when accepting and treating patients enrolled in the state plan for medical assistance services. Under the bill, the Department shall report such data and analysis by November 1, 2023, to the Joint Commission on Health Care and the Joint Subcommittee for Health and Human Resources Oversight. As introduced, this bill was a recommendation of the Joint Commission on Health Care. This bill is identical to HB 2190.

*Patron - Edwards*

**P SB1276 Autopsies; decedents in the custody of Department of Corrections.** Requires, if a decedent is an inmate in the custody of the Department of Corrections, that an autopsy be performed by the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a pathologist with whom the State Health Commissioner has entered into an agreement. The bill has a delayed effective date of January 1, 2024. This bill is identical to HB 1827.

*Patron - Dunnivant*

**P SB1339 Minimum staffing standards for certified nursing facilities; administrative sanctions.** Sets nursing staffing requirements for certified nursing facilities, imposes administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, provides for exemptions to the administrative sanctions under certain circumstances, and directs the promulgation of regulations consistent with the bill. The bill has a delayed effective date of July 1, 2025. This bill is identical to HB 1446.

*Patron - Barker*

**P SB1344 Operation of the City of Alexandria local health department.** Allows the City of Alexandria to enter into a contract with the Department of Health for the local administration of local health services.

*Patron - Barker*

**P SB1415 Opioid impact reduction.** Allows any person to possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, provided that certain other conditions enumerated in current law are met. The bill removes training requirements related to the possession and administration of naloxone. The bill directs the Department of Health, the Department of Behavioral Health and Developmental Services, and the Department of Corrections to collaborate to develop a statewide comprehensive plan for the distribution of naloxone throughout the Commonwealth and allows such agencies to begin implementation of the plan to the extent the agencies are able to do so with existing resources. The bill requires the Department of Health to provide a report on the development of the comprehensive statewide naloxone plan, including the resources needed to fully implement the plan, to the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by September 1, 2023. The bill directs the Department of Health to begin the development of a Commonwealth opioid impact reduction registry consisting of nonprofit organizations that work to reduce the impact of opioids in the Commonwealth and directs the

Department of Corrections to amend its regulations to require that training in the administration of naloxone be provided to every inmate prior to release.

*Patron - Pillion*

**P SB1418 State plan for medical assistance services; telemedicine; in-state presence.** Establishes that health care providers are not required to maintain a physical presence in the Commonwealth to maintain eligibility to enroll as a Medicaid provider. Additionally, the bill establishes that telemedicine services provider groups with health care providers duly licensed by the Commonwealth are not required to maintain an in-state service address to maintain eligibility to enroll as a Medicaid vendor or Medicaid provider group. This bill is identical to HB 1602.

*Patron - Pillion*

**P SB1452 Certificate of public need exemption; nursing home facility in Amherst County.** Directs the State Health Commissioner to accept and review applications and issue a certificate of public need for a new 90-bed nursing home facility, given the unique and extenuating circumstances of this potential facility, provided that such facility is located on the property of the former Central Virginia Training Center in Amherst County and is owned by the Commonwealth as of July 1, 2023. This bill received Governor's recommendations.

*Patron - Newman*

**P SB1457 Long-term services and supports screening; screening after admission; coverage of institutional long-term services and supports.** Provides that if an individual is admitted to a skilled nursing facility for skilled nursing services and such individual was not screened but is subsequently determined to have been required to be screened prior to admission to the skilled nursing facility, then the screening may be conducted after admission. Under the bill, coverage of institutional long-term services and supports by the Commonwealth for such patients who have not been pre-screened shall not begin until six months after the initial admission to the skilled nursing facility. During this six-month period, the nursing home in which the individual resides shall be responsible for all costs indicated for institutional long-term services and supports, without accessing the patient's funds. The bill provides that if sufficient evidence indicates that the admission without screening was of no fault of the skilled nursing facility, the Department of Medical Assistance Services shall begin coverage of institutional long-term services and supports immediately upon the completion of the functional screening indicating skilled nursing facility level of care pending the financial eligibility determination. This bill is identical to HB 1681.

*Patron - Lewis*

**P SB1531 Secretary of Health and Human Resources; Department of Health; Virginia Neonatal Perinatal Collaborative; hospital regulations; report.** Directs the Secretary of Health and Human Resources to convene a work group to facilitate strengthening collaboration on neonatal and perinatal care of women and infants to positively impact maternal and child health care outcomes in the Commonwealth. The work group shall submit a report of its recommendations to the Chairmen of the House Committees on Health, Welfare and Institutions and Appropriations and the Senate Committees on Education and Health and Finance and Appropriations by November 1, 2023.

*Patron - Dunnivant*

**P SB1538 State plan for medical assistance services; pharmacy services.** Requires the Department of Medical Assistance Services to provide reimbursement when the

services provided for by the state plan for medical assistance services are services by a pharmacist, pharmacy technician, or pharmacy intern (i) performed under the terms of a collaborative agreement as defined in relevant law and consistent with the terms of a managed care contractor provider contract or the state plan or (ii) related to services and treatment in accordance with relevant law.

*Patron - Pillion*

## Failed

**F HB1395 Rights beginning at conception.** Provides that life begins at conception and each person is accorded the same rights and protections guaranteed to all persons by the Constitution of the United States, the Constitution of Virginia, and the laws of the Commonwealth beginning at the moment of conception. The bill also repeals all provisions of the Code of Virginia allowing for the performance of abortions.

*Patron - March*

**F HB1488 Abortion; use of public funds prohibited.** Provides that no agency of the Commonwealth shall enter into any contract with or make any grant of public funds, as defined in the bill, to any entity or any affiliate of any entity that provides abortion services or operates a facility at which abortion services are provided. The bill also repeals provisions authorizing the Board of Health to use state general funds appropriated to the Department of Health to pay the cost of abortions for women who otherwise meet the financial eligibility criteria for services through the state plan for medical assistance services in cases in which (i) a pregnancy occurs as a result of rape or incest that is reported to a law-enforcement or public health agency or (ii) a physician certifies in writing that he believes the fetus will be born with a gross and totally incapacitating physical deformity or with a gross and totally incapacitating mental deficiency.

*Patron - McGuire*

**F HB1534 Loan repayment programs; mental health professionals.** Creates a loan repayment program for persons who have worked as mental health professionals in the Commonwealth for at least five years.

*Patron - Clark*

**F HB1564 Nursing home standards of care; administrative sanctions; Long-Term Care Services Fund established.** Requires regulations establishing the staffing and care standards in nursing homes to require a minimum number of hours of direct care services to each resident per 24-hour period, which minimum increases in specified phases from 3.5 hours to 4.1 hours. The bill gives the Commissioner of Health the power to impose administrative sanctions on nursing homes and directs the Board of Health to promulgate regulations related to the criteria and procedures for the imposition of administrative sanctions or initiation of court proceedings for violations of the bill. The bill establishes the Long-Term Care Services Fund for the purpose of making grants to assist in the provision of activities that protect or improve the quality of care or quality of life for residents, patients, and consumers of long-term care services.

*Patron - Watts*

**F HB1596 Prescription Drug Affordability Board and Fund established; drug cost affordability review.** Establishes the Prescription Drug Affordability Board for the purpose of protecting the citizens of the Commonwealth, state and local governments, commercial health plans, health care providers, pharmacies licensed in the Common-

wealth, and other stakeholders within the health care system from the high costs of prescription drug products.

The bill directs the Governor to appoint the members and alternate members of the Board and requires the Board to meet in open session at least four times annually, with certain exceptions and requirements enumerated in the bill. Members of the Board are required to disclose any conflicts of interest, as described in the bill. The bill also creates a stakeholder council for the purpose of assisting the Board in making decisions related to drug cost affordability. The bill tasks the Board with identifying prescription, generic, and other drugs, as defined in the bill, that are offered for sale in the Commonwealth and, at the Board's discretion, conducting an affordability review of any prescription drug product. The bill lists factors for the Board to consider that indicate an affordability challenge for the health care system in the Commonwealth or high out-of-pocket costs for patients. The bill also provides that any person aggrieved by a decision of the Board may request an appeal of the Board's decision and that the Attorney General shall have authority to enforce the provisions of the bill.

The bill also creates the Prescription Drug Affordability Fund to be used for funding the operations of the Board and reimbursing state agencies for implementing the provisions of the bill. The bill requires the Board to report its findings and recommendations to the General Assembly twice annually, beginning on July 1, 2024, and December 31, 2024.

Provisions of the bill shall apply to state-sponsored and state-regulated health plans and health programs and obligate such policies to limit drug payment amounts and reimbursements to an upper payment limit amount set by the Board, if applicable, following an affordability review. The bill specifies that Medicare Part D plans shall not be bound by such decisions of the Board.

Finally, the bill contains a severability clause and has a delayed effective date of January 1, 2024.

*Patron - Delaney*

**F HB1599 Department of Medical Assistance Services; certain waivers for individuals with developmental disabilities; medically needy spend down provision.** Directs the Department of Medical Assistance Services to take steps to amend the Family and Individual Supports, Community Living, and Building Independence waivers to implement a medically needy spend down provision that allows otherwise eligible individuals to spend income in excess of the income limit for waiver services on medical expenses in order to meet the waiver income limit. The bill requires the Department to report on its activities and progress to the Governor and the General Assembly by December 1, 2023.

*Patron - Wachsmann*

**F HB1600 Certificate of public need; expedited review process.** Requires the Department of Health to establish an expedited review process for certain projects involving addition of imaging equipment, addition of a new ambulatory or outpatient surgery center, addition of operating rooms at an existing ambulatory or outpatient surgery center, and addition of psychiatric beds or conversion of existing beds at a medical care facility to psychiatric beds and requires the Board of Health to include in regulations governing the certificate of public need program a provision for the development of review criteria and standards for specific medical care facilities and health care services for each health planning region that take into account the unique needs and characteristics of such region. The bill also amends the definition of "charity care" and defines "health care service" and "indigent."

*Patron - Robinson*



**F HB1656 Study; JLARC; effects of gun violence on communities; report.** Directs the Joint Legislative Audit and Review Commission to study the social, physical, emotional, and economic effects of gun violence on communities across the Commonwealth.

*Patron - Price*

**F HB1689 Patient visitation; visitation from clergy members.** Requires hospitals, nursing homes, and certified nursing facilities to allow patients to receive visits from clergy members during a declared public health emergency related to a communicable disease of public health threat, unless the hospital, nursing home, or certified nursing facility demonstrates that it is unable to reasonably accommodate the visits without undue hardship on the facility. Under the bill, the hospital, nursing home, or certified nursing facility may restrict visits of a clergy member who fails a health screening measure or tests positive for a communicable disease of public health threat. If the hospital, nursing home, or certified nursing facility establishes a protocol restricting the total number of individuals permitted to visit a patient, clergy members shall not be counted toward that total number. The bill provides immunity for hospitals, nursing homes, and certified nursing facilities and their employees and contractors from liability for injury or death due to exposure to a communicable disease of public health threat resulting from or related to such visitation, except in limited circumstances.

*Patron - Greenhalgh*

**F HB1721 Commissioner of Health; work group to study the occurrence of microplastics in the Commonwealth's public drinking water; report.** Directs the Commissioner of Health to convene a work group to study the occurrence of microplastics in the Commonwealth's public drinking water. The bill requires the work group to report its findings and recommendations to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health by December 1, 2023.

*Patron - Clark*

**F HB1731 Department of General Services; Office of Pharmaceutical Services; report.** Establishes in the Department of General Services an Office of Pharmaceutical Services to develop and execute a plan to consolidate state agency prescription drug purchasing and pharmacy benefit management programs to increase efficiency in prescription drug purchasing and constrain spending on prescription drugs. The bill directs the Department to provide to the Governor and the General Assembly an interim report on the development of the plan by November 1, 2023, and a final report on the plan by November 1, 2024.

*Patron - VanValkenburg*

**F HB1809 Newborn screening; Krabbe disease and other lysosomal storage disorders.** Requires that newborn screening tests required to be performed on every infant born in the Commonwealth must include screening for Krabbe disease and other lysosomal storage disorders for which a screening test is available.

*Patron - Wachsmann*

**F HB1819 Amendment of death certificates; county and city registrars.** Requires a county or city registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate within 45 days of the filing of a death certificate, to amend such death certificate to reflect the new information and evidence and to forward such affidavit and supporting evidence to the State Registrar.

*Patron - Avoli*

**F HB1831 Long-term services and supports screening; authorization to share assessments.** Allows completed screenings for long-term services and supports to be shared with local departments of social services. Such screenings may be used to determine eligibility without completion of additional screenings if they are received within 30 days of an individual's application for long-term services and supports.

*Patron - Torian*

**F HB1879 Managed care health insurance plan licensees; network adequacy for mental health care services.** Requires each managed care health insurance plan licensee (licensee) to (i) provide a sufficient number and mix of services, specialists, and practice sites to meet covered persons' mental health care needs; (ii) ensure that covered persons have telephone access 24 hours a day, seven days a week, to responsible and knowledgeable mental health care practitioners capable of assessing the covered persons' conditions and, as necessary, providing for appropriate services; and (iii) incorporate strategies into its access procedures to facilitate utilization of the licensee's mental health care services by covered persons with physical, mental, language, or cultural barriers. The bill requires a licensee to cover out-of-network mental health care services to a covered person if (a) the licensee does not have a mental health care provider within its network capable of providing mental health care services to the covered person; (b) the majority of the licensee's mental health care providers within 25 miles of a covered person or, if appropriate for the covered person, available via telemedicine who have experience treating the general age group of a covered person are no longer accepting new patients or have wait-lists to receive care; or (c) the licensee does not have a mental health care provider within 25 miles of a covered person or, if appropriate for the covered person, available via telemedicine who (1) has experience or expertise in treating patients who share the emotionally distressing experiences, defined in the bill, or demographics of the covered person seeking care and (2) is capable of providing care within the next 31 days. The bill provides that a licensee may require certain verification that the mental health care services are related to an emotionally distressing experience but is prohibited from requiring proof of a criminal proceeding. The bill requires a licensee, for any covered person seeking mental health care services that has self-harm or suicidal ideation, to cover any associated out-of-network care such that the covered person shall not be responsible for any additional costs incurred by the licensee for such services, other than any applicable copayment, coinsurance, or deductible. The bill requires a licensee to accept verification from the associated out-of-network provider that the mental health care services provided were related to the covered person's self-harm or suicidal ideation and prohibits a licensee from imposing any additional requirements to verify that the covered person was seeking care related to self-harm or suicidal ideation.

*Patron - Bennett-Parker*

**F HB1904 Emergency Department Care Management Grant Program and Fund; report.** Establishes the Emergency Department Care Management Grant Program and the Emergency Department Care Management Grant Fund. The bill provides that the Program is established to provide grants to eligible hospitals that provide care management and medical services to frequent users of hospital emergency departments, with grants to be awarded to (i) reduce patient usage of emergency departments for routine, nonurgent, pri-

mary medical care; (ii) support emergency department case management staff; (iii) identify and analyze the comprehensive health care needs of patients; (iv) identify social determinants of health and barriers to care; (v) facilitate collaboration with providers and payers to develop a plan for community care; and (vi) improve the ability of patients to manage their care in the community. The bill directs the Department of Health to evaluate the effectiveness of the Program and requires the State Health Commissioner to report the Department's findings to the General Assembly and the Joint Commission on Health Care by October 1, 2027. The provisions of the bill sunset on July 1, 2028.

*Patron - Hope*

**F HB1917 Public pools; regulations.** Directs the Board of Health to adopt regulations governing swimming pools and other water recreational facilities operated for public use, including swimming pools and other water recreational facilities operated in conjunction with a tourist facility or health spa.

*Patron - Hope*

**F HB1919 Pregnant inmates; coverage through state plan for medical assistance services.** Provides that if a person confined in a state correctional facility is pregnant, gives birth during such confinement, is enrolled in the state plan for medical assistance services, and would otherwise be eligible for coverage under the state plan for medical assistance for a 24-hour inpatient stay at a medical institution but for the fact that such person's stay was less than 24 hours, the cost of such person's birth shall be covered by state funds. The bill directs the Department of Medical Assistance Services to, in coordination with the Department of Corrections, identify persons confined in state correctional facilities who are enrolled in or may be eligible for services under the state plan for medical assistance services and provide information to such persons regarding any steps necessary to obtain coverage for childbirth prior to the person's release on medical furlough for the purpose of giving birth.

*Patron - Williams Graves*

**F HB1999 Right to Contraception Act.** Sets out statutory protections for an individual's right to access and a health care provider's right to provide contraceptives, contraception, and information related to contraception. The bill prohibits measures that single out and impede access to contraceptives, contraception, or contraception-related information. However, a party may defend against a claim that a measure violates the bill's prohibitions by demonstrating through clear and convincing evidence that the measure significantly advances access to contraceptives, contraception, and information related to contraception and cannot be advanced by a less restrictive alternative measure or action. The Office of the Attorney General, individuals, or health care providers may bring a lawsuit to enforce the provisions of the bill, and localities are not immune from suits for violations.

*Patron - Kory*

**F HB2055 Office of the Chief Medical Examiner; surplus payroll funds.** Directs the Chief Medical Examiner to pay into a special fund any amount of surplus payroll funds that will remain unspent at the end of each quarter of each fiscal year. The bill defines "surplus payroll funds" as payroll funds appropriated to the Office of the Chief Medical Examiner for salaries and compensation that at the end of each quarter of each fiscal year will remain unspent due to personnel vacancies. Such funds are to be deposited in the Medical Examiner Compensation Fund, created by the bill, to be used to make technological upgrades or provide temporary pay, recruitment or retention bonuses, or overtime pay to Office

personnel. The bill requires the Chief Medical Examiner to establish a written policy for making disbursements from the Fund and for the State Health Commissioner to approve the policy.

*Patron - Glass*

**F HB2083 State plan for medical assistance services; dental care; anesthesia.** Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to provide for the payment of medical assistance for charges incurred and anesthetics provided in conjunction with dental care that is provided to a recipient (i) in a hospital or ambulatory surgical center if the recipient has a medical condition that requires hospitalization or general anesthesia for dental care or the recipient is a person with an autism spectrum disorder or a developmental disability, or is a person with a disability, or (ii) in the office of an oral or maxillofacial surgeon or a dentist who has obtained a permit for sedation and anesthesia, if the recipient is a person with an autism spectrum disorder or a developmental disability.

*Patron - Mundon King*

**F HB2084 Department of Medical Assistance Services; annual review of medication and treatment for sickle cell disease; report.** Directs the Department of Medical Assistance Services to conduct an annual review of all medications and forms of treatment for sickle cell disease, and services for enrollees with a diagnosis of sickle cell disease, that are eligible for coverage under the state plan for medical assistance services. The bill requires the Department to report its findings and recommendations by November 15 each year to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health and to the Joint Commission on Health Care.

*Patron - Mundon King*

**F HB2086 Advisory Council on Sickle Cell Disease; established; report.** Establishes the Advisory Council on Sickle Cell Disease to advise the State Health Commissioner on the efforts to improve awareness of sickle cell disease and the needs of individuals with sickle cell disease. The bill requires the Board of Health to report annually by December 1 to the Governor and the General Assembly regarding its activities and recommendations.

*Patron - Mundon King*

**F HB2093 State plan for medical assistance services; durable medical equipment; cranial prostheses.** Provides for the payment under the state plan for medical assistance services of medical assistance for cranial prostheses furnished to a patient when the patient's attending physician, physician assistant, or nurse practitioner certifies in writing the medical necessity of such prostheses as part of a proposed course of rehabilitative treatment.

*Patron - Mundon King*

**F HB2094 Adult wellness screening; sickle cell anemia or sickle cell trait.** Requires that every adult in the Commonwealth be subjected at the time of his annual physical examination to screening tests for the disease of sickle cell anemia or the sickle cell trait. Under the bill, any adult who objects on religious grounds is not required to receive such screening tests.

*Patron - Mundon King*

**F HB2097 Treatment services for sexual assault survivors; emergency contraception; provision by health care providers; payment from fund.** Requires the State Board of Health to adopt regulations that provide for the administration of emergency contraception by health care pro-

viders to survivors of sexual assault if the survivor requests it. The bill modifies the Criminal Injuries Compensation Fund so that it pays for such emergency contraception.

*Patron - Hudson*

**F HB2160 In-person visitation policies and procedures at certain facilities.** Requires hospitals, nursing homes, certified nursing facilities, hospices or hospice facilities, assisted living facilities, and intermediate care facilities to establish certain in-person visitation policies and procedures. The bill (i) requires that such policies include screening, personal protective equipment, and other infection control protocols for visitors; (ii) prohibits such policies from requiring the visitor to provide proof of immunization or vaccination; (iii) requires such policies to allow consensual physical contact between the visitor and the resident, client, or patient of the facility; (iv) authorizes the resident, client, or patient to designate an essential caregiver and establishes requirements related to essential caregivers; (v) requires that such policies allow unrestricted in-person visitation under certain circumstances; (vi) provides that the policies and procedures may require visitors to agree in writing to follow such policies and procedures; (vii) authorizes facilities to suspend in-person visitation of specific visitors for violations of such agreement; (viii) requires facilities to make their in-person policies and procedures available to the Department of Health for review when applying for initial licensure, licensure renewal, or change of ownership; and (ix) requires facilities and the Department of Health to make their in-person visitation policies and procedures easily accessible from their websites.

*Patron - LaRock*

**F HB2210 Comprehensive children's health care coverage program.** Directs the Department of Medical Assistance Services to establish a program to provide state-funded comprehensive health care coverage for individuals in the Commonwealth who (i) are under 19 years of age, (ii) are not covered under a group health plan or health insurance coverage, and (iii) but for their immigration status would be eligible for medical assistance services through the Commonwealth's program of medical assistance services established pursuant to Title XIX or XXI of the Social Security Act. The bill also requires the Department to ensure that all program information is made available in a manner that is accessible to individuals with limited English proficiency and individuals with disabilities through the provision of language access services, including oral interpretation and written translations, free of charge and to ensure that information obtained by the program remains confidential and is not disclosed for any purpose not related to the administration of the program or any purpose related to civil immigration enforcement unless the subject of the information consents to such disclosure or the requesting agency presents a valid judicial order, subpoena, or warrant. The bill also requires the Department to (a) establish a workgroup composed of individuals with experience conducting outreach to individuals who are eligible for the program established by the bill to advise and assist the Department in carrying out marketing and outreach activities required by the bill and (b) seek all federal waivers and other approvals necessary to maximize federal financial participation in the cost of carrying out the program established by the bill.

*Patron - Tran*

**F HB2219 Health records privacy; consumer-generated health information.** Requires certain entities that collect, gather, or use consumer-generated health information, defined in the bill, to take reasonable measures to safeguard such aggregated health data, including (i) adopting technical and organizational measures to ensure that consumer-generated

health information is not linked to any individual, household, or device used by an individual or a household; (ii) committing not to attempt to re-identify or associate the aggregated health data with any individual, household, or device used by an individual or a household; and (iii) requiring that recipients of all transfers of aggregated health data uphold the same commitments. The bill provides civil remedies for violations of consumer-generated health information privacy.

*Patron - Tran*

**F HB2232 State plan for medical assistance services; violence prevention services.** Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for the payment of medical assistance for violence prevention services. The bill requires the Department of Health to recognize violence prevention professionals and approve an accrediting body to certify such professionals. The bill requires the Department of Health to post on its website when such violence prevention services may be provided and billed and requires that a work group be established to design and implement such violence prevention services benefit.

*Patron - Murphy*

**F HB2237 Hospital price transparency; private right of action; patient payment disputes; noncompliance; prohibition of debt collection.** Allows patients to bring an action against a hospital that is not in material compliance with hospital price transparency laws. Under the bill, if a hospital is not in material compliance with hospital price transparency laws on the date that an elective procedure, test, or service is provided to a patient by the hospital, the patient may bring an action, individually or jointly, against the hospital to recover payment of the price of the elective procedure, test, or service. Under the bill, a hospital that is not in material compliance with hospital price transparency laws on the date that an elective procedure, test, or service is provided to a patient is liable for the price of the elective procedure, test, or service provided and an additional equal amount as liquidated damages; interest accruing from the date the elective procedure, test, or service was provided; and reasonable attorney fees and costs. The bill requires the court, if it finds that the hospital knowingly was not in material compliance with hospital price transparency laws, to award the patient an amount equal to triple the amount of the price of the elective procedure, test, or service and reasonable attorney fees and costs. Under the bill, beginning July 1, 2023, whenever a dispute arises between a hospital and a patient over a patient payment amount, the hospital's list of standard charges for all items and services shall be used to determine the correct payment amount and reasonableness of the payment. The bill also prohibits a hospital, defined in the bill, or other person or entity collecting on behalf of the hospital, from initiating or pursuing collection actions against a patient or patient guarantor for debt incurred by the patient on the date or dates of service when the hospital was not in material compliance with federal hospital price transparency laws.

*Patron - Helmer*

**F HB2276 Immunization; immunization of children against COVID-19.** Specifies that parents shall not be required to immunize their children against COVID-19.

*Patron - LaRock*

**F HB2279 Certificate of public need program; regulations; charity care.** Allows facilities other than hospitals to include care provided to individuals who are covered under the state plan for medical assistance services in the charity care requirement of the certificate of public need program.

*Patron - Byron*

**F HB2293 Emergency Services and Disaster Law; Commissioner of Health; emergency orders and regulations; limitations; civil penalty.** Provides that neither the Board of Health nor the Commissioner of Health shall make any emergency order or regulation unless, on the basis of the evidence available to the Board, (i) such order or regulation is necessary to suppress a nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health; (ii) no alternatives to the proposed order or regulation that are reasonable in light of the impact on quality of life and economic well-being exist; and (iii) the provisions of such order or regulation are narrowly tailored to address the nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health. The bill also provides that the Governor shall not issue any emergency rule, regulation, or order unless, on the basis of the evidence available to the Governor, (a) such rule, regulation, or order is necessary to address a compelling circumstance; (b) no alternatives to the proposed rule, regulation, or order that are reasonable in light of the impact on quality of life and economic well-being exist; and (c) the provisions of such rule, regulation, or order are narrowly tailored to address the compelling circumstance.

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

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

*Patron - LaRock*

**F HB2306 Immunizations; authority of the Commissioner of Health; religious exception.** Exempts a person, including a parent or guardian on behalf of a child, who objects to administration of a vaccine on religious grounds from mandatory immunization requirements issued by the Commissioner of Health during an epidemic. Currently, exemption from mandatory immunization requirements during an epidemic is available only to those persons to whose health the administration of the vaccine would be detrimental, as certified in writing by a licensed physician.

*Patron - Freitas*

**F HB2337 Sports facilities; automated external defibrillator required.** Requires that every sports facility, defined in the bill, in the Commonwealth have a working automated external defibrillator.

*Patron - Sewell*

**F HB2397 Emergency medical services; hospitals; mandatory reporting of controlled substance overdoses.** Requires emergency medical services agencies and providers and hospitals to report incidents where a person is treated and released in response to a suspected or actual controlled substance overdose. The bill requires reporting to the Department of Health through an established overdose mapping program within 120 hours of the incident.

*Patron - VanValkenburg*

**F HB2402 Sudden Unexpected Death in Epilepsy; protocol; information; training.** Requires the Office of the Chief Medical Examiner to take certain actions upon the finding that an individual died from Sudden Unexpected Death in Epilepsy (SUDEP). The bill directs the Office of the Chief Medical Examiner to publish information on SUDEP and a SUDEP death investigation form on its website. Additionally, the bill requires the Chief Medical Examiner and local medical examiners to complete training provided by the Epilepsy Foundation of Virginia. The bill has a delayed effective date of January 1, 2024.

*Patron - Seibold*

**F HB2427 Hospital price transparency; private right of action; patient payment disputes; noncompliance; prohibition of debt collection.** Allows patients to bring an action against a hospital that is not in material compliance with hospital price transparency laws. Under the bill, if a hospital is not in material compliance with hospital price transparency laws on the date that an elective procedure, test, or service is provided to a patient by the hospital, the patient may bring an action, individually or jointly, against the hospital to recover payment of the price of the elective procedure, test, or service. Under the bill, a hospital that is not in material compliance with hospital price transparency laws on the date that an elective procedure, test, or service is provided to a patient is liable for the price of the elective procedure, test, or service provided and an additional equal amount as liquidated damages; interest accruing from the date the elective procedure, test, or service was provided; and reasonable attorney fees and costs. The bill requires the court, if it finds that the hospital knowingly was not in material compliance with hospital price transparency laws, to award the patient an amount up to triple the amount of the price of the elective procedure, test, or service and reasonable attorney fees and costs. Under the bill, beginning July 1, 2023, whenever a dispute arises between a hospital and a patient over a patient payment amount, the hospital's list of standard charges for all items and services shall be used to determine the correct payment amount and reasonableness of the payment. The bill also prohibits a hospital, defined in the bill, or other person or entity collecting on behalf of the hospital, from initiating or pursuing collection actions against a patient or patient guarantor for debt incurred by the patient on the date or dates of service when the hospital was not in material compliance with federal hospital price transparency laws.

*Patron - Freitas*

**F HB2435 Hospital price transparency; enforcement; plans of correction; civil penalty.** Grants the Department of Health authority to impose a plan of correction on hospitals that fail to comply with hospital price transparency requirements. The bill imposes a civil penalty on noncompliant hospitals. Hospitals that violate price transparency requirements may be reported to the Consumer Protection Division of the Office of the Attorney General.

*Patron - Hodges*

**F HB2472 340B Covered Entity Commitment to Good Stewardship Principles Annual Report; definition of covered entity; report.** Directs a nonprofit organization, as defined in relevant law, to create a standardized reporting form that requires each covered each hospital described in § 340B(a)(4) of the federal Public Health to disclose certain information about its 340B Drug Pricing Program savings and the use of such savings. Under the bill, each hospital that participates in the 340B Drug Pricing Program shall submit such form, to be known as the 340B Covered Entity Commitment to Good Stewardship Principles Annual Report, to the nonprofit

organization annually by February 1 for the previous calendar year. The bill directs the nonprofit organization to post such annual reports on its website.

*Patron - Tran*

**F HB2476 Secretary of Health and Human Resources; State Health Commissioner; website; services and programs available to pregnant women.** Directs the Secretary of Health and Human Resources and the State Health Commissioner to establish, maintain, and annually update a website that provides information about public and private agencies, services, and programs available to pregnant women.

*Patron - Durant*

**F SB791 Establishment of the Save Adolescents from Experimentation (SAFE) Act; health benefit plans; coverage for gender transition procedures.** Creates the Save Adolescents from Experimentation (SAFE) Act, which prohibits gender transition procedures, defined in the bill, for individuals younger than 18 years of age and prohibits the use of public funds for gender transition procedures for individuals younger than 18 years of age. The bill establishes enforcement procedures for violations of the SAFE Act. The bill provides that a health benefit plan providing health care coverage in the Commonwealth is prohibited from providing coverage for gender transition procedures for individuals younger than 18 years of age and is not required to provide coverage for gender transition procedures for individuals 18 years of age or older.

*Patron - Chase*

**F SB831 Department of Medical Assistance Services; certain waivers for individuals with developmental disabilities; medically needy spend down provision.** Directs the Department of Medical Assistance Services to take steps to amend the Family and Individual Supports, Community Living, and Building Independence waivers to implement a medically needy spend down provision that allows otherwise eligible individuals to spend income in excess of the income limit for waiver services on medical expenses in order to meet the waiver income limit. The bill requires the Department to report on its activities and progress to the Governor and the General Assembly by December 1, 2023.

*Patron - Favola*

**F SB925 Patient visitation; visitation from clergy members.** Requires hospitals, nursing homes, and certified nursing facilities to allow patients to receive visits from clergy members during a declared public health emergency related to a communicable disease of public health threat. Under the bill, the hospital, nursing home, or certified nursing facility may require the clergy member to comply with all reasonable health and safety requirements and may restrict visits of a clergy member who fails a health screening measure or tests positive for a communicable disease of public health concern. If the health and safety requirement substantially burdens the clergy member's free exercise of religion, the hospital, nursing home, or certified nursing facility may require compliance only if the requirement furthers a compelling health and safety interest and imposes the least restrictive requirement. The bill provides immunity for hospitals, nursing homes, and certified nursing facilities and their employees and contractors from liability for injury or death due to exposure to a communicable disease of public health concern resulting from or related to such visitation, except in limited circumstances. The bill also allows a person or religious organization to bring a civil action against a hospital, nursing home, or certified nursing facility alleging a violation of such visitation provisions.

*Patron - Cosgrove*

**F SB926 Emergency Department Care Management Grant Program and Fund; report.** Establishes the Emergency Department Care Management Grant Program and the Emergency Department Care Management Grant Fund. The bill provides that the Program is established to provide grants to eligible hospitals that provide care management and medical services to frequent users of hospital emergency departments, with grants to be awarded to (i) reduce patient usage of emergency departments for routine, nonurgent, primary medical care; (ii) support emergency department case management staff; (iii) identify and analyze the comprehensive health care needs of patients; (iv) identify social determinants of health and barriers to care; (v) facilitate collaboration with providers and payers to develop a plan for community care; and (vi) improve the ability of patients to manage their care in the community. The bill directs the Department of Health to evaluate the effectiveness of the Program and requires the State Health Commissioner to report the Department's findings to the General Assembly and the Joint Commission on Health Care by October 1, 2027. The provisions of the bill sunset on July 1, 2028, and are contingent on funding in the general appropriation act.

*Patron - Favola*

**F SB953 Certificate of public need; expedited review process; work group.** Requires the Department of Health to establish an expedited review process for certain projects involving addition of imaging equipment, addition of a new ambulatory or outpatient surgery center, addition of operating rooms at an existing ambulatory or outpatient surgery center, and addition of psychiatric beds or conversion of existing beds at a medical care facility to psychiatric beds and requires the Board of Health to include in regulations governing the certificate of public need program a provision for the development of review criteria and standards for specific medical care facilities and health care services for each health planning region that take into account the unique needs and characteristics of such region. The bill also amends the definition of "charity care," redefines "clinical health service" as "health care service," and adds a definition of "indigent" for purposes of the certificate of public need program. The bill directs the Department of Health to convene a work group of stakeholders to make recommendations for funding options to alleviate the risk of financial insolvency for public and private hospitals with fewer than 100 licensed beds in the event of a future public health emergency. The bill requires the work group to report its recommendations to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2023.

*Patron - Petersen*

**F SB957 Prescription Drug Affordability Board and Fund established; drug cost affordability review.** Establishes the Prescription Drug Affordability Board for the purpose of protecting the citizens of the Commonwealth and other stakeholders within the health care system from the high costs of prescription drug products.

The bill directs the Governor to appoint the members and alternate members of the Board and requires the Board to meet in open session at least four times annually, with certain exceptions and requirements enumerated in the bill. Members of the Board are required to disclose any conflicts of interest, as described in the bill. The bill also creates a stakeholder council for the purpose of assisting the Board in making decisions related to drug cost affordability. The bill tasks the Board with identifying prescription, generic, and other drugs, as defined in the bill, that are offered for sale in the Commonwealth and, at the Board's discretion, conducting an affordability review of

any prescription drug product. The bill lists factors for the Board to consider that indicate an affordability challenge for the health care system in the Commonwealth or high out-of-pocket costs for patients. The bill also provides that any person aggrieved by a decision of the Board may request an appeal of the Board's decision and that the Attorney General shall have authority to enforce the provisions of the bill.

The bill also creates the Prescription Drug Affordability Fund to be used for funding the operations of the Board and reimbursing state agencies for implementing the provisions of the bill. The bill requires the Board to report its findings and recommendations to the General Assembly twice annually, beginning on July 1, 2024, and December 31, 2024.

Provisions of the bill shall apply to state-sponsored and state-regulated health plans and health programs and obligate such policies to limit drug payment amounts and reimbursements to an upper payment limit amount set by the Board, if applicable, following an affordability review. The bill specifies that Medicare Part D plans shall not be bound by such decisions of the Board.

The provisions of the bill are contingent on funding in a general appropriation act. Finally, the bill contains a severability clause and has a delayed effective date of January 1, 2024.

*Patron - Petersen*

**F SB960 Youth Health Protection Act established; civil penalty.** Creates the Youth Health Protection Act, which makes it unlawful for any individual to provide gender transition procedures for minors and prohibits the use of public funds for gender transition procedures. The bill allows parents, guardians, or custodians to withhold consent for any treatment, activity, or mental health care services that are designed and intended to form their child's conceptions of sex and gender or to treat gender dysphoria or gender nonconformity. The bill prohibits government agents, other than law-enforcement personnel, from encouraging or coercing a minor to withhold information from the minor's parent. The bill establishes a duty for a government agent with knowledge that a minor has exhibited symptoms of gender dysphoria or gender nonconformity or otherwise demonstrates a desire to be treated in a manner incongruent with the minor's sex to immediately notify each of the minor's parents, guardians, or custodians in writing, with descriptions of relevant circumstances. The bill prohibits discrimination against persons (i) providing information regarding violations of the Act to their employer or specified public entities or (ii) who make disclosures under the Act believed to be (a) any violation of law, rule, or regulation; (b) any violation of any standard of care or other ethical guidelines for the provision of health care service; or (c) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. The bill establishes a civil action for any violation of the Act by a clinic, health care system, medical professional, or other responsible person with a two-year statute of limitations. The bill prohibits political subdivisions of the Commonwealth from enacting, adopting, maintaining, or enforcing any measure that interferes with the professional conduct and judgment of a mental health care professional or counselor undertaken within the course of treatment and communication with clients, patients, other persons, or the public. The bill provides for enforcement by the Attorney General or a mental health care professional or counselor through an action for injunctive relief and allows a mental health care professional to recover reasonable attorney fees and reasonable costs incurred in obtaining an injunction. The bill waives sovereign immunity to suit and immunity from liability under this provision of the bill.

*Patron - Peake*

**F SB972 Powers of State Health Commissioner in epidemic; vaccine; religious tenets or practices.** Allows a

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

*Patron - Peake*

**F SB1013 Waterworks; contaminants; notification to customers.** Requires a waterworks owner that receives a finished water test result from a U.S. Environmental Protection Agency-approved method for drinking water for any PFAS chemical subject to a PFAS advisory and such result that exceeds the notification concentration, as defined in the bill, to (i) report such result to the Department of Health, (ii) provide public notice in the required consumer confidence report provided to the waterworks owner's customers and by posting on the waterworks owner's website, and (iii) provide such additional public notice as the Department may require on a case-by-case basis under applicable regulations.

*Patron - Edwards*

**F SB1070 Parental access to minor's medical records.** Prohibits denial of parental access to the medical records of such parent's minor child, unless federal law requires the minor child's consent.

*Patron - Newman*

**F SB1104 Department of Medical Assistance Services; violence prevention services benefit work group; report.** Directs the Department of Medical Assistance Services to convene a work group to advise the Board of Medical Assistance Services on the design and implementation of a violence prevention services benefit. The bill requires the work group to include representatives from the Department and violence intervention programs, medical providers, survivors of community violence, and other members as deemed appropriate by the Department. The Department is required to report the findings of such work group to the Chairmen of the Senate Committee on Education and Health, the Senate Committee on Finance and Appropriations, the House Committee on Health, Welfare and Institutions, and the House Committee on Appropriations by November 1, 2023.

*Patron - Boysko*

**F SB1203 Children Deserve Help Not Harm Act established; health benefit plans; coverage for gender transition procedures.** Creates the Children Deserve Help Not Harm Act, which prohibits gender transition procedures, defined in the bill, for individuals younger than 18 years of age and prohibits the use of public funds for gender transition procedures for individuals younger than 18 years of age. The bill establishes enforcement procedures for violations of the Act. The bill provides that a health benefit plan providing health care coverage in the Commonwealth is prohibited from providing coverage for gender transition procedures for individuals younger than 18 years of age and is not required to provide

coverage for gender transition procedures for individuals 18 years of age or older.

*Patron - Reeves*

**F SB1297 In-person visitation policies and procedures at certain facilities.** Requires hospitals, nursing homes, certified nursing facilities, hospices or hospice facilities, assisted living facilities, and intermediate care facilities to establish certain in-person visitation policies and procedures. The bill (i) requires that such policies include screening, personal protective equipment, and other infection control protocols for visitors; (ii) prohibits such policies from requiring the visitor to provide proof of immunization or vaccination; (iii) requires such policies to allow consensual physical contact between the visitor and the resident, client, or patient of the facility; (iv) authorizes the resident, client, or patient to designate an essential caregiver and establishes requirements related to essential caregivers; (v) requires that such policies allow unrestricted in-person visitation under certain circumstances; (vi) provides that the policies and procedures may require visitors to agree in writing to follow such policies and procedures; (vii) authorizes facilities to suspend in-person visitation of specific visitors for violations of such agreement; (viii) requires facilities to make their in-person policies and procedures available to the Department of Health for review when applying for initial licensure, licensure renewal, or change of ownership; and (ix) requires facilities and the Department of Health to make their in-person visitation policies and procedures easily accessible from their websites.

*Patron - DeSteph*

**F SB1301 Managed care health insurance plan licensees; network adequacy for mental health care services.** Requires each managed care health insurance plan licensee (licensee) to (i) provide a sufficient number and mix of services, specialists, and practice sites to meet covered persons' mental health care needs; (ii) ensure that covered persons have telephone access 24 hours a day, seven days a week, to responsible and knowledgeable mental health care practitioners capable of assessing the covered persons' conditions and, as necessary, providing for appropriate services; and (iii) incorporate strategies into its access procedures to facilitate utilization of the licensee's mental health care services by covered persons with physical, mental, language, or cultural barriers. The bill requires a licensee to cover out-of-network mental health care services to a covered person if (a) the licensee does not have a mental health care provider within its network capable of providing mental health care services to the covered person; (b) the majority of the licensee's mental health care providers within 25 miles of a covered person or, if appropriate for the covered person, available via telemedicine who have experience treating the general age group of a covered person are no longer accepting new patients or have wait-lists to receive care; or (c) the licensee does not have a mental health care provider within 25 miles of a covered person or, if appropriate for the covered person, available via telemedicine who (1) has experience or expertise in treating patients who share the emotionally distressing experiences, defined in the bill, or demographics of the covered person seeking care and (2) is capable of providing care within the next 31 days. The bill provides that a licensee may require certain verification that the mental health care services are related to an emotionally distressing experience but is prohibited from requiring proof of a criminal proceeding.

The bill requires a licensee, for any covered person seeking mental health care services that has self-harm or suicidal ideation, to cover any associated out-of-network care such that the covered person shall not be responsible for any additional costs incurred by the licensee for such services, other than any applicable copayment, coinsurance, or deductible. The bill requires

a licensee to accept verification from the associated out-of-network provider that the mental health care services provided were related to the covered person's self-harm or suicidal ideation and prohibits a licensee from imposing any additional requirements to verify that the covered person was seeking care related to self-harm or suicidal ideation.

*Patron - Deeds*

**F SB1327 Comprehensive children's health care coverage program.** Directs the Department of Medical Assistance Services to establish a program to provide state-funded comprehensive health care coverage on and after July 1, 2024, for individuals in the Commonwealth who (i) are under 19 years of age, (ii) are not covered under a group health plan or health insurance coverage, and (iii) but for their immigration status would be eligible for medical assistance services through the Commonwealth's program of medical assistance services established pursuant to Title XIX or XXI of the Social Security Act. The bill also requires the Department to ensure that all program information is made available in a manner that is accessible to individuals with limited English proficiency and individuals with disabilities through the provision of language access services, including oral interpretation and written translations, free of charge, and to ensure that information obtained by the program remains confidential and is not disclosed for any purpose not related to the administration of the program.

*Patron - McClellan*

**F SB1336 Health insurance; short-term limited-duration medical plans.** Authorizes a health insurance carrier to issue short-term limited-duration medical plans with an expiration date that is less than 12 months after the original effective date of the contract, policy, or plan and, taking into account renewals or extensions, that has a duration that is no longer than 36 months. Under current law, a carrier is prohibited from selling a short-term limited-duration medical plan that exceeds three months or that can be renewed or extended beyond six months. The bill provides that, notwithstanding any of the provisions of the bill, a carrier may issue any short-term limited-duration health plan that meets the definition of "short-term limited-duration insurance" provided in federal law. Finally, the bill sets out a disclaimer notice to be included on any short-term limited-duration medical plan sold or offered for sale in the Commonwealth.

*Patron - Reeves*

**F SB1338 Health insurance; pharmacy benefits managers; employee welfare benefit plans.** Provides that entities providing or administering self-insured or self-funded employee welfare benefit plans are subject to provisions related to pharmacy benefits management, including certain prohibited conduct and recordkeeping requirements.

*Patron - Edwards*

**F SB1416 Amendment of death certificates; county and city registrars.** Requires a county or city registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate within 45 days of the filing of a death certificate, to amend such death certificate to reflect the new information and evidence and to forward such affidavit and supporting evidence to the State Registrar.

*Patron - Pillion*

**F SB1432 Health records privacy; consumer-generated health information.** Requires certain entities that collect, gather, or use consumer-generated health information, defined in the bill, to take reasonable measures to safeguard such aggregated health data, including (i) adopting technical and organizational measures to ensure that consumer-generated health information is not linked to any individual, household,



or device used by an individual or a household; (ii) committing not to attempt to re-identify or associate the aggregated health data with any individual, household, or device used by an individual or a household; and (iii) requiring that recipients of all transfers of aggregated health data uphold the same commitments. The bill provides civil remedies for violations of consumer-generated health information privacy.

*Patron - Hashmi*

**F SB1439 Pregnant inmates; facilitation of coverage through state plan for medical assistance services.** Requires the Department of Medical Assistance Services and the Department of Corrections to coordinate to identify pregnant incarcerated persons in the custody of state correctional facilities who are currently enrolled in the Commonwealth's program of medical assistance services or who may be eligible for services under the state plan for medical assistance services and ensure that those persons released on medical furlough for the purpose of giving birth or other pregnancy-related care understand the steps necessary to obtain coverage for such care prior to the medical furlough.

*Patron - Locke*

**F SB1446 Department of Veterans Services; hyperbaric oxygen therapy; data collection.** Allows the Department of Veterans Services to contract with any hospital in the Commonwealth that furnishes the treatment option of hyperbaric oxygen therapy to provide hyperbaric oxygen therapy to any veteran in the Commonwealth who has been certified by the U.S. Department of Veterans Affairs or any branch of the United States Armed Forces as having post-traumatic stress disorder or traumatic brain injury. The Department shall include in any contract with such hospital to furnish hyperbaric oxygen therapy the requirement that data be collected to assess the efficacy of hyperbaric oxygen therapy for veterans and any other information deemed relevant by the Department.

*Patron - Cosgrove*

**F SB1474 Department of Health; mobile food units.** Directs the Department of Health to amend its regulations and each local health department and health district to amend its regulations and guidance documents relating to mobile food units to allow up to 20 percent of the sanitation and food preparation activities of a mobile food unit to take place within a 50-foot radius of the mobile food unit.

*Patron - Obenshain*

**F SB1526 Certificate of public need; certain cardiology-related services; exemption.** Exempts from the requirements of a certificate of public need certain outpatient cardiology-related services performed in connection with a Department of Health or Division of Certificate of Public Need pilot program for cardiovascular single specialty use ambulatory surgery centers authorized by an executive order of the Governor that are approved for reimbursement and performed in a facility certified as a Medicare and Medicaid supplier by the Centers for Medicare and Medicaid Services and the Department of Medical Assistance Services.

*Patron - Norment*

## Highways and Other Surface Transportation Systems

### Passed

**P HB1496 Commonwealth Mass Transit Fund.** Allocates 3.5 percent of the Commonwealth Mass Transit Fund to commuter rail systems jointly operated by the Northern Virginia Transportation Commission (NVTC) and the Potomac and Rappahannock Transportation Commission and excludes such commuter rail systems from receiving allocations pursuant to other distributions of the Fund. The bill requires such commuter rail systems to submit reports to the Commonwealth Transportation Board. The bill limits allocations by the NVTC for distribution to the Washington Metropolitan Area Transit Authority (WMATA) to 50 percent of the total operating and capital assistance required to be provided by NVTC or other Virginia entities in the approved WMATA budget and establishes reporting requirements for WMATA. The bill codifies requirements for WMATA to adopt and submit certain planning documents first required pursuant to the eighth enactment of Chapter 854 and the eighth enactment of Chapter 856 of the Acts of Assembly of 2018 and repeals the original requirements. This bill is identical to SB 1079.

*Patron - Austin*

**P HB1587 Commissioner of Highways; entering into certain agreements; civil penalties; agents.** Adds contractors to the list of entities that the Commissioner of Highways, in agreement with Fairfax County, may authorize to act as agents for the enforcement of provisions related to signs or advertising within the limits of highways and the collection of associated civil penalties for violations of such provisions. The bill also requires such contractors to comply with applicable law and makes them subject to a right to reclaim a lawfully placed sign by the sign owner if such sign was confiscated in violation of the granted authority.

*Patron - Sullivan*

**P HB2034 Joint transportation meeting; National Capital Region Transportation Planning Board.** Directs the Commonwealth Transportation Board to invite a Virginia representative of the National Capital Region Transportation Planning Board Steering Committee to participate in and present information at the joint transportation meeting held annually concerning projects in Planning District 8. The bill clarifies that such member is not required to participate in the meeting. The bill requires the meeting to be made available online in a manner that allows the public to contemporaneously view and hear the meeting and provides that if such transmission fails the meeting is not required to recess.

*Patron - Sewell*

**P HB2302 Transportation Partnership Opportunity Fund.** Authorizes the Governor to direct funds from the Transportation Partnership Opportunity Fund (Fund) to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. When funds are directed to such transportation projects or programs from the Fund in excess of \$5 million, the bill requires the Secretary of Transportation to submit a report, the content of which is designated in the bill,

to the Chairmen of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations within 30 days of such direction of funds. The bill further requires, for the direction of funds from the Fund in excess of \$35 million, that such direction be submitted for review, within 14 days, to the MEI Project Approval Commission. The bill provides that absent a recommendation within the 14-day period that the funds should not be directed, or in the event that the Commission does not provide a recommendation within the 14-day period, the funds shall be directed. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill clarifies that the authority granted related to the Fund cannot be used for otherwise prohibited eminent domain purposes. This bill is identical to SB 1106.

*Patron - Adams, L.R.*

**P HB2338 Transit Ridership Incentive Program; funds; improving accessibility; transition to zero-emissions.** Directs the Commonwealth Transportation Board to use up to 30 percent of available funds in the Transit Ridership Incentive Program to support local, regional, and state entities in improving the accessibility of transit bus passenger facilities and transitioning public transit bus fleets and infrastructure to zero-emission bus fleets and infrastructure. The bill directs the Board to develop guidelines for applications for grants to any local, regional, or state public entity that supports a transit system. This bill is identical to SB 1326. This bill received Governor's recommendations.

*Patron - McQuinn*

**P SB1035 Bridges; state of good repair; allocation of funds.** Designates bridges with a general condition rating, defined in the bill, of no more than five for at least one major bridge component as eligible for state of good repair funds. Currently, bridges must be structurally deficient to be eligible. The bill authorizes the use of state of good repair funds for improvements anticipated to extend the useful life of a bridge by at least 10 years. The bill changes the funding distribution standard from equitable needs-based distribution, with percentage limits for a given district and a process to exceed such limits when necessary, to needs-based distribution of funding among the highway construction districts. The provisions of the bill apply to new project allocations made by the Commonwealth Transportation Board after June 1, 2024. This bill received Governor's recommendations.

*Patron - McPike*

**P SB1079 Commonwealth Mass Transit Fund.** Allocates 3.5 percent of the Commonwealth Mass Transit Fund to commuter rail systems jointly operated by the Northern Virginia Transportation Commission (NVTC) and the Potomac and Rappahannock Transportation Commission and excludes such commuter rail systems from receiving allocations pursuant to other distributions of the Fund. The bill requires such commuter rail systems to submit reports to the Commonwealth Transportation Board. The bill limits allocations by the NVTC for distribution to the Washington Metropolitan Area Transit Authority (WMATA) to 50 percent of the total operating and capital assistance required to be provided by NVTC or other Virginia entities in the approved WMATA budget and establishes reporting requirements for WMATA. The bill codifies requirements for WMATA to adopt and submit certain planning documents first required pursuant to the eighth enactment of Chapter 854 and the eighth enactment of Chapter 856 of the Acts of Assembly of 2018 and repeals the original requirements. This bill is identical to HB 1496.

*Patron - Cosgrove*

**P SB1106 Transportation Partnership Opportunity Fund.** Authorizes the Governor to direct funds from the Transportation Partnership Opportunity Fund (Fund) to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. When funds are directed to such transportation projects or programs from the Fund in excess of \$5 million, the bill requires the Secretary of Transportation to submit a report, the content of which is designated in the bill, to the Chairmen of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations within 30 days of such direction of funds. The bill further requires, for the direction of funds from the Fund in excess of \$35 million, that such direction be submitted for review, within 14 days, to the MEI Project Approval Commission. The bill provides that absent a recommendation within the 14-day period that the funds should not be directed, or in the event that the Commission does not provide a recommendation within the 14-day period, the funds shall be directed. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill clarifies that the authority granted related to the Fund cannot be used for otherwise prohibited eminent domain purposes. This bill is identical to HB 2302.

*Patron - Newman*

**P SB1220 Designating the "Dominic 'Nick' J. Winum Memorial Bridge."** Designates the U.S. Route 211 westbound bridge that crosses over the South Fork of the Shenandoah River in Page County the "Dominic 'Nick' J. Winum Memorial Bridge."

*Patron - Obenshain*

**P SB1326 Transit Ridership Incentive Program; funds; improving accessibility; transition to zero-emissions.** Directs the Commonwealth Transportation Board to use up to 30 percent of available funds in the Transit Ridership Incentive Program to support local, regional, and state entities in improving the accessibility of transit bus passenger facilities and transitioning public transit bus fleets and infrastructure to zero-emission bus fleets and infrastructure. The bill directs the Board to develop guidelines for applications for grants to any local, regional, or state public entity that supports a transit system. This bill is identical to HB 2338. This bill received Governor's recommendations.

*Patron - McClellan*

## Failed

**F HB1437 Installation, maintenance, and operation of devices in highway right-of-way for law-enforcement purposes; regulation authority; civil penalty.** Provides that the authority of the Commonwealth Transportation Board to make regulations for the use of systems of state highways includes the use of devices in the right-of-way of such highways for law-enforcement purposes. The bill authorizes the Department of State Police or chief law-enforcement officer of a locality to install, maintain, and operate devices for law-enforcement purposes on highways maintained by VDOT. The bill requires that all data collected by such devices be purged and not retained later than 30 days after collection unless such data is being used in an active law-enforcement investigation. The bill prohibits the use of such data to enforce speed limits,

traffic regulations, tolling requirements, or high-occupancy vehicle requirements.

*Patron - Wiley*

**F HB1609 Transit Ridership Incentive Program; on-demand microtransit operations.** Includes the development and implementation of on-demand microtransit operations, defined in the bill, to incentivize and promote transit ridership, as part of the goal of the Transit Ridership Incentive Program. The bill provides that an approved initiative or service is eligible to continue receiving funding for the duration of the Program on an annual basis, for up to 80 percent of costs, from funds that are available to the urbanized area in which the initiative or service is located.

*Patron - Tata*

**F HB1858 Commissioner of Highways; roadways operating under the Virginia Highway Corporation Act of 1988 to operate under the Public-Private Transportation Act of 1995.** Directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by the Public-Private Transportation Act of 1995 (PPTA). The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and if the Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of such roadway to operate under the authority and requirements provided by the PPTA. The bill has an expiration date of January 1, 2025.

*Patron - Webert*

**F HB1894 High-occupancy vehicle lanes; pregnant women.** Provides that a pregnant woman shall be considered two people for the purposes of determining occupancy in HOV and HOT lanes, provided that she has proof of pregnancy or, if traveling in a lane monitored by a photo-enforcement system, has certified the pregnancy with the Department of Transportation. The bill requires the Department to establish a process whereby a pregnant woman can certify that she is pregnant and have such information linked to her toll collection device, commonly known as an E-ZPass. The bill creates protections for such data.

*Patron - Freitas*

**F HB2379 Virginia Highway Safety Improvement Program; surplus funds.** Provides that for any fiscal year, beginning in fiscal year 2024, in which there is a surplus, the Governor shall include in his proposed budget an appropriation of 10 percent of such surplus for the Virginia Highway Safety Improvement Program for the purpose of funding projects consistent with the objectives of the Program.

*Patron - Roem*

**F HJ539 Study; Department of Transportation; exempting certain veterans from paying tolls; review of monthly toll collections; report.** Requests the Department of Transportation to study the feasibility and impact of exempting persons with disabled veteran license plates from paying tolls and review the total amount of monthly tolls collected in the Commonwealth.

*Patron - Mundon King*

**F SB977 Transit Ridership Incentive Program; on-demand microtransit operations.** Includes the development and implementation of on-demand microtransit operations, defined in the bill, to incentivize and promote transit ridership, as part of the goal of the Transit Ridership Incentive

Program. The bill provides that an approved initiative or service is eligible to continue receiving funding for the duration of the Program on an annual basis, for up to 80 percent of costs, from funds that are available to the urbanized area in which the initiative or service is located.

*Patron - Mason*

**F SB980 Secretary of Transportation; Disadvantaged Business Enterprises; work group; report.** Directs the Secretary of Transportation to convene a work group to evaluate how the Department of Transportation determines the usage of Disadvantaged Business Enterprises (DBE) on specific transportation projects with the goal of increasing participation statewide in transportation contracts by small business owned and controlled by socially and economically disadvantaged individuals. The bill specifies certain individuals and groups that will be members of the work group and directs the work group to report its findings and any recommended legislative, regulatory, or policy changes to the Governor and the Chairmen of the House and Senate Committees on Transportation by September 1, 2023.

*Patron - Marsden*

**F SB1137 Creation of Fredericksburg Area Transportation Authority; funding; recordation tax.** Creates the Fredericksburg Area Transportation Authority, comprising the counties and cities located in Planning District 16. The Authority will administer transportation funding generated through the imposition of (i) an additional transportation improvement grantor's fee at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) a local transportation transient occupancy tax at a rate of one percent of the amount of the charge for the occupancy of any room or space occupied in any county or city in Planning District 16. The bill also increases the annual distribution of recordation tax revenues to cities and counties from \$20 million to \$55 million and dedicates \$15 million of such annual distribution to the Fredericksburg Area Transportation Fund, created by the bill.

*Patron - McPike*

**F SB1162 Commissioner of Highways; roadways operating under the Virginia Highway Corporation Act of 1988 to operate under the Public-Private Transportation Act of 1995.** Directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by the Public-Private Transportation Act of 1995 (PPTA). The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and if the Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of such roadway to operate under the authority and requirements provided by the PPTA. The bill has an expiration date of January 1, 2025.

*Patron - Marsden*

**F SB1165 Commonwealth Transportation Board; regulation authority.** Provides that the authority of the Commonwealth Transportation Board to make regulations for the use of systems of state highways includes the use of devices in the right-of-way of such highways for law-enforcement purposes. The bill authorizes the Department of State Police or chief law-enforcement officer of a locality to install, maintain, and operate devices for law-enforcement purposes on highways maintained by VDOT. The bill requires that all data collected by such devices be purged and not retained later than 30 days after collection unless such data is being used in an active law-enforcement investigation. The bill prohibits the use

of such data to enforce speed limits, traffic regulations, tolling requirements, or high-occupancy vehicle requirements.

*Patron - Lewis*

## Homestead and Other Exemptions

Passed

**P HB1972** **Emergency relief payments; automatic exemption from creditor process; repeal.** Repeals the provision allowing an exemption from the creditor process for emergency relief payments, defined as a 2020 recovery rebate for individuals and qualifying children provided pursuant to § 2201 of the federal Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136) or any future federal payments or rebates provided directly to individuals for economic relief or stimulus due to the COVID-19 pandemic. This bill is identical to SB 812.

*Patron - Leftwich*

**P SB812** **Emergency relief payments; automatic exemption from creditor process; repeal.** Repeals the provision allowing an exemption from the creditor process for emergency relief payments, defined as a 2020 recovery rebate for individuals and qualifying children provided pursuant to § 2201 of the federal Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136) or any future federal payments or rebates provided directly to individuals for economic relief or stimulus due to the COVID-19 pandemic. This bill is identical to HB 1972.

*Patron - Petersen*

## Hotels, Restaurants, Summer Camps, and Campgrounds

Failed

**F HB1958** **Campgrounds; inherent risks; liability.** Provides that a person who goes camping at a campground shall be presumed to have known the inherent risks of camping, as defined in the bill. The bill provides that a campground professional, as defined in the bill, shall not be liable for the injury to or death of a camping participant resulting from the inherent risks of camping. The bill further provides that no camping participant or camping participant's representative is authorized to maintain an action against or recover from a camping professional for injury to, loss or damage by, or death of the camping participant resulting exclusively from any of the inherent risks of camping, provided that in any action for damages against a camping professional for camping activity, the camping professional pleads the affirmative defense of assumption of the risk. The bill excludes from such immunity acts taken by a camping professional to intentionally cause personal injury or death or property damage, acts made with a willful or wanton disregard for the safety of the camping participant, and instances wherein the camping professional has actual knowledge or reasonably should have known of a dangerous condition on the land or in the facilities or equipment used in the activity and does not make the danger known to the camping participant.

*Patron - Leftwich*

**F SB1475** **Board of Health; food establishment regulations.** Requires the Board of Health to adopt regulations that prohibit the revocation, amendment, or denial of a renewal of a permit issued to a food establishment on the basis that such food establishment does not meet the requirements for the food establishment classification for which the initial permit was issued, unless such food establishment has materially changed its operations since issuance of the initial permit.

*Patron - Obenshain*

## Housing

Passed

**P HB1411** **Virginia Community Development Financial Institutions Fund and Program; report.** Codifies the Virginia Community Development Financial Institutions Fund, originally created in the 2021 Appropriation Act, and establishes the Virginia Community Development Financial Institutions Program to carry out the purposes of the Fund. The Program shall provide grants and loans to community development financial institutions and other similar entities for the purpose of providing financing to small businesses, housing development and rehabilitation projects, and community revitalization real estate projects in the Commonwealth. The bill requires the Department of Housing and Community Development to oversee the Fund and Program and to (i) identify qualified recipients of funding; (ii) ensure that grants and loans promote housing and community development, capital access, housing access, and small business support; (iii) ensure that qualified recipients emphasize microfinancing, defined as financing to small businesses in amounts of \$100,000 or less, in using program funds; and (iv) utilize Program funds to promote collaborative and cooperative projects with public and private sector partners. The bill requires the Department to submit an annual report on the use and impact of funding provided. This bill is identical to SB 1320.

*Patron - Marshall*

**P HB2046** **Department of Housing and Community Development; statewide housing needs assessment and plan; annual reports by certain localities.** Adds to the powers and duties of the Director of the Department of Housing and Community Development the responsibility to conduct a comprehensive statewide housing needs assessment at least every five years, to develop a statewide housing plan and update such plan at least every five years, and to provide annual updates to the General Assembly regarding meeting the goals of such plan. The bill requires Virginia localities with a population greater than 3,500 to submit annual reports summarizing any local housing policies, ordinances, or processes affecting the development and construction of housing during the preceding fiscal year to the Department by September 1 for publication on the Department's website. This bill is identical to SB 839.

*Patron - Carr*

**P HB2312** **Uniform Statewide Building Code; stop work orders; appeals of State Building Code Technical Review Board decisions; recovery of costs.** Defines stop work orders for the purposes of the Uniform Statewide Building Code. The bill provides that if, during an appeal pursuant to the provisions of the Administrative Process Act of the State Building Code Technical Review Board's decision with respect to the issuance of a stop work order by a local building official, the court finds in favor of the party that was issued the stop

work order, such party shall be entitled to recover its actual costs of litigation, including court costs, attorney fees, and witness fees, from the locality responsible for issuing the stop work order. The bill contains technical amendments. This bill is identical to SB 1263.

*Patron - Head*

**P SB839 Department of Housing and Community Development; statewide housing needs assessment and plan; annual reports by certain localities.** Adds to the powers and duties of the Director of the Department of Housing and Community Development the responsibility to conduct a comprehensive statewide housing needs assessment at least every five years, to develop a statewide housing plan and update such plan at least every five years, and to provide annual updates to the General Assembly regarding meeting the goals of such plan. The bill requires Virginia localities with a population greater than 3,500 to submit annual reports summarizing any local housing policies, ordinances, or processes affecting the development and construction of housing during the preceding fiscal year to the Department by September 1 for publication on the Department's website. This bill incorporates SB 1049 and SB 1190 and is identical to HB 2046.

*Patron - Locke*

**P SB1114 Department of Housing and Community Development; powers and duties of the Director; Virginia Residential Sites and Structures Locator.** Instructs the Director of the Department of Housing and Community Development to develop and operate a Virginia Residential Sites and Structures Locator database to assist localities in marketing publicly owned, privately owned, or publicly and privately owned structures and parcels determined by the locality to be suitable for residential or mixed-use development or redevelopment when the owner or owners have authorized the locality to market the structure or parcels for residential or mixed-use development or redevelopment.

*Patron - Stanley*

**P SB1263 Uniform Statewide Building Code; stop work orders; appeals of State Building Code Technical Review Board decisions; recovery of costs.** Defines stop work orders for the purposes of the Uniform Statewide Building Code. The bill provides that if, during an appeal pursuant to the provisions of the Administrative Process Act of the State Building Code Technical Review Board's decision with respect to the issuance of a stop work order by a local building official, the court finds in favor of the party that was issued the stop work order, such party shall be entitled to recover its actual costs of litigation, including court costs, attorney fees, and witness fees, from the locality responsible for issuing the stop work order. The bill contains technical amendments. This bill is identical to HB 2312.

*Patron - Hackworth*

**P SB1305 Farm buildings and structures; building code exemptions.** Requires farm buildings and structures where the public is invited to enter and that are used for storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced on the farm and that are exempt from the Uniform Statewide Building Code (the building code) to have (i) portable fire extinguishers, (ii) a simple written plan in case of an emergency, and (iii) a sign posted in a conspicuous place upon entry that states that the building is exempt from the provisions of the building code. The bill also directs the Agritourism Event Structure Technical Advisory Committee to meet at least four times between the 2023 and 2024 Regular Sessions of the General Assembly and provides guidance to the Committee on

topics to be considered related to fire safety and the welfare of the general public.

*Patron - Hanger*

**P SB1320 Virginia Community Development Financial Institutions Fund and Program; report.** Codifies the Virginia Community Development Financial Institutions Fund, originally created in the 2021 Appropriation Act, and establishes the Virginia Community Development Financial Institutions Program to carry out the purposes of the Fund. The Program shall provide grants and loans to community development financial institutions and other similar entities for the purpose of providing financing to small businesses, housing development and rehabilitation projects, and community revitalization real estate projects in the Commonwealth. The bill requires the Department of Housing and Community Development to oversee the Fund and Program and to (i) identify qualified recipients of funding; (ii) ensure that grants and loans promote housing and community development, capital access, housing access, and small business support; (iii) ensure that qualified recipients emphasize microfinancing, defined as financing to small businesses in amounts of \$100,000 or less, in using program funds; and (iv) utilize Program funds to promote collaborative and cooperative projects with public and private sector partners. The bill requires the Department to submit an annual report on the use and impact of funding provided. This bill is identical to HB 1411.

*Patron - McClellan*

## Failed

**F HB1608 Board of Housing and Community Development; Uniform Statewide Building Code; qualifications of technical assistants; emergency.** Directs the Board of Housing and Community Development to suspend, until no later than July 1, 2024, the Uniform Statewide Building Code qualification requirement that technical assistants who issue permits have at least three years of experience. The bill contains an emergency clause.

*Patron - Tata*

**F HB1614 Housing authorities; common household pets.** Requires each housing authority to permit tenants to own or maintain one or more common household pets, as defined in the bill, subject to applicable state and federal law and regulations and certain reasonable conditions outlined in the bill. As defined, "common household pet" does not include an assistance animal or any animal prohibited by a local ordinance regulating the keeping of animals or fowl, other than dogs or cats, within a certain distance of residences or other buildings or structures.

*Patron - Williams Graves*

**F HB1766 Uniform Statewide Building Code; multifamily residential housing construction projects; electric vehicle charging infrastructure standards.** Requires the Board of Housing and Community Development to promulgate regulations for electric vehicle charging infrastructure standards for multifamily residential housing construction projects consisting of more than 25 residential dwelling units. The standards shall require a developer of such multifamily residential housing construction projects to ensure that at least 25 percent of the available parking spaces are electric vehicle charging ready during the design and construction process. Landlords, condominium unit owners' associations, and property owners' associations shall be authorized to negotiate with electric vehicle charging providers with respect to the installation and maintenance of electric vehicle infrastructure and any related revenue sharing. The bill also requires the Board to promulgate

such regulations by January 1, 2024, and provides that such regulations shall only apply to any new multifamily residential housing construction projects approved by a locality after January 1, 2024.

*Patron - Reid*

**F HB2045 Housing; creation of the Zoning for Housing Production Act; affordable dwelling unit policy incentives.** Creates, within the Department of Housing and Community Development, the Zoning for Housing Production Act, which establishes a special nonreverting fund in the state treasury to be known as the Zoning for Housing Production Fund. The bill requires moneys from the Fund to be awarded as grants to localities by application to the Department for the purpose of creating and maintaining affordable housing in mixed-income communities, defined in the bill. To be eligible for a grant from the Fund, a locality is required to make a change to such locality's zoning ordinance in accordance with the requirements of the bill. The provisions of the bill expire on July 1, 2029.

*Patron - Carr*

**F HB2048 Virginia Housing Development Authority; economically mixed projects; affordable rent for persons or families of low or moderate income.** Provides that in any economically mixed project financed through the Virginia Housing Development Authority, at least 20 percent of the units must be held available for occupancy by persons and families earning 80 percent or less of the area median income, and the rent charged for such units shall be at least 10 percent below the rents of unrestricted units in the project. Economically mixed projects located in a locality with a population no greater than 35,000 as determined by the most recent U.S. census shall not be required to limit the rent charged for such units to at least 10 percent below the rents of unrestricted units in the project.

*Patron - Carr*

**F HJ490 Study; Department of Housing and Community Development; affordable housing; report.** Requests the Department of Housing and Community Development to study ways to increase affordable housing options for public servants on publicly owned property.

*Patron - VanValkenburg*

**F HJ529 Study; Department of Housing and Community Development; affordable housing; report.** Requests the Department of Housing and Community Development, in collaboration with the Virginia Housing Development Authority, to study ways to increase affordable housing options for public servants on publicly owned property.

*Patron - Guzman*

**F SB866 Board of Housing and Community Development; Uniform Statewide Building Code; qualifications of technical assistants; emergency.** Directs the Board of Housing and Community Development to suspend, until no later than July 1, 2024, the Uniform Statewide Building Code qualification requirement that technical assistants who issue permits have at least three years of experience. The bill contains an emergency clause.

*Patron - Cosgrove*

**F SB1049 Department of Housing and Community Development; Virginia Housing Development Authority; statewide housing needs assessment and plan; annual report on spending.** Directs the Virginia Housing Development Authority (HDA) to annually report to the Chairs of the Senate Committee on Finance and Appropriations and House Committee on Appropriations and the Virginia Housing Com-

mission certain information regarding the current Resources Enabling Affordable Community Housing program or any future program that reinvests HDA's net earnings into affordable housing initiatives. The bill adds to the powers and duties of the Director of the Department of Housing and Community Development the responsibility to conduct a comprehensive statewide housing needs assessment at least every five years, to develop a statewide housing plan and update such plan at least every five years, to provide annual updates to the General Assembly regarding meeting the goals of such plan, and to collect and publish certain zoning information collected from Virginia localities. The bill requires localities to respond to inquiries of the Department regarding the collection of such zoning information upon request. This bill was incorporated into SB 839.

*Patron - McPike*

**F SB1190 Department of Housing and Community Development; powers and duties of Director.** Adds to the powers and duties of the Director of the Department of Housing and Community Development the responsibility to conduct a comprehensive statewide affordable housing needs assessment every five years, to develop a biennial statewide affordable housing plan and submit such plan to the General Assembly every two years, and to collect and publish certain zoning information collected from Virginia localities. The bill requires localities to respond to inquiries of the Department regarding the collection of such zoning information upon request. This bill was incorporated into SB 839.

*Patron - Ebbin*

**F SB1384 Housing authorities; common household pets.** Requires each housing authority to permit tenants to own or maintain one or more common household pets, as defined in the bill, subject to applicable state and federal law and regulations and certain reasonable conditions outlined in the bill. As defined, "common household pet" does not include an assistance animal or any animal prohibited by a local ordinance regulating the keeping of animals or fowl, other than dogs or cats, within a certain distance of residences or other buildings or structures. "Reasonable condition," as defined in the bill, does not include a prohibition on a particular breed or the weight of a common household pet.

*Patron - McClellan*

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

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Passed

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**P HB1403 Certain public institutions of higher education; provision of university housing at no cost to certain students during scheduled intersessions.** Requires any public institution of higher education that maintains and operates university housing during scheduled intersessions to provide access to such housing at no cost to any student who is eligible for a certain tuition and fee grant based on his placement in foster care at age 18 and satisfaction of several other enumerated criteria, provided that the student (i) is a registered student for the immediately following academic term and (ii) meets the definitions and conditions of the federal McKinney-Vento Homeless Assistance Act, as amended.

*Patron - Tata*

**P HB1555 Institutions of higher education; human trafficking awareness and prevention training required.** Directs the governing board of each public institution of higher education to develop and implement policies requiring that a trauma-informed human trafficking awareness and prevention training program be provided to and completed by all first-year students as a part of such institution's first-year orientation program. The bill also directs the State Council of Higher Education for Virginia to encourage private institutions of higher education to develop and implement policies to provide such a human trafficking awareness and prevention training program as a part of their first-year orientation programs. This bill is identical to SB 1373.

*Patron - Brewer*

**P HB1779 Nuclear Education Grant Fund and Program established.** Establishes the Nuclear Education Grant Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of awarding grants on a competitive basis to any public institution of higher education or private institution of higher education in the Commonwealth that seeks to establish or expand a nuclear education program, defined in the bill as an instructional program that leads to a degree or credential that specifically supports the nuclear power industry, including nuclear engineering and nuclear welding. The bill permits the Council to establish such rules, policies, and procedures as it deems necessary for the administration of the Program, including rules, policies, and procedures for Program applications and grant awards.

*Patron - O'Quinn*

**P HB1840 Eastern Virginia Medical School; establishment of Eastern Virginia Health Sciences Center at Old Dominion University.** Repeals provisions establishing and relating to Eastern Virginia Medical School and designates the schools and divisions previously existing as Eastern Virginia Medical School and such other academic units of Old Dominion University related to the health sciences as may be identified by the Old Dominion University Board of Visitors as the Eastern Virginia Health Sciences Center at Old Dominion University (the Health Sciences Center). The bill permits Old Dominion University to provide medical and health sciences education and related research through the teaching hospitals and related health care and health maintenance facilities at the Health Sciences Center and contains provisions relating to the operations of the Health Sciences Center, including provisions relating to cooperative arrangements and joint ventures. This bill is identical to SB 1211 and has a delayed effective date of January 1, 2024. This bill received Governor's recommendations.

*Patron - Knight*

**P HB1870 Institutions of higher education; immunity from disciplinary action in certain cases involving a good faith report of an act of sexual violence.** Removes the exemption of the Virginia Military Institute Board of Visitors from the requirement to include in its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action for certain individuals who make good faith reports of acts of sexual violence but permits Virginia Military Institute to include a provision stipulating that in the event that a cadet discloses personal consumption of drugs or alcohol in conjunction with a good faith report of an act of sexual violence and the superintendent of the Virginia Military Institute determines that such cadet's personal consumption of drugs or alcohol constitutes a threat to the cadet's well-being or the well-being of others, the superintendent may require such cadet to attend drug or substance use disorder counseling. The bill also requires the governing board of each

public and nonprofit private institution of higher education to extend such provision of disciplinary immunity to disclosures of curfew violation where such disclosure is made in conjunction with a good faith report of an act of sexual violence. Under current law, such boards are only required to include a provision for disciplinary immunity from disclosures of personal consumption of drugs or alcohol made in conjunction with a good faith report of an act of sexual violence.

*Patron - Helmer*

**P HB1916 Public institutions of higher education; threat assessment teams; powers and duties.** Makes several changes to the powers and duties of the threat assessment team at each public institution of higher education, including requiring, upon a preliminary determination that an individual poses an articulable and significant threat of violence to others, each such team to (i) obtain any available criminal history record information and health records for such individual; (ii) notify in writing within 24 hours upon making such preliminary determination (a) the campus police department; (b) local law enforcement for the city or county in which the public institution of higher education is located, local law enforcement for the city or county in which the individual resides, and, if known to the threat assessment team, local law enforcement for the city or county in which the individual is located; and (c) the local attorney for the Commonwealth in any jurisdiction where the threat assessment team has notified local law enforcement; and (iii) disclose any specific threat of violence posed by the individual as part of such notification, and permitting each such team to invite nonmember representatives from campus to participate in individual cases. This bill is identical to SB 910.

*Patron - Batten*

**P HB2194 Certain institutions of higher education; noncredit workforce training program; student grants; reimbursement.** Increases from \$3,000 to \$4,000 the maximum amount for which the State Council of Higher Education for Virginia shall reimburse an eligible institution of higher education per completed noncredit workforce training program per eligible student pursuant to the New Economy Workforce Credential Grant Program. Current law provides that the Council shall reimburse an eligible institution an amount equal to one-third of the cost of the noncredit workforce training program, not to exceed \$3,000, per eligible student upon such eligible student's completion of the program. This bill is identical to SB 1422.

*Patron - Byron*

**P HB2272 Norfolk State University and Virginia State University; reduced rate tuition charges for certain students.** Permits the Norfolk State University Board of Visitors and the Virginia State University Board of Visitors to charge reduced rate tuition to any non-Virginia student who has completed at least 30 credit hours of coursework and is enrolled in a program at the relevant institution that leads to employment in a high-demand field, as determined by the board of visitors of the relevant institution based on data compiled and provided by the Virginia Office of Education Economics. The bill provides that in the event that a non-Virginia student who was charged reduced rate tuition at the relevant institution in accordance with the provisions of the bill withdraws from the program that leads to employment in a high-demand field and enrolls in a program that does not lead to employment in a high-demand field, such student will forfeit eligibility for such reduced rate tuition charge and shall be charged tuition at the full rate for non-Virginia students. The bill further provides that any non-Virginia student at Norfolk State University or Virginia State University who was initially enrolled in a program that does not lead to employment in a



high-demand field but withdraws from that program and enrolls in a program that does lead to employment in a high-demand field may be charged reduced rate tuition in accordance with the provisions of the bill. This bill is identical to SB 1448.

*Patron - Cherry*

**P SB826 Board of Visitors of the Virginia School for the Deaf and the Blind; authority to establish campus security department.** Authorizes the Board of Visitors of the Virginia School for the Deaf and the Blind to establish and maintain a campus security department and to employ campus security personnel therein.

*Patron - Bell*

**P SB910 Public institutions of higher education; threat assessment teams; powers and duties.** Makes several changes to the powers and duties of the threat assessment team at each public institution of higher education, including requiring, upon a preliminary determination that an individual poses an articulable and significant threat of violence to others, each such team to (i) obtain any available criminal history record information and health records for such individual; (ii) notify in writing within 24 hours upon making such preliminary determination (a) the campus police department; (b) local law enforcement for the city or county in which the public institution of higher education is located, local law enforcement for the city or county in which the individual resides, and, if known to the threat assessment team, local law enforcement for the city or county in which the individual is located; and (c) the local attorney for the Commonwealth in any jurisdiction where the threat assessment team has notified local law enforcement; and (iii) disclose any specific threat of violence posed by the individual as part of such notification, and permitting each such team to invite nonmember representatives from campus to participate in individual cases. This bill is identical to HB 1916.

*Patron - Newman*

**P SB955 Public institutions of higher education; tuition grants; Virginia National Guard.** Provides that public institutions of higher education may enter into special arrangement contracts with the Virginia Department of Military Affairs for the purpose of providing reduced rate tuition charges for no more than 50 members of the Virginia National Guard receiving state tuition assistance grants per year. The bill also provides that a non-Virginia student shall not receive reduced rate tuition charges unless he has been enrolled in a Virginia public institution of higher education for two years prior to receiving the reduced rate tuition. In order to be eligible for such state tuition assistance grant, a member of the Virginia National Guard must have two years remaining on his service obligation to the Virginia National Guard as of the last day of the last term or semester for which tuition assistance is requested. Current law provides that as a condition of being awarded a tuition assistance grant, a member of the Virginia National Guard will incur a two-year service obligation to commence after the last day of the term or semester for which tuition assistance is requested.

*Patron - Ruff*

**P SB1172 Virginia Community College System; work group on standardized registered nursing curriculum; the Passport Nursing Program.** Requires the Virginia Community College System (the System), in collaboration with the Board of Nursing, the State Council of Higher Education for Virginia (SCHEV), and representatives from for-profit and private not-for-profit institutions offering registered nursing (RN) degree or diploma programs, to standardize the core curriculum for all RN degree or diploma programs in the Com-

monwealth in name, content, rigor, and credits such that all classes and credits are stackable, transferrable, and universally accepted. The bill provides that such standardized RN core curriculum is to be called the Passport Nursing Program. The bill directs the System, in collaboration with the Board of Nursing, SCHEV, the Virginia Nurses Association, and other relevant stakeholders, to convene a work group, consisting of several representatives enumerated in the bill, to develop the Passport Nursing Program and the system by which all RN education and diploma programs offered in the Commonwealth will be standardized under the Passport Nursing Program. The bill directs the work group to (i) determine and define what classes constitute the RN core curriculum and (ii) develop a system to standardize such RN core curriculum in name, content, rigor, and credits to ensure that all credits earned toward an RN degree or diploma program are stackable, transferrable, and universally accepted across all such programs. The bill requires the work group to submit its report to the Governor, the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, and the Board of Nursing by November 1, 2023.

*Patron - Dunnivant*

**P SB1211 Eastern Virginia Medical School; establishment of Eastern Virginia Health Sciences Center at Old Dominion University.** Repeals provisions establishing and relating to Eastern Virginia Medical School and designates the schools and divisions previously existing as Eastern Virginia Medical School and such other academic units of Old Dominion University related to the health sciences as may be identified by the Old Dominion University Board of Visitors as the Eastern Virginia Health Sciences Center at Old Dominion University (the Health Sciences Center). The bill permits Old Dominion University to provide medical and health sciences education and related research through the teaching hospitals and related health care and health maintenance facilities at the Health Sciences Center and contains provisions relating to the operations of the Health Sciences Center, including provisions relating to cooperative arrangements and joint ventures. This bill is identical to HB 1840 and has a delayed effective date of January 1, 2024. This bill received Governor's recommendations.

*Patron - Lucas*

**P SB1280 Public institutions of higher education; degree programs; integration of internship or work-based learning experiences; policies.** Directs the governing board of each public institution of higher education to adopt policies requiring that participation in an internship or work-based learning experience be integrated into a student's degree program so as not to extend the time to complete the degree. The bill directs the State Council of Higher Education for Virginia to convene a work group for the purpose of making recommendations on the development, adoption, and implementation of the policies required pursuant to the bill. The bill requires the work group to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by June 30, 2024. The bill has a delayed effective date of July 1, 2025, contingent upon a determination by the work group convened pursuant to the bill that the adoption of such policies is logistically and fiscally viable for each public institution of higher education in the Commonwealth. This bill received Governor's recommendations.

*Patron - Dunnivant*

**P SB1286 Virginia Community College System; duties of State Board for Community Colleges; standardization of health care-related programs.** Directs the State Board for Community Colleges to develop and implement a

plan to standardize across all comprehensive community colleges the courses offered for health care-related degree, credential, or licensure programs, excluding any registered nursing programs. The bill requires such plan to include procedures and criteria for (i) standardizing such courses by name, curriculum, coursework, quality, academic rigor, and standard of evaluation; (ii) awarding credit toward the completion of any such health care-related program; and (iii) standardizing the manner in which academic and clinical hour credits are awarded for such courses to ensure that they are stackable and transferrable across all comprehensive community colleges.

*Patron - Dunnivant*

**P SB1373 Institutions of higher education; human trafficking awareness and prevention training required.** Directs the governing board of each public institution of higher education to develop and implement policies requiring that a trauma-informed human trafficking awareness and prevention training program be provided to and completed by all first-year students as a part of such institution's first-year orientation program. The bill also directs the State Council of Higher Education for Virginia to encourage private institutions of higher education to develop and implement policies to provide such a human trafficking awareness and prevention training program as a part of their first-year orientation programs. This bill is identical to HB 1555.

*Patron - Vogel*

**P SB1422 Certain institutions of higher education; noncredit workforce training program; student grants; reimbursement.** Increases from \$3,000 to \$4,000 the maximum amount for which the State Council of Higher Education for Virginia shall reimburse an eligible institution of higher education per completed noncredit workforce training program per eligible student pursuant to the New Economy Workforce Credential Grant Program. Current law provides that the Council shall reimburse an eligible institution an amount equal to one-third of the cost of the noncredit workforce training program, not to exceed \$3,000, per eligible student upon such eligible student's completion of the program. This bill incorporates SB 1076 and is identical to HB 2194.

*Patron - Pillion*

**P SB1448 Norfolk State University and Virginia State University; reduced rate tuition charges for certain students.** Permits the Norfolk State University Board of Visitors and the Virginia State University Board of Visitors to charge reduced rate tuition to any non-Virginia student who has completed at least 30 credit hours of coursework and is enrolled in a program at the relevant institution that leads to employment in a high-demand field, as determined by the board of visitors of the relevant institution based on data compiled and provided by the Virginia Office of Education Economics. The bill provides that in the event that a non-Virginia student who was charged reduced rate tuition at the relevant institution in accordance with the provisions of the bill withdraws from the program that leads to employment in a high-demand field and enrolls in a program that does not lead to employment in a high-demand field, such student will forfeit eligibility for such reduced rate tuition charge and shall be charged tuition at the full rate for non-Virginia students. The bill further provides that any non-Virginia student at Norfolk State University or Virginia State University who was initially enrolled in a program that does not lead to employment in a high-demand field but withdraws from that program and enrolls in a program that does lead to employment in a high-demand field may be charged reduced rate tuition in accordance with the provisions of the bill. This bill is identical to HB 2272.

*Patron - Lucas*

**P SB1499 Public institutions of higher education; Virginia Commonwealth University Health System Authority; chief executive officer; criteria.** Provides that the chief executive officer of the Virginia Commonwealth University Health System Authority may be the individual who holds the title of Vice-President for Health Sciences of Virginia Commonwealth University, or such other title as subsequently established by the University's board of visitors for the chief academic and administrative officer for the Health Sciences Schools of the University. Current law requires the chief executive officer to hold such title.

*Patron - McClellan*

**Failed**

**F HB1415 Richard Bland College; governance.** Removes the authority of the board of visitors of The College of William and Mary in Virginia to supervise, manage, and control Richard Bland College and establishes the 12-member board of visitors of Richard Bland College to generally direct the affairs of the College, including appointing all teachers and fixing their salaries, providing for the employment of other personnel as required, and caring for and preserving all property belonging to the College.

*Patron - Brewer*

**F HB1439 Comprehensive community colleges; conditionally forgivable loans for tuition and other fees and expenses.** Requires each comprehensive community college to establish a process whereby admitted students may apply for a conditionally forgivable loan in an amount sufficient to cover the full cost of tuition, mandatory fees, and required textbooks or other course materials to earn a certain degree or credential at such college. The bill provides that the student is eligible for such loan if the student (i) demonstrates that the student is a single parent of a dependent child or dependent children and has a total household income that is not more than 250 percent of the current annual federal poverty guidelines; (ii) signs an agreement to (a) pursue a field of study that leads to a high-demand occupation identified by the Virginia Office of Education Economics on its high-demand occupations list, (b) earn within 30 months of initial enrollment at the comprehensive community college a degree or credential that leads to such a high-demand occupation, and (c) maintain employment in the Commonwealth in such a high-demand occupation for at least five years during the seven-year period that begins on the date on which the student earns such a degree or credential; and (iii) signs a promissory note to repay the full amount of the loan in a lump sum, without interest, 84 months from the date on which the student fails to meet any condition of the agreement signed pursuant to clause (ii). The bill requires each comprehensive community college to forgive the full amount of any such loan on the date on which the recipient demonstrates full satisfaction of the conditions of the signed agreement, as determined by the Office of the Attorney General. The bill permits any comprehensive community college that forgives such a loan to request reimbursement for the forgiven amount from the General Assembly and requires the General Assembly to establish a process and procedure for receiving and acting upon such reimbursement requests.

*Patron - Anderson*

**F HB1626 Board of visitors of Radford University; reduced rate tuition charges; students who reside in and are domiciled in the Appalachian region.** Permits the board of visitors of Radford University to charge reduced rate tuition to any student enrolled at Radford University who resides in the Appalachian region, as defined in relevant federal law, is domiciled in the Appalachian region, and is entitled

to in-state tuition charges at a public institution of higher education in the Appalachian region and such entitlement is based on circumstances that when applied to a student who resides in the Commonwealth would result in entitlement to in-state tuition, provided that reduced rate tuition for students who reside in and are domiciled in the Appalachian region shall not be set below the in-state tuition rate for Virginia students attending Radford University.

*Patron - Ballard*

**F HB1760 Virginia Teacher Residency Training Corps; established.** Establishes the Virginia Teacher Residency Training Corps for the purposes of attaining and retaining public elementary and secondary school teachers in school divisions in the Commonwealth by awarding scholarships to students seeking to obtain teaching degrees and certifications at participating institutions and requiring such students upon completion of their degree or certificate to fill teaching positions for one year for each year of scholarship receipt at a high-need school, as defined pursuant to federal law. The bill also creates the Virginia Teacher Residency Training Corps Scholarship Fund and Program for the purpose of funding such scholarships at the participating institutions of Longwood University, Norfolk State University, Radford University, and Virginia Commonwealth University. Finally, the bill establishes the 12-member Virginia Teacher Residency Training Corps Commission to administer the Program and directs the Commission to begin meeting on or after September 1, 2023, and to establish the parameters for the Program and award the first scholarships prior to the beginning of the 2024–2025 academic year.

*Patron - Reid*

**F HB1800 Public institutions of higher education; transparency.** Imposes several requirements on governing boards of public institutions of higher education relating to transparency, including requirements to (i) report by September 1 of each year to the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and Appropriations and Education and Health (a) the number of executive staff members, including all administrative staff directly reporting to the chief executive officer of such institution, employed by such institution or any educational foundation associated with such institution and the salary and compensation of each such executive staff member and (b) the total value of any contract with any outside individual or entity to provide lobbying services for the institution; (ii) record video of each meeting of the full board and its committees and make publicly available on the institution's website in a position of prominence a link that permits any member of the public to livestream each meeting of the full board and its committees and, within 10 business days after the date of any meeting of the full board or any of its committees, view video recordings for each such meeting; and (iii) prior to any vote to enter into or renew a contract for the employment of the chief executive officer of the institution, hold a public meeting to provide an opportunity for written, virtual, and in-person public comment on such contract at least 120 days prior to any such meeting at which it will vote to enter into or renew such contract and provide notice of such public meeting in accordance with relevant law. The bill also requires each public institution of higher education to make publicly available on the institution's website in a position of prominence and present annually to the governing board of the institution an annual report regarding foundations associated with the institution setting forth foundation expenses that includes the percentage of expenditures used for government relations and lobbying activities and compensation of the chief executive officer and the

total expenditures used for executive or administrative compensation for each department.

*Patron - Freitas*

**F HB1861 Virginia Museum of Transportation; established.** Establishes the Virginia Museum of Transportation as a public entity and educational institution under the Commonwealth. The bill provides that the Museum is governed by a 15-member board of trustees.

*Patron - Head*

**F HB1889 Public institutions of higher education and certain other public educational institutions; certain immunization requirements prohibited.** Prohibits any prospective or current full-time or part-time employee of a public institution of higher education or any of its centers or other subdivisions; the Virginia Commonwealth University Health System Authority; Eastern Virginia Medical School; or any authority, center, or institute specified by the bill that enrolls or otherwise provides instruction to students from being required, as a condition of initial or continued employment, to be immunized against COVID-19. The bill also prohibits any prospective or current full-time or part-time student at any such institution, authority, center, institute, or school from being required, as a condition of initial or continued enrollment, to be immunized against COVID-19.

*Patron - McGuire*

**F HB1890 Public institutions of higher education; guaranteed admission for certain veterans; report.** Requires the governing board of each public institution of higher education in the Commonwealth to provide for the guaranteed admission of any eligible veteran applicant, defined in the bill as any applicant who (i) is a veteran member of the uniformed services, (ii) is permanently and totally disabled as a result of his active duty service in the uniformed services, and (iii) (a) graduated from a high school in the Commonwealth or (b) graduated from a high school in a state other than the Commonwealth and served in the uniformed services while assigned to a location in the Commonwealth. The bill also requires each public institution of higher education to submit an annual report to the General Assembly on or before December 31 of each year detailing certain information relating to veteran applicants and enrollees.

*Patron - Tata*

**F HB1926 Tuition Assistance Grant Program; eligible institutions; proprietary private institutions of higher education.** Declares eligible for participation in the Tuition Assistance Grant Program proprietary private institutions of higher education whose primary purpose is to provide collegiate, graduate, or professional training or education and not to provide religious training or theological education and that meet certain other criteria, including maintaining a principal place of business in the Commonwealth and maintaining accreditation. Under current law, eligibility is limited to non-profit private institutions of higher education whose primary purpose is to provide collegiate, graduate, or professional training or education and not to provide religious training or theological education and that meet certain other criteria, including maintaining a principal place of business in the Commonwealth and maintaining accreditation.

*Patron - Tata*

**F HB2076 Virginia Military Survivors and Dependents Education Program; eligibility.** Makes several changes to the eligibility criteria for the Virginia Military Survivors and Dependents Education Program, including (i) shortening from five years to one year all of the relevant mandatory physical presence or domicile requirements, (ii) changing the

requirement for veterans to be at least 90 percent permanently disabled to qualify for program benefits to a requirement for such veterans to have a static rating of at least 90 percent disabled, and (iii) declaring eligible for program benefits the step-children of eligible living veteran military service members.

*Patron - Murphy*

**F HB2114 Public institutions of higher education; tuition and financial aid; dependency override application form.** Requires each public institution of higher education to create and maintain a form by which a student may apply for a dependency override, defined in the bill as the documented determination by a financial aid administrator pursuant to relevant federal law that, for the purposes of tuition and financial aid eligibility determinations, a student is an independent student by reason of other unusual circumstances. The bill requires such form to (i) be published electronically on the financial aid page of the institution's website; (ii) clearly explain, in language understandable to a student enrolled at the institution, the purposes of a dependency override, potential circumstances that may qualify a student for a dependency override, and common circumstances that do not qualify a student for a dependency override; (iii) explicitly include, in language understandable to a student enrolled at the institution, a statement that institutions of higher education are permitted to accept a range of documents to substantiate dependency override applications, including those documents specified by relevant federal law; and (iv) explicitly include, in language understandable to a student enrolled at the institution, the option to apply for a dependency override based on certain factors enumerated in the bill.

*Patron - Willett*

**F HB2142 Get Skilled, Get a Job, Give Back (G3) Program; eligibility; high-demand fields.** Defines, for the purpose of determining the eligibility for financial assistance under the Get Skilled, Get a Job, Give Back (G3) Program of an individual enrolled in a certain program that leads to an occupation in a high-demand field, the term "high-demand field" as (i) a discipline or field in which there is a shortage of skilled workers to fill current and anticipated additional job vacancies, (ii) the K-12 teaching field, including teaching in the science, technology, engineering, and mathematics (STEM) disciplines, or (iii) the special education teaching field. Under current law, the definition of "high-demand field" is limited to a discipline or field in which there is a shortage of skilled workers to fill current and anticipated additional job vacancies.

*Patron - Guzman*

**F HB2152 Public institutions of higher education; in-state tuition; children of active duty service members or veterans.** Provides that any child of an active duty service member or veteran who claims Virginia as his home state and filed Virginia tax returns for at least four years during active duty service is eligible for in-state tuition charges regardless of domicile. Under current law, any such child is eligible for in-state tuition charges if such service member or veteran claims Virginia as his home state and filed Virginia tax returns for at least 10 years during active duty service.

*Patron - Guzman*

**F HB2277 Comprehensive community colleges; education preparation programs.** Permits comprehensive community colleges to offer four-year bachelor's degree programs in teacher education, subject to the requirements for accreditation and education preparation program approval prescribed by the Board of Education in its regulations.

*Patron - LaRock*

**F HB2396 Public institutions of higher education; Virginia College Savings Plan; renamed Commonwealth Savers Plan; duties of governing board.** Renames the Virginia College Savings Plan as the Commonwealth Savers Plan (the Plan) and amends all relevant references to "college savings trust account" to "education savings trust account." The bill provides that the purpose of the Plan is to enhance the accessibility, affordability, and attainability of higher education in the Commonwealth. The bill expands the duties of the governing board (the board) of the Plan to include developing, implementing, and funding programs or partnerships to enhance the accessibility, affordability, and attainability of higher education for underserved and underrepresented communities and students and authorizes the board to develop policies for the funding and review of such programs or partnerships. The bill expands the definition of "current obligations of the Plan" to include any additional benefit or educational access, affordability, and attainability program or partnership developed pursuant to the Plan. The bill further prohibits any officer, director, or member of the board or of any advisory committee to the board from being held personally liable for any loss suffered by the Plan. Finally, the bill provides that any benefit paid on any prepaid tuition contract entered into prior to July 1, 2019, may be supplemented by an additional benefit, subject to the determination and discretion of the board. The bill contains technical amendments.

*Patron - Avoli*

**F HB2408 New Economy Workforce Credential Grant Program; eligible institutions; maximum reimbursement per completed noncredit workforce training program.** Increases from \$3,000 to \$4,000 the maximum amount that the State Council of Higher Education for Virginia is permitted to reimburse an eligible institution per completed noncredit workforce training program per eligible student pursuant to the New Economy Workforce Credential Grant Program.

*Patron - Filler-Corn*

**F HB2409 Public institutions of higher education; Virginia College Savings Plan; renamed Commonwealth Savers Plan; duties of governing board.** Renames the Virginia College Savings Plan as the Commonwealth Savers Plan (the Plan) and amends all relevant references to "college savings trust account" to "education savings trust account." The bill provides that the purpose of the Plan is to enhance the accessibility, affordability, and attainability of higher education in the Commonwealth. The bill expands the duties of the governing board (the board) of the Plan to include developing, implementing, and funding programs or partnerships to enhance the accessibility, affordability, and attainability of higher education for underserved and underrepresented communities and students and authorizes the board to develop policies for the funding and review of such programs or partnerships. The bill expands the definition of "current obligations of the Plan" to include any additional benefit or educational access, affordability, and attainability program or partnership developed pursuant to the Plan. The bill further prohibits any officer, director, or member of the board or of any advisory committee to the board from being held personally liable for any loss suffered by the Plan. Finally, the bill provides that any benefit paid on any prepaid tuition contract entered into prior to July 1, 2019, may be supplemented by an additional benefit, subject to the determination and discretion of the board. The bill contains technical amendments.

*Patron - Filler-Corn*

**F HB2425 Secretary of Education; institutions of higher education; information about institutional debt; report; civil penalty.** Requires certain institutions of higher

education in the Commonwealth to report to the Secretary of Education on January 1 of each calendar year certain information and documents relating to certain educational debts owed to the institution by current and former students as of the end of the prior calendar year and requires the Secretary, with the cooperation and assistance of the State Council of Higher Education for Virginia, to issue a report that includes the information and documents provided by each such institution no later than July 1 of each calendar year. The bill also allows the Secretary to impose a civil penalty of not more than \$10,000 for each violation on an institution of higher education that fails to comply with the reporting requirements of the bill.

*Patron - Bagby*

**F HB2462 Certain student loans; default; institutional liability.** Requires the State Council of Higher Education for Virginia to develop procedures for (i) identifying each individual who has defaulted on any loan agreement that he entered into in order to finance all or any portion of the cost of tuition or mandatory fees to attend the baccalaureate public institution of higher education at which he earned his degree within five years of earning such degree and (ii) determining which such loan defaults qualify for repayment by the baccalaureate public institution of higher education at which the individual earned his degree. The bill requires any individual determined pursuant to such procedures developed by the Council to have a qualifying loan default to be repaid by the baccalaureate public institution of higher education at which he earned his degree a sum sufficient to cover 50 percent of the original principal amount of the loan.

*Patron - Runion*

**F HJ523 Study; Joint Legislative Audit and Review Commission; waiver of tuition and mandatory fees at certain comprehensive community colleges; report.** Directs the Joint Legislative Audit and Review Commission to study the feasibility of waiving tuition and mandatory fees for Virginia students who attend Mountain Empire Community College, Southwest Virginia Community College, and Virginia Highlands Community College and report its findings and recommendations to the General Assembly no later than November 30, 2023.

*Patron - Lopez*

**F HJ538 Study; Virginia Community College System; feasibility of pursuing the approval of education preparation programs to be offered by comprehensive community colleges in the Commonwealth; report.** Requests that the Virginia Community College System study the feasibility of pursuing the approval of education preparation programs to be offered by comprehensive community colleges in the Commonwealth and report its findings and recommendations to the General Assembly no later than November 30, 2023.

*Patron - LaRock*

**F SB991 Public institutions of higher education; immunization requirements.** Declares that the General Assembly has the sole authority to impose immunization requirements on students enrolled in public institutions of higher education and any policy or any revision to any policy of a public institution of higher education relating to immunization requirements is void to the extent that it is inconsistent with the law of the Commonwealth. The bill also expands the scope of exemptions from such immunization requirements by (i) providing that any student shall be exempt from the immunization requirements or from the health history requirement if the student or, if such student is under the age of 18, the parent of such student objects on the grounds that compliance with the requirement would conflict with the student's or the parent's

religious tenets or practices and (ii) removing the exception providing that the religious exemption to any immunization requirement shall not apply if the Board of Health declares an emergency or epidemic of disease.

*Patron - Peake*

**F SB1020 Virginia Museum of Transportation; established.** Establishes the Virginia Museum of Transportation as a public entity and educational institution under the Commonwealth governed by a 15-member board of trustees. The provisions of this bill are contingent on funding in a general appropriation act.

*Patron - Edwards*

**F SB1030 Public institutions of higher education; duties of governing board; student tuition and fees; requests for certain information.** Requires the governing board of each public institution of higher education to adopt policies and procedures requiring the release to each student or, if such student is a dependent, the parent of each student enrolled at such institution of an itemized list of how such student's individual annual tuition and other mandatory fees are allocated, including the exact amount of such student's tuition and mandatory fees that are used to subsidize financial aid grants and scholarships for other students at such institution. The bill requires such policies and procedures to include a provision allowing any student or the parent of any student to opt out of receiving such itemized list.

*Patron - Norment*

**F SB1076 Certain institutions of higher education; financial assistance; noncredit workforce training program; student grants; reimbursement.** Increases from \$3,000 to \$4,000 the maximum amount for which the State Council of Higher Education for Virginia shall reimburse an eligible institution of higher education per completed noncredit workforce training program per eligible student pursuant to the New Economy Workforce Credential Grant Program. Current law provides that the Council shall reimburse an eligible institution an amount equal to one-third of the cost of the noncredit workforce training program, not to exceed \$3,000, per eligible student upon such eligible student's completion of the program.

*Patron - Ruff*

**F SB1077 Richard Bland College; governance.** Removes the authority of the board of visitors of The College of William and Mary in Virginia to supervise, manage, and control Richard Bland College and establishes the 12-member board of visitors of Richard Bland College to generally direct the affairs of the College, including appointing all teachers and fixing their salaries, providing for the employment of other personnel as required, and caring for and preserving all property belonging to Richard Bland College. The bill provides for the transfer of relevant property and rights thereto, contracts, and duties from the board of visitors of The College of William and Mary in Virginia to the board of visitors of Richard Bland College. The bill also requires the board of visitors of Richard Bland College to focus its efforts on preparing students for academic and career success and permits the board to take several enumerated actions in furtherance of such efforts. Finally, the bill provides that the audit conducted by the Auditor of Public Accounts for the Fiscal Year ending June 30, 2023, will be the last audit for which Richard Bland College is treated as a consolidated entity of the board of visitors of The College of William and Mary in Virginia and that beginning with the Fiscal Year ending June 30, 2024, the Auditor of Public Accounts shall submit its audit report on Richard Bland College to the board of visitors of Richard Bland College. This bill incorporates SB 1450.

*Patron - Ruff*

**F SB1098 Public institutions of higher education; new programs of instruction; approval of the State Council of Higher Education for Virginia and certain legislative committees required.** Prohibits any public institution of higher education from implementing a new program of instruction or implementing a new curriculum for an existing program of instruction without first obtaining the approval of the State Council of Higher Education for Virginia, the House Committee on Education, and the Senate Committee on Education and Health.

*Patron - Norment*

**F SB1110 Public institutions of higher education; student accounts; withholding transcripts.** Prohibits any public institution of higher education in the Commonwealth from conditioning the provision of an academic transcript to a current or former student on the payment of an outstanding debt to such institution if the student is requesting the transcript for the purpose of (i) applying for employment or (ii) pursuing opportunities in the Armed Forces or National Guard. The bill provides that in the event that a current or former student with an outstanding debt requests an academic transcript for any of the purposes set forth in clause (i) or (ii), the institution shall release such student's transcript directly to the employer, the prospective employer, or the applicable recruitment office. The bill also prohibits any public institution of higher education from conditioning the provision of an academic transcript to a current or former student on the repayment of an outstanding debt if (a) the outstanding debt is less than \$500 or (b) the student has enrolled in a repayment plan and, as of the date of the request, has made at least three consecutive monthly payments. Finally, the bill requires each public institution of higher education to clearly and prominently indicate on any materials or webpages relating to academic transcript requests the purposes and conditions dictating the provision of an academic transcript to a current or former student with an outstanding debt.

*Patron - Hashmi*

**F SB1130 Institutions of higher education; Get Skilled, Get a Job, Get Ahead Program.** Directs the State Council of Higher Education for Virginia to convene a work group, consisting of the Director of the Council or his designee, the Director of the Virginia Office of Education Economics, the Director of Transfer of the Virginia Community College System, the Chancellor of the System, the Deputy Secretary of Higher Education, the Deputy Secretary of Labor, the Chair of the Virginia Board of Workforce Development, three presidents of community colleges in the Commonwealth or their designees, three presidents of baccalaureate public institutions of higher education in the Commonwealth or their designees, and the Chairs of the House Committee on Education, the Senate Committee on Education and Health, the Senate Subcommittee on Higher Education, and the House Subcommittee on Higher Education, for the purpose of making recommendations on and developing a plan for expanding the Get Skills, Get a Job, Get Ahead (G3) Program. The bill requires the work group to submit a report on its recommendations and plan for the expansion of the G3 Program to the Chairs of the House Committee on Education and the Senate Committee on Education and Health by October 1, 2024.

*Patron - Hashmi*

**F SB1193 Public institutions of higher education; foreign governments; programs and grants.** Prohibits employees at public institutions of higher education in the Commonwealth from participating in Chinese-sponsored talent recruitment programs or receiving Chinese-funded grants. The bill also requires each employee at such institutions to disclose

to the State Council of Higher Education for Virginia all financial payments received from foreign governments.

*Patron - Reeves*

**F SB1197 Public institutions of higher education; transparency.** Imposes several requirements on governing boards of public institutions of higher education relating to transparency, including requirements to (i) report by September 1 of each year to the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and Appropriations and Education and Health the number of diversity officers and government relations officers employed by the institution and the salary of each such officer and the total value of any contract with any outside individual or entity to provide lobbying services for the institution; (ii) record video of each meeting of the full board and its committees and make publicly available on the institution's website in a position of prominence a link that permits any member of the public to livestream each meeting of the full board and its committees and, within 10 business days after the date of any meeting of the full board or any of its committees, view video recordings for each such meeting; and (iii) prior to any vote to enter into or renew a contract for the employment of the chief executive officer of the institution, hold a public meeting to provide an opportunity for written, virtual, and in-person public comment on such contract at least 120 days prior to any such meeting at which it will vote to enter into or renew such contract and provide notice of such public meeting in accordance with relevant law. The bill also requires each public institution of higher education to make publicly available on the institution's website in a position of prominence and present annually to the governing board of the institution an annual report regarding foundations associated with the institution setting forth foundation expenses that includes the percentage of expenditures used for diversity, equity, and opportunity compensation, government relations and lobbying activities, and compensation of the chief executive officer.

*Patron - Reeves*

**F SB1202 In-state tuition eligibility; certain non-Virginia students who are members of the Virginia National Guard.** Declares eligible for in-state tuition at a public institution of higher education, regardless of domicile, any non-Virginia student who is a member of the Virginia National Guard and who is eligible pursuant to relevant law for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a member of the Virginia National Guard.

*Patron - Reeves*

**F SB1295 Public institutions of higher education; duties of governing boards; curriculum transparency.** Directs the governing board of each public institution of higher education to (i) adopt policies or guidelines for soliciting industry input in the institution's program review processes and curriculum development at the unit or department level and (ii) develop procedures for incorporating the attainment of industry credentials into the institution's existing degree programs to increase degree relevancy and ensure more seamless pathways from higher education to the workforce.

*Patron - DeSteph*

**F SB1307 University of Virginia; board of visitors; membership.** Expands the membership of the University of Virginia board of visitors to include two nonvoting advisory members consisting of one faculty member of the University and one staff member of the University. The advisory faculty member shall be selected by the University faculty and the advisory staff member shall be selected by the University staff

in the manner deemed appropriate by the faculty and staff, respectively.

*Patron - Deeds*

**F SB1356 Public institutions of higher education; admissions; Virginia Promise to Veterans Act; report.** Establishes the Virginia Promise to Veterans Act for the purpose of removing barriers to higher education for veterans of the uniformed services, as defined in the bill, and assisting such veterans in making the transition to civilian life in the Commonwealth. In furtherance of this purpose, the bill directs the governing board of each public institution of higher education in the Commonwealth to provide for the guaranteed acceptance of any eligible veteran applicant, defined in the bill as any applicant who served as a member of the uniformed services and (i) graduated from a high school in the Commonwealth or (ii) served in the uniformed services while assigned to a location in the Commonwealth and who otherwise meets the admissions requirements to enroll as an undergraduate student at such institution. The bill requires the State Council of Higher Education for Virginia, in collaboration with the Virginia Community College System, to develop guidelines relating to the administration of the provisions of the chapter for the governing board of each public institution of higher education and to develop guidelines for potential eligible veteran applicants, including any additional resources available to eligible veterans applying under the Act.

*Patron - Reeves*

**F SB1358 Public institutions of higher education; duties of governing boards; student enrollment growth.** Directs the governing board of each public institution of higher education to adopt policies providing that the percentage of students enrolled at such public institution of higher education must be capped at a two percent increase over a biennium.

*Patron - Norment*

**F SB1386 Public institutions of higher education; tuition and financial aid; dependency override application form.** Requires each public institution of higher education to create and maintain a form by which a student may apply for a dependency override, defined in the bill as the documented determination by a financial aid administrator pursuant to relevant federal law that, for the purposes of tuition and financial aid eligibility determinations, a student is an independent student by reason of other unusual circumstances. The bill requires such form to (i) be published electronically on the financial aid page of the institution's website; (ii) clearly explain, in language understandable to a student enrolled at the institution, the purposes of a dependency override, potential circumstances that may qualify a student for a dependency override, and common circumstances that do not qualify a student for a dependency override; (iii) explicitly include, in language understandable to a student enrolled at the institution, a statement that institutions of higher education are permitted to accept a range of documents to substantiate dependency override applications, including those documents specified by relevant federal law; and (iv) explicitly include, in language understandable to a student enrolled at the institution, the option to apply for a dependency override based on certain factors enumerated in the bill. Finally, the bill provides that its provisions shall not be construed to limit the circumstances under which the financial aid office of any public institution of higher education may grant a dependency override or expand access to a dependency override as provided by federal law and guidance.

*Patron - Deeds*

**F SB1410 Public institutions of higher education; duties of governing boards; development of policies expanding protection of academic freedom.** Directs the governing board of each public institution of higher education to develop policies and institutional regulations increasing protections of academic freedom and freedom of expression in higher education.

*Patron - Hashmi*

**F SB1429 Virginia College Savings Plan; hybrid schools; classification.** Provides that the Virginia College Savings Plan shall consider any hybrid public-private elementary or secondary school to be a public elementary or secondary school or a private elementary or secondary school such that a beneficiary's account under a qualified tuition program established and maintained by the Plan may be used to cover up to \$10,000 in expenses in any taxable year for tuition in connection with the beneficiary's enrollment or attendance at such a hybrid school as permitted pursuant to the relevant provision of § 529 of the federal Internal Revenue Code.

*Patron - Suetterlein*

**F SB1434 Public institutions of higher education; use of certain endowment fund investment returns.** Declares it the public policy of the Commonwealth that any foundation, investment management company, or other asset manager associated with a public institution of higher education that manages endowment funds of such public institution of higher education with a value exceeding \$250 million shall be required to allocate at least 15 percent of the investment returns on such endowment funds back to such public institution of higher education on an annual basis for the purpose of ensuring access to and affordability of attending the institution for students.

*Patron - Suetterlein*

**F SB1444 Board of visitors of Radford University; reduced rate tuition charges; students who reside in and are domiciled in the Appalachian region.** Permits the board of visitors of Radford University to charge reduced rate tuition to any student enrolled at Radford University who resides in the Appalachian region, as defined in relevant federal law, is domiciled in the Appalachian region, and is entitled to in-state tuition charges at a public institution of higher education in the Appalachian region and such entitlement is based on circumstances that when applied to a student who resides in the Commonwealth would result in entitlement to in-state tuition, provided that reduced rate tuition for students who reside in and are domiciled in the Appalachian region shall not be set below the in-state tuition rate for Virginia students attending Radford University.

*Patron - Hackworth*

**F SB1450 Richard Bland College; governance.** Removes the authority of the board of visitors of The College of William and Mary in Virginia to supervise, manage, and control Richard Bland College and establishes the 12-member board of visitors of Richard Bland College to generally direct the affairs of Richard Bland College, including appointing all teachers and fixing their salaries, providing for the employment of other personnel as required, and caring for and preserving all property belonging to Richard Bland College. This bill was incorporated into SB 1077.

*Patron - Norment*

**F SB1461 Virginia College Savings Plan; Virginia College Opportunity Endowment and Fund.** Directs the board of the Virginia College Savings Plan to deposit \$250 million per year of surplus moneys from the Plan's fund in the



Virginia College Opportunity Fund, established by the bill. The bill provides that such deposit shall not be made or shall be reduced in any year in which the College Opportunity Independent Advisory Committee, established by the bill, determines that certain conditions relating to the Plan's funded status are not met. The Committee is established by the bill as a policy committee in the executive branch, for the purpose of determining the amount of deposits to be made to the Fund.

The bill provides that financial management of the Fund is the responsibility of the board of the Virginia College Savings Plan but authorizes the board of the Virginia College Opportunity Endowment, also established by the bill, to manage a scholarship program funded by the Fund. The bill establishes an individual and corporate income tax subtraction for donations to the Fund.

Under the bill, the Endowment provides scholarships to students who attend or plan to attend one of 12 eligible universities named in the bill. The bill provides that only such students who meet the eligibility requirements for a Pell Grant and commit to being employed in Virginia, or being enrolled in postgraduate education in Virginia, for at least eight years after graduation from the eligible university are eligible for such scholarships.

*Patron - Surovell*

**F SB1519 Public institutions of higher education; Virginia College Savings Plan; renamed Commonwealth Savers Plan; duties of governing board.** Renames the Virginia College Savings Plan as the Commonwealth Savers Plan (the Plan) and amends all relevant references to "college savings trust account" to "education savings trust account." The bill provides that the purpose of the Plan is to enhance the accessibility, affordability, and attainability of higher education in the Commonwealth. The bill expands the duties of the governing board (the board) of the Plan to include developing, implementing, and funding programs or partnerships to enhance the accessibility, affordability, and attainability of higher education for underserved and underrepresented communities and students and authorizes the board to develop policies for the funding and review of such programs or partnerships. The bill expands the definition of "current obligations of the Plan" to include any additional benefit or educational access, affordability, and attainability program or partnership developed pursuant to the Plan. The bill further prohibits any officer, director, or member of the board or of any advisory committee to the board from being held personally liable for any loss suffered by the Plan. Finally, the bill provides that any benefit paid on any prepaid tuition contract entered into prior to July 1, 2019, may be supplemented by an additional benefit, subject to the determination and discretion of the board. The bill contains technical amendments.

*Patron - Barker*

**F SB1530 Standardized, Uniform, and Comprehensive Collaborative Exchange School Support (SUCCESS) Program; development and implementation.** Requires the Department of Education, the State Board for Community Colleges, and the State Council of Higher Education for Virginia to develop a plan to establish and implement the Standardized, Uniform, and Comprehensive Collaborative Exchange School Support (SUCCESS) Program for the purpose of improving the collaboration between comprehensive community colleges and high schools in the Commonwealth and increasing access for high school students to opportunities for earning postsecondary credits toward completion of an associate's degree or credential by (i) maximizing technology and sharing resources between high schools and community colleges to allow instructional staff at community colleges to more easily teach high school students; (ii) providing transportation for high school students to and from their respective high

schools and the community colleges at which they are participating in a dual enrollment program; (iii) standardizing the core curricula and the award of postsecondary credits for work completed through a dual enrollment program; and (iv) improving access to opportunities to earn postsecondary credits towards completion of an associate's degree or credential and increasing the ability of high school students to complete such degree or credential either prior to graduating from high school or more efficiently and quickly thereafter, with a focus on degrees or credentials in health care-related fields. Finally, the bill directs the Department of Education, the State Board for Community Colleges, and the State Council of Higher Education for Virginia to report on their progress in developing the plan for the SUCCESS Program to the Chairmen of the Senate Committee on Education and Health and the House Committee on Education by November 1, 2023, and to implement the SUCCESS Program by the beginning of the 2024–2025 school year.

*Patron - Dunnivant*

## Insurance

### Passed

**P HB1375 Health insurance; tobacco surcharge.** Eliminates the authority of a health carrier to vary its premium rates based on tobacco use. Under current law, a health carrier may charge premium rates up to 1.5 times higher for a tobacco user than for a nonuser. The provisions of the bill apply to health benefit plans providing individual or small group health insurance coverage entered into, amended, extended, or renewed on or after January 1, 2024. The bill directs the State Corporation Commission to submit an annual report summarizing the reductions in premiums related to the elimination of the tobacco surcharge. The provisions of the bill expire on January 1, 2026. This bill is identical to SB 1011.

*Patron - Greenhalgh*

**P HB1471 Health insurance; electronic prior authorization and disclosure of certain information; out-of-pocket costs; report.** Requires each health insurance carrier, beginning July 1, 2025, to establish and maintain an online process that (i) links directly to all e-prescribing systems and electronic health record systems that utilize the National Council for Prescription Drug Programs SCRIPT standard and the National Council for Prescription Drug Programs Real Time Benefit Standard; (ii) can accept electronic prior authorization requests from a provider; (iii) can approve electronic prior authorization requests (a) for which no additional information is needed by the carrier to process the prior authorization request, (b) for which no clinical review is required, and (c) that meet the carrier's criteria for approval; (iv) links directly to real-time patient out-of-pocket costs for the office visit; and (v) otherwise meets the requirements for contracts between carriers and participating health care providers. The bill prohibits a carrier from (a) imposing a fee or charge on any person for accessing the required online process who is required to do so or (b) accessing, absent provider consent, provider data via the online process other than for the enrollee. The bill also requires carriers, no later than July 1, 2024, to provide contact information of any third-party vendor or other entity the carrier will use to meet the requirements of the bill to any provider that requests such information. The carrier may post such information on its website to meet such requirement. The bill requires participating health care providers, beginning July 1, 2025, to ensure that any e-prescribing system or electronic health record system owned by or contracted for the provider to maintain an

enrollee's health record has the ability to access, at the point of prescribing, the electronic prior authorization process established by a carrier and real-time patient-specific benefit information, including out-of-pocket costs and more affordable medication alternatives made available by a carrier. The bill provides that a provider may request a waiver of compliance for undue hardship for a period not to exceed 12 months. The bill requires any carrier or its pharmacy benefits manager to provide real-time patient-specific information to enrollees and contracted providers for the office visit, including any out-of-pocket costs and more affordable medication alternatives or prior authorization requirements, and to ensure that the data is accurate. The bill requires that such cost information data be available to the provider at the point of prescribing in an accessible and understandable format, such as through the provider's e-prescribing system or electronic health record system that the carrier or pharmacy benefits manager or its designated subcontractor has adopted that utilizes the National Council for Prescription Drug Programs SCRIPT standard and the National Council for Prescription Drug Programs Real Time Benefit Standard from which the provider makes the request. The bill requires the State Corporation Commission's Bureau of Insurance to, in coordination with the Secretary of Health and Human Resources, establish a work group to assess implementation and develop recommendations for electronic prior authorization and real-time cost benefit information for prescription drugs, to evaluate and make recommendations to establish a process for electronic prior authorization for surgery and other procedures, and to evaluate and make recommendations to establish an online process for a real-time link at the point of prescribing for any available prescription coupons. The work group shall report its findings and recommendations to the Chairmen of the Senate Committees on Commerce and Labor and Education and Health and the House Committees on Commerce and Energy and Health, Welfare and Institutions annually by November 1 and shall make its final report by November 1, 2025. This bill is identical to SB 1261.

*Patron - Fowler*

**P HB1640 Medicare supplement policies for certain individuals under age 65.** Requires each insurer issuing Medicare supplement policies or certificates in the Commonwealth to offer the opportunity of enrolling in at least one of its issued Medicare supplement policies or certificates to any individual under age 65 who resides in the Commonwealth, is enrolled in Medicare Part A and B, and is eligible for Medicare by reason of disability, including individuals with end-stage renal disease. Effective January 1, 2024, the bill also prohibits an insurer from charging individuals who become eligible for Medicare by reason of disability and who are under 65 years of age premium rates for any Medicare supplement plan or certificate offered by the issuer that exceed the premium rates charged for such plan to individuals who are 65 years of age. This bill is identical to SB 1409.

*Patron - Kilgore*

**P HB1739 State Corporation Commission; work group; health carrier fair business standards.** Directs the State Corporation Commission's Bureau of Insurance to convene a work group to develop recommendations for regulatory and legislative changes necessary to improve the process for determining if an insurance carrier has failed to implement minimum fair business standards in the performance of its provider contracts for the prompt payment of claims. The Bureau shall submit a report of the findings and recommendations of the work group by December 1, 2023. This bill is identical to SB 927.

*Patron - Head*

**P HB1886 Insurance agents; definitions; private family leave insurance.** Expands the definitions of "health agent" and "property and casualty insurance agent" to include that such agents may sell, solicit, or negotiate private family leave insurance. The bill also clarifies that private family leave insurance is not included in either limited lines life and health insurance or limited lines property and casualty insurance as they relate to the definitions of "limited lines life and health agent" and "limited lines property and casualty agent" respectively. This bill is identical to SB 1000.

*Patron - Byron*

**P HB2198 Health insurance; essential health benefits benchmark plan.** Requires the Bureau of Insurance to select a new essential health benefits benchmark plan for the 2025 plan year that includes, in addition to the essential health benefits package included in the existing benchmark plan, coverage for prosthetic devices and components and formula and enteral nutrition products as medicine. The bill contains an emergency clause. As introduced, this bill was a recommendation of the Health Insurance Reform Commission. This bill is identical to SB 1399.

*Patron - Byron*

**P HB2201 Association health plans; base rates based on employer member's risk profile.** Provides that for association health plans, an insurer may (i) establish base rates formed on an actuarially sound, modified community rating methodology that considers the pooling of all participant claims and (ii) utilize each employer member's specific risk profile to determine contribution rates for each individual employer member's share of the premium by actuarially adjusting above or below established base rates. This bill is identical to SB 1171.

*Patron - Byron*

**P HB2216 Health insurance; mental health benefits; coverage for mobile crisis response services and residential crisis stabilization units.** Requires health insurance carriers to provide coverage for mobile crisis response services, defined in the bill, and support and stabilization services provided in a residential crisis stabilization unit, defined in the bill, to the extent that such services are covered in other settings or modalities, regardless of any difference in billing codes. The bill requires the State Corporation Commission, in consultation with the Secretary of Health and Human Resources, to convene a stakeholder work group to examine network standards for mobile crisis response services and the current availability of mobile crisis response services in the Commonwealth. The bill requires the work group to make recommendations regarding (i) the definition and standards of care for mobile crisis response services and short-term residential crisis stabilization services as they apply to the commercial insurance market, including balance billing protections; (ii) the licensure or accreditation required for such services in the Commonwealth; and (iii) how cost-sharing and deductibles will be addressed as part of accessing such services for commercially insured individuals. The bill requires the Commission to report the findings of the work group to the Health Insurance Reform Commission and the Governor no later than September 1, 2023. This bill is identical to SB 1347.

*Patron - Leftwich*

**P HB2262 Health insurance; provider credentialing; processing of new applications.** Requires a health insurance carrier that credentials the physicians, mental health professionals, or other providers in its network to establish reasonable protocols and procedures for processing of new provider credentialing applications. The bill requires that if the

carrier accepts applications through an online credentialing system, the carrier must notify a new provider applicant through the online credentialing system that the application is received. If the carrier does not accept applications through an online credentialing system, the bill requires the carrier to provide, within 10 days of receiving an application, notification to the new provider applicant that the application was received. The bill provides that, beginning January 1, 2024, a new provider applicant's application will be deemed complete within 30 days of the carrier receiving the application, unless the carrier has provided notice that the application is not complete. Under the bill, a carrier must approve or deny new provider applicant credentialing applications within 60 days of receiving a completed application and claims submitted according to carrier claims submittal policies must be adjudicated and paid no later than 40 days after the new provider applicant is credentialed and contracted. The bill directs the Virginia Department of Health to adopt emergency regulations to implement the provisions of the bill. This bill is identical to SB 1154.

*Patron - Hodges*

**P HB2354 Health care provider panels; continuity of care.** Makes various changes to provisions related to the continuity of care for an enrollee after a provider is terminated from a health insurance carrier's provider panel. The bill requires a carrier that uses a provider panel to establish procedures for notifying an enrollee of (i) the termination from the carrier's provider panel of a provider who was furnishing health care services to the enrollee or furnished health care services to the enrollee in the six months prior to the notice and (ii) the right of an enrollee upon request to continue to receive health care services as provided in the bill following the provider's termination from a carrier's provider panel. The bill requires the carrier to provide such notices prior to the date of the termination of the provider except when a provider is terminated for cause. The bill removes separate notice requirements for the termination of a primary care provider or a specialty referral services provider.

The bill provides that a provider is permitted to render health care services to any of the carrier's enrollees for a period of at least 90 days from the date of a provider's termination from the carrier's provider panel, except when a provider is terminated for cause. The bill provides that for an enrollee who (a) has been medically confirmed to be pregnant at the time of a provider's termination, the provider may continue care through the postpartum period; (b) has been determined by a medical professional to have a life-threatening condition at the time of a provider's termination of participation, the provider may continue care for up to 180 days; and (c) is admitted to and receiving treatment in any inpatient facility at the time of a provider's termination, the provider may continue care until the enrollee is discharged from the inpatient facility. The bill provides that under the continuity of care provisions, "provider" includes a provider group. The bill has a delayed effective date of January 1, 2024.

*Patron - Orrock*

**P SB927 State Corporation Commission; work group; health carrier fair business standards.** Directs the State Corporation Commission's Bureau of Insurance to convene a work group to develop recommendations for regulatory and legislative changes necessary to improve the process for determining if an insurance carrier has failed to implement minimum fair business standards in the performance of its provider contracts for the prompt payment of claims. The Bureau shall submit a report of the findings and recommendations of the work group by December 1, 2023. This bill is identical to HB 1739.

*Patron - Favola*

**P SB1000 Insurance agents; definitions; private family leave insurance.** Expands the definitions of "health agent" and "property and casualty insurance agent" to include that such agents may sell, solicit, or negotiate private family leave insurance. The bill also clarifies that private family leave insurance is not included in either limited lines life and health insurance or limited lines property and casualty insurance as they relate to the definitions of "limited lines life and health agent" and "limited lines property and casualty agent" respectively. This bill is identical to HB 1886.

*Patron - Favola*

**P SB1003 Health insurance; mandated coverage for hearing aids for minors.** Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children 18 years of age or younger when an otolaryngologist recommends such hearing aids and related services. The coverage includes one hearing aid per hearing-impaired ear, up to a cost of \$1,500, every 24 months. The bill prohibits the State Corporation Commission from using any special fund revenues dedicated to the Commission's other functions and duties, including revenues from utility consumer taxes or fees from licensees regulated by the Commission or fees paid to the office of the clerk of the Commission, to fund the defrayal of costs for the coverage provided as required by federal law. The bill applies to policies, contracts, and plans delivered, issued for delivery, or renewed on and after January 1, 2024.

*Patron - DeSteph*

**P SB1011 Health insurance; tobacco surcharge.** Eliminates the authority of a health carrier to vary its premium rates based on tobacco use. Under current law, a health carrier may charge premium rates up to 1.5 times higher for a tobacco user than for a nonuser. The provisions of the bill apply to health benefit plans providing individual or small group health insurance coverage entered into, amended, extended, or renewed on or after January 1, 2024. The bill directs the State Corporation Commission to submit an annual report summarizing the reductions in premiums related to the elimination of the tobacco surcharge. The provisions of the bill expire on January 1, 2026. This bill is identical to HB 1375.

*Patron - Edwards*

**P SB1131 Insurance agents; title insurance and viatical settlement.** Removes the requirement that an individual applying to be a title agent provide a sworn statement that the applicant has completed the required pre-licensing course and requires that such an applicant affirm his completion of such pre-licensing course. The bill requires that viatical settlement brokers affirm that they have an anti-fraud plan when submitting an initial application or renewal for a broker's license and that the anti-fraud plan be made available to the State Corporation Commission upon request.

*Patron - Mason*

**P SB1154 Health insurance; provider credentialing; processing of new applications.** Requires a health insurance carrier that credentials the physicians, mental health professionals, or other providers in its network to establish reasonable protocols and procedures for processing of new provider credentialing applications. The bill requires that if the carrier accepts applications through an online credentialing system, the carrier must notify a new provider applicant through the online credentialing system that the application is received. If the carrier does not accept applications through an online credentialing system, the bill requires the carrier to provide, within 10 days of receiving an application, notification to

the new provider applicant that the application was received. The bill provides that, beginning January 1, 2024, a new provider applicant's application will be deemed complete within 30 days of the carrier receiving the application, unless the carrier has provided notice that the application is not complete. Under the bill, a carrier must approve or deny new provider applicant credentialing applications within 60 days of receiving a completed application and claims submitted according to carrier claims submittal policies must be adjudicated and paid no later than 40 days after the new provider applicant is credentialed and contracted. The bill directs the Virginia Department of Health to adopt emergency regulations to implement the provisions of the bill. This bill is identical to HB 2262.

*Patron - Mason*

**P SB1171 Association health plans; base rates based on employer member's risk profile.** Provides that for association health plans, an insurer may (i) establish base rates formed on an actuarially sound, modified community rating methodology that considers the pooling of all participant claims and (ii) utilize each employer member's specific risk profile to determine contribution rates for each individual employer member's share of the premium by actuarially adjusting above or below established base rates. This bill is identical to HB 2201.

*Patron - Dunnivant*

**P SB1261 Health insurance; electronic prior authorization and disclosure of certain information; out-of-pocket costs; report.** Requires each health insurance carrier, beginning July 1, 2025, to establish and maintain an online process that (i) links directly to all e-prescribing systems and electronic health record systems that utilize the National Council for Prescription Drug Programs SCRIPT standard and the National Council for Prescription Drug Programs Real Time Benefit Standard; (ii) can accept electronic prior authorization requests from a provider; (iii) can approve electronic prior authorization requests (a) for which no additional information is needed by the carrier to process the prior authorization request, (b) for which no clinical review is required, and (c) that meet the carrier's criteria for approval; (iv) links directly to real-time patient out-of-pocket costs for the office visit; and (v) otherwise meets the requirements for contracts between carriers and participating health care providers. The bill prohibits a carrier from (a) imposing a fee or charge on any person for accessing the required online process who is required to do so or (b) accessing, absent provider consent, provider data via the online process other than for the enrollee. The bill also requires carriers, no later than July 1, 2024, to provide contact information of any third-party vendor or other entity the carrier will use to meet the requirements of the bill to any provider that requests such information. The carrier may post such information on its website to meet such requirement. The bill requires participating health care providers, beginning July 1, 2025, to ensure that any e-prescribing system or electronic health record system owned by or contracted for the provider to maintain an enrollee's health record has the ability to access, at the point of prescribing, the electronic prior authorization process established by a carrier and real-time patient-specific benefit information, including out-of-pocket costs and more affordable medication alternatives made available by a carrier. The bill provides that a provider may request a waiver of compliance for undue hardship for a period not to exceed 12 months. The bill requires any carrier or its pharmacy benefits manager to provide real-time patient-specific information to enrollees and contracted providers for the office visit, including any out-of-pocket costs and more affordable medication alternatives or prior authorization requirements, and to ensure that the data is accurate. The bill requires that such cost information data be available to the provider at the point of prescribing in an acces-

sible and understandable format, such as through the provider's e-prescribing system or electronic health record system that the carrier or pharmacy benefits manager or its designated subcontractor has adopted that utilizes the National Council for Prescription Drug Programs SCRIPT standard and the National Council for Prescription Drug Programs Real Time Benefit Standard from which the provider makes the request. The bill requires the State Corporation Commission's Bureau of Insurance to, in coordination with the Secretary of Health and Human Resources, establish a work group to assess implementation and develop recommendations for electronic prior authorization and real-time cost benefit information for prescription drugs, to evaluate and make recommendations to establish a process for electronic prior authorization for surgery and other procedures, and to evaluate and make recommendations to establish an online process for a real-time link at the point of prescribing for any available prescription coupons. The work group shall report its findings and recommendations to the Chairmen of the Senate Committees on Commerce and Labor and Education and Health and the House Committees on Commerce and Energy and Health, Welfare and Institutions annually by November 1 and shall make its final report by November 1, 2025. This bill is identical to HB 1471.

*Patron - Dunnivant*

**P SB1347 Health insurance; mental health benefits; coverage for mobile crisis response services and residential crisis stabilization units.** Requires health insurance carriers to provide coverage for mobile crisis response services, defined in the bill, and support and stabilization services provided in a residential crisis stabilization unit, defined in the bill, to the extent that such services are covered in other settings or modalities, regardless of any difference in billing codes. The bill requires the State Corporation Commission, in consultation with the Secretary of Health and Human Resources, to convene a stakeholder work group to examine network standards for mobile crisis response services and the current availability of mobile crisis response services in the Commonwealth. The bill requires the work group to make recommendations regarding (i) the definition and standards of care for mobile crisis response services and short-term residential crisis stabilization services as they apply to the commercial insurance market, including balance billing protections; (ii) the licensure or accreditation required for such services in the Commonwealth; and (iii) how cost-sharing and deductibles will be addressed as part of accessing such services for commercially insured individuals. The bill requires the Commission to report the findings of the work group to the Health Insurance Reform Commission and the Governor no later than September 1, 2023. This bill is identical to HB 2216.

*Patron - Cosgrove*

**P SB1399 Health insurance; essential health benefits benchmark plan.** Requires the Bureau of Insurance to select a new essential health benefits benchmark plan for the 2025 plan year that includes, in addition to the essential health benefits package included in the existing benchmark plan, coverage for prosthetic devices and components and formula and enteral nutrition products as medicine. The bill contains an emergency clause. As introduced, this bill was a recommendation of the Health Insurance Reform Commission. This bill is identical to HB 2198.

*Patron - Surovell*

**P SB1409 Medicare supplement policies for certain individuals under age 65.** Requires each insurer issuing Medicare supplement policies or certificates in the Commonwealth to offer the opportunity of enrolling in at least one of its issued Medicare supplement policies or certificates to any individual under age 65 who resides in the Commonwealth, is

enrolled in Medicare Part A and B, and is eligible for Medicare by reason of disability, including individuals with end-stage renal disease. Effective January 1, 2024, the bill also prohibits an insurer from charging individuals who become eligible for Medicare by reason of disability and who are under 65 years of age premium rates for any Medicare supplement plan or certificate offered by the issuer that exceed the premium rates charged for such plan to individuals who are 65 years of age. This bill is identical to HB 1640.

*Patron - Barker*

## Failed

**F HB1503 Health insurance; provider contracts; timeframe for provider to request appeal.** Requires every carrier to provide at least 60 days following notice to a health care provider of any findings of an audit conducted by the carrier during which such health care provider may request a first-level or any subsequent-level appeal of any such findings.

*Patron - Orrock*

**F HB1505 Health insurance; provider contracts; audits.** Prohibits a health insurance carrier, in conducting an audit of a provider, from reviewing any claim that was paid more than six months prior to the date of the audit. The bill prohibits a carrier from seeking recoupment from a provider until the time period for filing an appeal to an initial audit report has passed or until the appeals process has been exhausted, whichever is later.

*Patron - Orrock*

**F HB1538 Health insurance; doula care services.** Requires health insurers, health care subscription plans, and health maintenance organizations whose policy, contract, or plan includes coverage for obstetrical services to provide coverage for doula care services provided by a state-certified doula. The bill requires such coverage to include coverage for at least eight visits during the antepartum or postpartum period and support during labor and delivery. The bill provides that health insurance carriers are (i) not required to pay for duplicate services actually rendered by both a state-certified doula and another health care provider and (ii) prohibited from requiring supervision, signature, or referral by any other health care provider as a condition of reimbursement for doula care services, except when those requirements are also applicable to other categories of health care providers. The provisions of the bill apply to health benefit plans delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2024.

*Patron - Clark*

**F HB1782 Health insurance; ensuring fairness in cost-sharing.** Amends provisions related to rebates provided by carriers and health benefit plans to health plan enrollees by defining defined cost-sharing, price protection rebates, and pharmacy benefits management services. The bill requires that an enrollee's defined cost-sharing for each prescription drug shall be calculated at the point of sale based on a price that is reduced by an amount equal to at least 80 percent of all rebates received or expected to be received in connection with the dispensing or administration of the prescription drug.

*Patron - O'Quinn*

**F HB1815 Health insurance; coverage for breast examinations.** Requires health insurance carriers to provide coverage for diagnostic breast examinations and supplemental breast examinations, as those terms are defined in the bill. The bill provides that such examinations include

examinations using diagnostic mammography, breast magnetic resonance imaging, or breast ultrasound. The bill prohibits such examinations from being subject to cost-sharing requirements, including annual deductibles, coinsurance, copayments, or similar out-of-pocket expenses, or any maximum limitation on the application of such a deductible, coinsurance, copayment, or similar out-of-pocket expense.

*Patron - Simonds*

**F HB1918 Health insurance; coverage for audio-only telehealth services.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage beginning January 1, 2024, for the cost of health care services provided through audio-only telehealth services, defined in the bill as counseling interventions designed to facilitate a patient's achievement of human development goals and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health and development by a mental health professional delivered to a patient via audio-only means when no other means of real-time two-way audio-visual or other telecommunications or electronic communications are available and operational to the patient or the patient does not have the capability to use such real-time two-way means of communication. The bill requires that prescribing of controlled substances via audio-only telehealth services comply with state requirements for prescribing controlled substances and all applicable federal law.

*Patron - Batten*

**F HB2089 Health insurance; coverage for prescription contraceptives.** Requires health insurance carriers to provide coverage, under any health insurance contract, policy, or plan that includes coverage for prescription drugs on an out-patient basis, for any prescribed contraceptive drug or contraceptive device. The bill prohibits a health insurance carrier from imposing upon any person receiving contraceptive benefits pursuant to the provisions of the bill any copayment, coinsurance payment, or fee. The provisions of the bill apply to health insurance contracts, policies, or plans delivered, issued for delivery, or renewed on and after January 1, 2024.

*Patron - Mundon King*

**F HB2206 Proton therapy; clinical evidence for decisions on coverage.** Requires that a health insurance carrier consider (i) coverage for proton radiation therapy by Medicare, Medicaid, or any other governmental health coverage or (ii) a recommendation of proton radiation therapy by a patient's treating physician or radiation oncologist as a sufficient standard of clinical evidence to justify coverage of proton therapy coverage.

*Patron - Kilgore*

**F HB2215 Long-term care insurance; rate increases; notice requirements.** Requires an insurer of 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 bill 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 or (ii) if the Commission approves the rate increase, issue a written notice to policyholders of the rate increase at least 90 days before its effective date that includes certain information. The bill requires the Commission to consider, to the extent practicable, how the rate increase will impact policyholders in reviewing requests to increase long-term care insurance rates.

*Patron - Tran*

**F HB2356 Health insurance; coverage for colorectal cancer screening.** Requires health insurers to provide coverage for examinations and laboratory tests related to colorectal cancer screening in accordance with the American Cancer Society guidelines for colorectal cancer screening of average-risk individuals. The bill (i) prohibits such coverage from being subject to any deductible, coinsurance, or any other cost-sharing requirements for services received from participating providers and (ii) provides that an initial screening test is not complete until a follow-up colonoscopy is performed. The provisions of the bill 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, 2024.

*Patron - McQuinn*

**F HB2366 Health insurance; coverage for the diagnosis of and treatment for infertility and standard fertility preservation procedures.** Requires health insurance policies, subscription contracts, and health care plans to provide coverage for the diagnosis and treatment of infertility and for standard fertility preservation procedures, defined in the bill. Such coverage includes coverage for in vitro fertilization, provided that procedures are performed at medical facilities or clinics that conform to guidelines published by the American College of Obstetrics and Gynecology or the American Fertility Society for in vitro fertilization procedures.

*Patron - Kory*

**F HB2491 Health insurance; pharmacy benefits managers; employee welfare benefit plans.** Provides that entities providing or administering self-insured or self-funded employee welfare benefit plans are subject to provisions related to pharmacy benefits management, including certain prohibited conduct and recordkeeping requirements.

*Patron - Hodges*

**F SB828 Long-term care insurance; premium rate increases.** Prohibits the State Corporation Commission from approving any long-term care insurance annual premium rate increase or premium rate schedule increase that exceeds six percent of the current rate or current rate schedule.

*Patron - Spruill*

**F SB1112 Health insurance; coverage for prescription contraceptives.** Requires health insurance carriers to provide coverage, under any health insurance contract, policy, or plan that includes coverage for prescription drugs on an out-patient basis, for any prescribed contraceptive drug or contraceptive device. The bill prohibits a health insurance carrier from imposing upon any person receiving contraceptive benefits pursuant to the provisions of the bill any copayment, coinsurance payment, or fee, except in certain circumstances. The provisions of the bill apply to health insurance contracts, policies, or plans delivered, issued for delivery, or renewed on and after January 1, 2024.

*Patron - Hashmi*

**F SB1157 Health insurance; coverage for audio-only telehealth services.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage beginning January 1, 2024, for the cost of health care services provided through audio-only telehealth services, defined in the bill as counseling interventions designed to facilitate a patient's achievement of human development goals and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health and development by a mental health professional deliv-

ered to a patient via audio-only means when no other means of real-time two-way audio-visual or other telecommunications or electronic communications are available and operational to the patient or the patient does not have the capability to use such real-time two-way means of communication. The bill provides that "audio-only telehealth services" does not include counseling interventions delivered by a mental health professional while such mental health professional is operating or riding in a motor vehicle unless the patient is experiencing an acute mental health crisis. The bill requires that prescribing of controlled substances via audio-only telehealth services comply with state requirements for prescribing controlled substances and all applicable federal law.

*Patron - Marsden*

**F SB1189 Disability insurance; disability arising out of childbirth.** Requires each insurer proposing to issue individual or group accident and sickness insurance policies providing short-term disability income protection coverage whose policies provide coverage for short-term disability arising out of childbirth to, notwithstanding a disability determination or medical necessity requirement, provide for 12 weeks of income protection coverage for a payable benefit of at least 12 weeks immediately following childbirth. The provisions of the bill apply to any such a policy renewed, delivered, or issued for delivery in the Commonwealth on or after July 1, 2023.

*Patron - Dunnivant*

**F SB1273 Health insurance; doula care services.** Requires health insurers, health care subscription plans, and health maintenance organizations whose policy, contract, or plan includes coverage for obstetrical services to provide coverage for doula care services provided by a state-certified doula. The bill requires such coverage to include coverage for at least eight visits during the antepartum or postpartum period and support during labor and delivery. The bill provides that health insurance carriers are (i) not required to pay for duplicate services actually rendered by both a state-certified doula and another health care provider and (ii) prohibited from requiring supervision, signature, or referral by any other health care provider as a condition of reimbursement for doula care services, except when those requirements are also applicable to other categories of health care providers. The provisions of the bill apply to health benefit plans delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2024.

*Patron - Boysko*

**F SB1285 Health insurance; catastrophic plans.** Authorizes health carriers to offer catastrophic plans on the individual market and to offer such plans to all individuals. The measure provides that a catastrophic plan is deemed to provide an essential health benefits package and to meet certain requirements of federal law. A catastrophic plan is a high-deductible health care plan that provides essential health benefits and coverage for at least three primary care visits per policy year. Under the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended, catastrophic plans satisfy requirements that health benefit plans provide minimum levels of coverage only if they cover individuals who are younger than 30 years of age or who qualify for a hardship exemption or affordability exemption. The measure requires the Commissioner of Insurance to apply to the federal government for a State Innovation Waiver allowing the implementation of the provision allowing catastrophic plans to be offered on the individual market to all individuals. The provision will become effective 30 days after the Commissioner notifies certain persons that the request has been approved.

*Patron - Peake*

**F SB1311 Virginia Birth-Related Neurological Injury Compensation Act.** Raises from \$100,000 to \$500,000 the cap for an award pursuant to the Virginia Birth-Related Neurological Injury Compensation Act. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Deeds*

**F SB1425 Health insurance; ensuring fairness in cost-sharing.** Amends provisions related to rebates provided by carriers and health benefit plans to health plan enrollees by defining defined cost-sharing, price protection rebates, and pharmacy benefits management services. The bill requires that an enrollee's defined cost-sharing for each prescription drug shall be calculated at the point of sale based on a price that is reduced by an amount equal to at least 80 percent of all rebates received or expected to be received in connection with the dispensing or administration of the prescription drug.

*Patron - Mason*

## Juvenile Justice

### Failed

**F HB2081 Juvenile justice; human trafficking screening.** Requires the Department of Juvenile Justice to use trauma-informed screening measures to identify whether any child committed to the Department has been a victim of human trafficking and determine appropriate treatment and service options. The bill also requires that, in cases in which a juvenile and domestic relations district court or circuit court orders that a juvenile within its jurisdiction be physically examined and treated by a physician or local mental health center, such examination include trauma-informed screening measures to identify whether the juvenile has been a victim of human trafficking and determine appropriate treatment and service options.

*Patron - Mundon King*

## Labor and Employment

### Passed

**P HB1895 Nondisclosure or confidentiality agreements; prohibited nondisparagement provisions; claims of sexual harassment.** Provides that no employer may require an employee or prospective employee to execute or renew any provision in a nondisclosure or confidentiality agreement, including any provision regarding nondisparagement, that has the purpose or effect of concealing the details of a sexual harassment claim. Any such provision is against public policy and is void and unenforceable.

*Patron - Filler-Corn*

**P HB1924 Minimum wage; employees with disabilities.** Provides that individuals with disabilities that are paid at subminimum wage pursuant to the federal Fair Labor Standards Act are employees for the purposes of the Virginia Minimum Wage Act. The bill requires every employer of such employees to pay such employees wages at a rate not less than (i) from July 1, 2023, until July 1, 2024, \$9.50 per hour; (ii) from July 1, 2024, until July 1, 2025, \$10.50 per hour; and (iii) from July 1, 2025, until July 1, 2026, \$11.50 per hour. The bill requires that from and after July 1, 2026, every employer of such employees pay such employees at a rate equivalent to all

other employees covered by the Virginia Minimum Wage Act. This bill received Governor's recommendations.

*Patron - Hope*

**P SB1040 Employer use of use of employee's social security number; prohibited; civil penalty.** Prohibits an employer from using an employee's social security number or any derivative thereof as such employee's identification number or including an employee's social security number or any number derived thereof on any identification card or badge, any access card or badge, or any other similar card or badge issued to such employee. The bill imposes a civil penalty of up to \$100 for any knowing violation of the prohibition.

*Patron - McPike*

**P SB1086 Living organ donors; unpaid leave; civil penalty.** Requires that an employer that employs 50 or more employees provide eligible employees, defined in the bill, with (i) up to 60 business days of unpaid organ donation leave in any 12-month period to serve as an organ donor and (ii) up to 30 business days of unpaid organ donation leave in any 12-month period to serve as a bone marrow donor. The bill requires the employer to restore the employee's position following the leave, to continue to provide coverage for the employee under any health benefit plan during the leave, and to pay the employee any commission earned prior to the leave. The bill prohibits the employer from taking retaliatory action against the employee for taking organ donation leave. The bill requires the Commissioner of Labor and Industry to enforce its provisions and provides for civil penalties for violations of its requirements. This bill received Governor's recommendations.

*Patron - Ebbin*

**P SB1363 Registered apprentices; children 16 years of age or older; barbershop or cosmetology salon.** Permits children 16 years of age or older who are registered apprentices to serve in a barbershop or cosmetology salon licensed by the Board for Barbers and Cosmetology in accordance with the Board's regulations.

*Patron - Vogel*

### Failed

**F HB1392 Department of Labor and Industry; Safety and Health Codes Board; Virginia Occupational Safety and Health Program; use of cranes and derricks in construction; report.** Requires the Safety and Health Codes Board of the Department of Labor and Industry to adopt regulations to the Virginia Occupational Safety and Health Program, regarding cranes and derricks in construction, to allow an active load stabilization mechanism or passive load stabilization mechanism, defined in the bill, to be used if necessary to prevent hazardous rotation of a load as determined by the project manager or safety engineer. The bill requires the Department to report the final regulations to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology by November 1, 2023.

*Patron - Williams*

**F HB1616 Workplace violence policy required for certain employers; civil penalty.** Requires any employer of 100 or more employees to develop, implement, and maintain a workplace violence policy no later than January 1, 2024. The bill includes requirements for such a policy, such as procedures and methods for employee reporting of incidents and post-incident investigations. Employers subject to the bill are required to maintain documentation of workplace violence incidents for not less than five years. An employer that violates the provisions of the bill shall be subject to a civil penalty of not more



than \$1,000 per violation. The bill prohibits retaliation from an employer on the basis of reporting a workplace violence incident and provides that any employee who makes a report of workplace violence shall be immune from civil liability.

*Patron - Clark*

**F HB1669 Minimum wage; employees younger than the age of 18.** Requires employers to pay employees younger than the age of 18 wages at a rate not less than the greater of (i) \$9.00 per hour or (ii) the federal minimum wage.

*Patron - Marshall*

**F HB1715 Department of Labor and Industry; work group to evaluate workplace violence.** Directs the Department of Labor and Industry to convene a work group for the purpose of evaluating the prevalence of workplace violence in the Commonwealth, including its effects on the workplace and measures to address workplace violence. The bill requires the work group to submit a report of its findings and recommendations to the Chairmen of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor no later than December 1, 2025.

*Patron - Clark*

**F HB1716 Safety and Health Codes Board; mental health resources.** Directs the Safety and Health Codes Board within the Department of Labor and Industry to include mental health resources from the Department of Behavioral Health and Developmental Services on the Virginia Occupational Safety and Health Program's Job Safety and Health Protection poster that employers are required to keep posted in the workplace.

*Patron - Clark*

**F HB1873 Employee protections; medicinal use of cannabis oil.** Amends the provision that prohibits an employer from discriminating against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease, with certain exceptions, by specifying that such use must conform to the laws of the Commonwealth and by excluding the employees of the Commonwealth and other public bodies from such protections.

*Patron - Helmer*

**F HB1988 Employment; paid sick leave; civil penalties.** Expands provisions of the Code that currently provide paid sick leave for home health workers to cover all employees of private employers and state and local governments. The bill provides that accrued paid sick leave can be carried over to the following year and that employees transferred to a separate division or location remain entitled to previously accrued paid sick leave. The bill provides that paid sick leave may be used for the closure of an employee's place of business by order of a public official due to a public health emergency, for an employee's need to care for a child whose school or place of care has been closed due to a public health emergency, or for an employee to care for himself or a family member who has been exposed to a communicable disease. The bill requires each employer to provide its employees a written notice of its paid sick leave policy at the commencement of employment and prohibits an employer from taking retaliatory personnel action against an employee for exercising the rights provided in the bill.

The bill authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed \$150 for the first violation, \$300 for the second violation, and \$500 for each successive violation. The Commissioner may institute proceedings on behalf of an

employee to enforce compliance with the provisions of this bill and to collect specified amounts from the employer that shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid sick leave and the amount of any actual damages suffered as the result of the employer's violation. The bill has a delayed effective date of January 1, 2024.

*Patron - Guzman*

**F HB2003 Employment; training and education; sexual harassment and workplace discrimination.** Requires each employer with 50 or more employees, including the Commonwealth and its agencies, institutions, and political subdivisions, to provide annual interactive training and education regarding sexual harassment and workplace discrimination by January 1, 2024. The bill includes specific training and education requirements for supervisory and nonsupervisory employees, seasonal and temporary employees who are hired to work for less than six months, and migrant and seasonal agricultural workers. The training and education required under the bill must be provided by an educator or human resources professional with knowledge and expertise in the subject matter and must include a method for employees to electronically save a certificate of completion of such training and education. The bill requires the Department of Labor and Industry to make online courses for the required training available on its website beginning January 1, 2024.

*Patron - Krizek*

**F HB2023 Wage or salary history inquiries prohibited; civil penalty.** Prohibits a prospective employer from (i) seeking the wage or salary history of a prospective employee; (ii) relying on the wage or salary history of a prospective employee in determining the wages or salary the prospective employee is to be paid upon hire; (iii) relying on the wage or salary history of a prospective employee in considering the prospective employee for employment; (iv) refusing to interview, hire, employ, or promote a prospective employee or otherwise retaliating against a prospective employee for not providing wage or salary history; (v) failing or refusing to provide a prospective employee the wage or salary range for the position for which the prospective employee is applying prior to discussing compensation and at any time upon the prospective employee's request; and (vi) failing to set a wage or salary range in good faith. The bill establishes a cause of action for an aggrieved prospective employee or employee and provides that an employer that violates such prohibitions is liable to the aggrieved prospective employee or employee for statutory damages between \$1,000 and \$10,000 or actual damages, whichever is greater; reasonable attorney fees and costs; and any other legal and equitable relief as may be appropriate. The bill also provides for civil penalties for violations not to exceed \$1,000 for a first violation, \$2,000 for a second violation, and \$4,000 for a third or subsequent violation.

*Patron - Maldonado*

**F HB2087 Paid sick leave; health care providers and grocery store workers.** Requires employers to provide paid sick leave to health care providers and grocery store workers. Under current law, employers are only required to provide paid sick leave to certain home health workers. The bill removes requirements that workers work on average at least 20 hours per week or 90 hours per month to be eligible for paid sick leave. The bill provides that certain health care providers may waive their right to accrue and use paid sick leave and provides an exemption for employers of certain other health care providers. The bill requires the Department of Labor and Industry to develop guidelines for retail employers that sell groceries to provide sick leave and to publish such guidelines

by December 1, 2023. The provisions of the bill other than the requirement for the Department of Labor and Industry to develop guidelines have a delayed effective date of January 1, 2024.

*Patron - Mundon King*

**F HB2108 Safety and Health Codes Board; safe handling of patients.** Requires the Safety and Health Codes Board to adopt occupational safety and health standards regarding safe handling of patients that require hospitals to (i) adopt a policy that requires replacement of manual lifting and transferring of patients with powered patient transfer devices, lifting devices, and lift teams, as appropriate, for the specific patient and consistent with the employer's safety policies and (ii) provide training to any employee whose responsibility includes lifting, repositioning, or transferring patients using patient transfer, repositioning, or lifting devices that includes training on (a) the appropriate use of lifting devices and equipment; (b) the five areas of body exposure (vertical, lateral, bariatric, repositioning, and ambulation); and (c) the use of lifting devices to handle patients safely.

*Patron - Bourne*

**F HB2116 Employment; restrictions on use of credit report for employment purposes.** Prohibits employers from (i) using a credit report in connection with or as a criterion for employment purposes, (ii) requesting or procuring a credit report for employment purposes, or (iii) requiring an employee or prospective employee to answer a question about the contents of a credit report or the information contained therein. Notwithstanding this prohibition, the bill lists conditions under which an employer or person acting on behalf of an employer may obtain, use, or seek a credit report from an employee or prospective employee. The bill prohibits any waiver of its requirements and prohibits retaliation and other discrimination or adverse action taken by an employer against an employee for alleging a violation of its requirements. The bill provides that the State Corporation Commission shall enforce the requirements of the bill by imposing civil penalties, notifying employers, and conducting informal conferences to assess violations.

*Patron - Hudson*

**F HB2148 Employment discrimination; employee notification of federal and state statute of limitations.** Requires an employer who receives an employee complaint alleging sexual assault, harassment, or any other form of discrimination for which the employee may seek enforcement by the U.S. Equal Employment Opportunity Commission (EEOC) or the Office of the Attorney General to notify such employee that a charge may be filed with the EEOC or the Office of the Attorney General within 300 days after the alleged unlawful discriminatory practice occurred. The bill also requires an employer to provide this information as part of any new employee training provided at the commencement of employment or anti-discrimination training provided to an employee.

*Patron - Guzman*

**F HB2473 Department of Labor and Industry; workplace poster for veterans benefits and services.** Directs the Department of Labor and Industry, in consultation with the Department of Veterans Services, to create a poster describing benefits and services available to veterans and allows employers to request and display such poster in the workplace. The bill enumerates a minimum group of resources the poster shall include, including (i) Department of Veterans Services' programs, contact information, and website address; (ii) substance abuse and mental health treatment resources; (iii) educational, workforce, and training resources; (iv) tax benefits; (v) eligibil-

ity for unemployment insurance benefits; (vi) legal services; and (vii) the U.S. Department of Veterans Affairs Veterans Crisis Line.

*Patron - Seibold*

**F SB840 Department of Labor and Industry; Safety and Health Codes Board; Virginia Occupational Safety and Health Program; use of cranes and derricks in construction; report.** Requires the Safety and Health Codes Board of the Department of Labor and Industry to adopt regulations to the Virginia Occupational Safety and Health Program, regarding cranes and derricks in construction, to allow an active load stabilization mechanism or passive load stabilization mechanism, defined in the bill, to be used if necessary to prevent hazardous rotation of a load as determined by the project manager or safety engineer. The bill requires the Department to report the final regulations to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology by November 1, 2023.

*Patron - Bell*

**F SB886 Paid sick leave; health care providers and grocery store workers.** Requires employers to provide paid sick leave to health care providers and grocery store workers. Under current law, employers are only required to provide paid sick leave to certain home health workers. The bill removes requirements that workers work on average at least 20 hours per week or 90 hours per month to be eligible for paid sick leave. Under the bill, an employee of an employer with fewer than 25 employees is not considered a grocery store worker. The bill provides that certain health care providers may waive their right to accrue and use paid sick leave and provides an exemption for employers of certain other health care providers. The bill requires the Department of Labor and Industry to develop guidelines for retail employers that sell groceries to provide sick leave and to publish such guidelines by December 1, 2023. The provisions of the bill other than the requirement for the Department of Labor and Industry to develop guidelines have a delayed effective date of January 1, 2024.

*Patron - Surovell*

**F SB1136 Wage or salary history inquiries prohibited; civil penalty.** Prohibits a prospective employer from (i) seeking the wage or salary history of a prospective employee; (ii) relying on the wage or salary history of a prospective employee in determining the wages or salary the prospective employee is to be paid upon hire; (iii) relying on the wage or salary history of a prospective employee in considering the prospective employee for employment; (iv) refusing to interview, hire, employ, or promote a prospective employee or otherwise retaliating against a prospective employee for not providing wage or salary history; (v) failing or refusing to provide a prospective employee the wage or salary range for the position for which the prospective employee is applying prior to discussing compensation and at any time upon the prospective employee's request; and (vi) failing to set a wage or salary range in good faith. The bill establishes a cause of action for an aggrieved prospective employee or employee and provides that an employer that violates such prohibitions is liable to the aggrieved prospective employee or employee for statutory damages between \$1,000 and \$10,000 or actual damages, whichever is greater; reasonable attorney fees and costs; and any other legal and equitable relief as may be appropriate. The bill also provides for civil penalties for violations not to exceed \$1,000 for a first violation, \$2,000 for a second violation, and \$4,000 for a third or subsequent violation.

*Patron - Boysko*

## Libraries

### Passed

**P HB1844 Virginia Public Records Act; confidentiality of certain archived records.** Provides that medical and educational records made confidential by law shall remain so after being archived by The Library of Virginia. This bill is identical to SB 1024.

*Patron - Taylor*

**P SB1024 Virginia Public Records Act; confidentiality of certain archived records.** Provides that medical and educational records made confidential by law shall remain so after being archived by The Library of Virginia. This bill is identical to HB 1844.

*Patron - Bell*

### Failed

**F SB1528 Libraries; acquisition of books and other library matter; electronic literary material.** Provides certain restrictions, outlined in the bill, for publishers contracting with The Library of Virginia and other libraries for the purpose of acquiring a license for electronic literary materials.

*Patron - Marsden*

## Military and Emergency Laws

### Passed

**P HB2362 Burial fees for military spouses.** Provides that, from such funds as may be appropriated or otherwise received for such purpose, the Commonwealth shall pay any burial fee for (i) a member of the National Guard and Reserve or (ii) a deceased spouse of a member or veteran of the United States Armed Forces or of the National Guard and Reserve, regardless of whether such spouse's death precedes or succeeds the death of the member or veteran. This bill is identical to SB 924.

*Patron - Wiley*

**P SB924 Burial fees for military spouses.** Provides that, from such funds as may be appropriated or otherwise received for such purpose, the Commonwealth shall pay any burial fee for (i) a member of the National Guard and Reserve or (ii) a deceased spouse of a member or veteran of the United States Armed Forces or of the National Guard and Reserve, regardless of whether such spouse's death precedes or succeeds the death of the member or veteran. This bill is identical to HB 2362.

*Patron - DeSteph*

### Failed

**F HB1565 Burial fees for military spouses.** Provides that, from such funds as may be appropriated, the Commonwealth shall pay the burial fees charged for the burial at a veterans cemetery operated by the Department of Veterans Services for (i) a member of the National Guard and Reserve, (ii) a spouse of an active duty member or veteran of the United States Armed Forces or a spouse of a member of the National

Guard and Reserve, or (iii) a surviving spouse of such member or veteran.

*Patron - Convirs-Fowler*

**F HB1882 Virginia National Guard member benefits; health savings accounts.** Provides that a member of the Virginia National Guard may elect to receive, in lieu of any tuition assistance grants, a matching contribution from the state to a health savings account. The bill requires the Department of Military Affairs to establish a health savings account for any member who elects to receive this benefit, with a matching contribution equal to the member's contribution up to the maximum amount allowable by federal law. The bill provides that eligible members must (i) have a minimum remaining obligation of two years, (ii) have satisfactorily completed required initial active duty service, (iii) be satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) be eligible for such an account under federal law. The bill also provides that if a member ceases to be eligible for a health savings account, by reason of being called to active duty military service or otherwise, all contributions from the state shall stop, and the Department of Military Affairs shall provide notice to the member of the loss of eligibility.

*Patron - Freitas*

## Mines, Minerals, and Energy

### Passed

**P HB1781 Southwest Virginia Energy Research and Development Authority; powers and duties; Department of Energy and Department of Environmental Quality; report.** Provides that the Southwest Virginia Energy Research and Development Authority (the Authority) has the power and duty to (i) support energy development projects, including pump storage hydropower, energy storage, hydrogen production and uses, carbon capture and storage, geothermal energy, and advanced wind and solar energy; (ii) promote energy development projects on closed power plant sites, brownfield sites, former coal mine sites, reclaimed coal mine sites, abandoned mine sites lands, and lands adjacent thereto; (iii) promote energy workforce development and energy supply chain development; (iv) identify and work with, through mutually agreed collaborations, the Commonwealth's research and development partners, in advancing efforts related to energy development in Southwest Virginia; and (v) promote the capture and beneficial use of coal mine methane from active, inactive, and abandoned coal mines as a low-carbon intensity feedstock for manufacturing and energy generation projects located in Southwest Virginia. The bill defines "energy development project" as any activity that generates, produces, or stores energy, any energy efficiency system, and any supporting ancillary activities located within Southwest Virginia and includes interests in land, improvements, and ancillary facilities and research, development, commercialization, and deployment activities designated by the Authority to the nonprofit collaborative. The bill defines "nonprofit collaborative" as a multi-site nonprofit innovative energy technology testbed established as a collaborative effort of the Department of Energy, the Authority, and the Authority's business partners to support the Authority's purpose through energy technology research, development, commercialization, and deployment. This bill is identical to SB 1116.

*Patron - O'Quinn*

**P HB2386 Virginia Power Innovation Fund and Program; created.** Creates the Virginia Power Innovation

Fund with funding to be used solely for the purposes of research and development of innovative energy technologies, including nuclear, hydrogen, carbon capture and utilization, and energy storage. The bill also creates the Virginia Power Innovation Program to use moneys from the Fund to (i) establish a Virginia nuclear innovation hub and (ii) award competitive grants to support energy innovation. This bill is identical to SB 1464.

*Patron - O'Quinn*

**P SB1116 Southwest Virginia Energy Research and Development Authority; powers and duties; Department of Energy and Department of Environmental Quality; report.** Provides that the Southwest Virginia Energy Research and Development Authority (the Authority) has the power and duty to (i) support energy development projects, including pump storage hydropower, energy storage, hydrogen production and uses, carbon capture and storage, geothermal energy, and advanced wind and solar energy; (ii) promote energy development projects on closed power plant sites, brownfield sites, former coal mine sites, reclaimed coal mine sites, abandoned mine sites lands, and lands adjacent thereto; (iii) promote energy workforce development and energy supply chain development; (iv) identify and work with, through mutually agreed collaborations, the Commonwealth's research and development partners, in advancing efforts related to energy development in Southwest Virginia; and (v) promote the capture and beneficial use of coal mine methane from active, inactive, and abandoned coal mines as a low-carbon intensity feedstock for manufacturing and energy generation projects located in Southwest Virginia.

The bill defines "energy development project" as any activity that generates, produces, or stores energy, any energy efficiency system, and any supporting ancillary activities located within Southwest Virginia and includes interests in land, improvements, and ancillary facilities and research, development, commercialization, and deployment activities designated by the Authority to the nonprofit collaborative. The bill defines "nonprofit collaborative" as a multi-site nonprofit innovative energy technology testbed established as a collaborative effort of the Department of Energy, the Authority, and the Authority's business partners to support the Authority's purpose through energy technology research, development, commercialization, and deployment. This bill is identical to HB 1781.

*Patron - Hackworth*

**P SB1464 Virginia Power Innovation Fund and Program; created.** Creates the Virginia Power Innovation Fund with funding to be used solely for the purposes of research and development of innovative energy technologies, including nuclear, hydrogen, carbon capture and utilization, and energy storage. The bill also creates the Virginia Power Innovation Program to use moneys from the Fund to (i) establish a Virginia nuclear innovation hub and (ii) award competitive grants to support energy innovation. This bill is identical to HB 2386.

*Patron - Vogel*

## Failed

**F HB1588 Electric Vehicle Rural Infrastructure Program and Fund created.** Creates the Electric Vehicle Rural Infrastructure Program and Fund to assist private developers with non-utility costs associated with the installation of electric vehicle charging stations. The bill provides that a private developer is eligible to receive grants of 70 percent of such non-utility costs for electric vehicle charging stations installed in a city or county that meets the criteria of a dis-

tressed locality as provided in the bill and caps the total amount of grants awarded in any fiscal year at \$25 million.

*Patron - Sullivan*

**F HB1722 Mineral mining and processing; use of certain chemicals prohibited.** Prohibits any miner or other person from using cyanide, a cyanide compound, or sulfuric acid in any mineral mining or processing operation.

*Patron - Simonds*

**F SB1333 Solar and energy efficiency projects for low-income and moderate-income Virginians.** Allows the Clean Energy Advisory Board to advise the Director of Department of Energy (Director) to apply to certain federal loan guarantees or grant funds to facilitate the development of solar energy, storage, and energy efficiency projects. The bill expands the Low to Moderate Income Solar Loan and Rebate Fund to extend grants in addition to loans or paying rebates to electric customers who complete solar installations or energy efficiency improvements subject to certain requirements provided in the bill. The bill adds an additional criteria for an applicant of the Low to Moderate Income Solar Pilot Program to satisfy in order to be eligible for a grant, loan, or rebate. Finally, the bill extends the time that the Director is required to respond to an application of such program from 30 to 60 days.

*Patron - Hashmi*

**F SB1466 Electric Vehicle Rural Infrastructure Program and Fund created.** Creates the Electric Vehicle Rural Infrastructure Program and Fund to assist private developers with non-utility costs associated with the installation of electric vehicle charging stations. The bill provides that a private developer is eligible to receive grants of 70 percent of such non-utility costs for electric vehicle charging stations installed in a city or county that meets the criteria of a distressed locality as provided in the bill and caps the total amount of grants awarded in any fiscal year at \$25 million. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Marsden*

## Motor Vehicles

### Passed

**P HB1376 Amateur radio operators; amber lights.** Removes the prohibition on using lit amber lights on vehicles used or operated by federally licensed amateur radio operators in certain situations while such vehicles are in motion.

*Patron - Greenhalgh*

**P HB1457 Golf carts and utility vehicles; Town of Stony Creek.** Adds the Town of Stony Creek to the list of towns that may authorize the operation of golf carts and utility vehicles on designated public highways despite not having established their own police departments.

*Patron - Wachsmann*

**P HB1469 Motor vehicle dealers; franchise agreements; sale or lease of new motor vehicles.** Provides that the threat to withhold incentive payments or the right to participate in incentive programs is included in the existing prohibition on any vehicle manufacturer, factory branch, distributor, or distributor branch coercing or attempting to coerce a dealer into entering into an agreement. The bill prohibits vehicle manufacturers, factory branches, distributors, or dis-

tributor branches from taking certain listed actions related to direct contact with buyers or lessees or coercing or requiring a dealer to allow such actions in the franchise agreement. The bill prohibits and makes void any provisions of a franchise agreement or similar agreement authorizing a manufacturer, factory branch, distributor, or distributor branch to unilaterally amend the franchise agreement or similar agreement. The bill provides that the existing prohibition on a manufacturer, factory branch, distributor, or distributor branch owning, operating, or controlling a motor vehicle dealership includes any dealership of a new line-make established by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof or a company affiliated through ownership of the manufacturer, factory branch, distributor, or distributor branch of at least 25 percent of the equity of the company. The bill provides that the existing requirement that manufacturers, factory branches, distributors, or distributor branches provide the cost of initiation, update, change, or maintenance of each accessory or function of the vehicle that may be initiated, updated, changed, or maintained by the manufacturer or distributor through over-the-air or remote means shall be the cost at the time of the new motor vehicle sale. This bill is identical to SB 871.

*Patron - Leftwich*

**P HB1494 Special license plates; BLUE RIDGE PARKWAY FOUNDATION.** Authorizes the issuance of revenue-sharing special license plates for supporters of the Blue Ridge Parkway Foundation bearing the legend BLUE RIDGE PARKWAY FOUNDATION. This bill is identical to SB 1318.

*Patron - Austin*

**P HB1495 Transportation network companies; uninsured and underinsured motorist coverage.** Requires transportation network company (TNC) insurance to maintain the same minimum uninsured and underinsured motorist coverage as is currently required by law for all motor vehicle insurance policies of \$30,000 for bodily injury per person, \$60,000 for bodily injury per accident, and \$20,000 for property damage, whether or not there is a passenger in the vehicle. The bill also prohibits TNC insurance underinsured motorist coverage from being set off by another policy from incidents arising when there is a passenger in the vehicle. Current law requires uninsured and underinsured motorist coverage for TNCs at \$1 million when a passenger is in the vehicle. The bill repeals expired provisions related to TNC insurance coverage. This bill is identical to SB 1216.

*Patron - Austin*

**P HB1516 Towing and recovery operators; vehicle storage.** Prohibits towing and recovery operators from refusing to allow, consistent with current law, the owner of a towed vehicle, upon presenting proof of ownership, to access and recover any personal items without retrieving the vehicle and without paying any fee.

*Patron - Adams, D.M.*

**P HB1619 Vehicle safety inspection; commercial vehicles; exemption.** Provides that a commercial vehicle operating in interstate commerce is exempt from the vehicle safety inspection requirement if, in addition to other criteria, such vehicle is inspected in accordance with the federal requirements for annual inspection by complying with federal periodic inspection requirements. Current law requires annual inspection through self-inspection, a third-party inspection, a Commercial Vehicle Safety Alliance inspection, or a periodic inspection performed by any state with a program in order for the vehicle to be exempt. This bill is identical to SB 1027.

*Patron - Wyatt*

**P HB1620 Crash reports; inspection by certain persons.** Changes the person authorized to inspect a crash report from the present owner of a vehicle or property involved in the crash to the owner of such vehicle or property at the time of the crash. This bill is identical to SB 1028.

*Patron - Wyatt*

**P HB1649 Towing trespassing vehicles; limitations on fees.** Authorizes 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 prohibits local governing bodies from limiting or prohibiting such fee. The bill has an expiration date of July 1, 2024.

*Patron - Wyatt*

**P HB1661 Titling requirements for nonrepairable vehicles; sale to certain auto recyclers.** Establishes a process whereby an insurance company can obtain a nonrepairable certificate for a vehicle acquired through the claims process without first obtaining a title or salvage certificate for such vehicle, provided that the insurance company is unable to obtain the assigned title or salvage certificate from the insured and has determined the vehicle to be a nonrepairable vehicle, any lien on the vehicle has been satisfied, and the vehicle is being sold to a demolisher, salvage dealer, or scrap metal processor for the purpose of recycling parts, dismantling, demolishing, or recycling for scrap. This bill is identical to SB 1064.

*Patron - Wiley*

**P HB1712 Damaging or removing temporary work signs; penalty.** Expands the prohibition on damaging or removing traffic control devices or street signs, punishable as a Class 1 misdemeanor, to include damaging or removing temporary signs approved by the Department of Transportation warning motorists that work is in progress on or adjacent to the highway or that certain vehicles may be entering the highway.

*Patron - Wachsmann*

**P HB1723 Passing stopped school buses; purpose of stop; prima facie evidence.** Makes evidence that a bus was stopped with at least one warning device activated prima facie evidence that the bus was stopped for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons.

*Patron - Simonds*

**P HB1806 Farm use placards.** Delays from July 1, 2023, to July 1, 2024, the date by which vehicles claiming a farm use exemption are required to obtain a farm use placard from the Department of Motor Vehicles and display such placard at all times. The bill provides that the requirement to display a farm use placard only applies to pickup or panel trucks and sport utility vehicles. The bill removes certain requirements on the application for a farm use placard, prohibits requesting additional information on such application, and prohibits disclosure of application information. The bill authorizes the use of an agricultural or horticultural vehicle for disposing of incidental refuse and a seasonal transportation vehicle for driving to a storage house, packing plant, or market regardless of distance. The bill clarifies that the exemption for transporting back to a farm essential food includes procuring a meal for a farmer or his employees and that such exemption applies while engaged in authorized farm vehicle uses. The bill exempts vehicles required to obtain a farm use placard from the motor vehicle sales and use tax and authorizes localities to exempt such vehicles from personal property tax. This bill incorporates HB 1883 and is identical to SB 1057.

*Patron - Bloxom*

**P HB1932 Yielding or reducing speed for stationary vehicles; vehicles displaying hazard lights, caution signs, or road flares.** Requires drivers to make a lane change or reduce speed when passing stationary vehicles that have activated the vehicular hazard warning signal flashers, displayed caution signs, or been marked with properly lit flares or torches on certain highways when safe and reasonable to do so and makes a violation of this requirement a traffic infraction. This bill is identical to SB 982.

*Patron - Runion*

**P HB1995 Passing stopped school buses; rebuttable presumption.** Extends from 10 days to 30 business days the deadline for issuing a summons for an alleged violation of passing a stopped school bus in order for proof that the motor vehicle passed a stopped school bus and that the defendant was the registered owner of the vehicle to give rise to a rebuttable presumption that the owner of the vehicle was the operator during the violation. This bill is identical to SB 868.

*Patron - Krizek*

**P HB2014 Use of handheld personal communication devices in certain motor vehicles.** Clarifies the penalty structure for a first offense and a second or subsequent offense of using a handheld personal communication device in certain motor vehicles, as well as the mandatory fine for a violation within a highway work zone, to accommodate the Supreme Court's case management system. The bill contains technical amendments. This bill is declarative of existing law and is identical to SB 995.

*Patron - Adams, L.R.*

**P HB2080 Special license plate; women veterans.** Authorizes the issuance of special license plates for supporters of women veterans bearing the legend SUPPORT WOMEN VETERANS. This bill is identical to SB 1372.

*Patron - Murphy*

**P HB2104 School crossing zones.** Increases the maximum boundaries of a school crossing zone from 600 feet to 750 feet from the limits of school property.

*Patron - Bourne*

**P HB2191 Removal by locality of unattended or immobile vehicles.** Allows for the removal of certain unattended or immobile vehicles by the locality's civil code enforcement division. Current law provides that such removal must be carried out under the direction of a law-enforcement officer or other uniformed employee of the local law-enforcement agency who specifically is authorized to do so.

*Patron - Rasoul*

**P HB2204 Department of Motor Vehicles; driving under the influence of alcohol, drugs, or a combination thereof; data collection and reporting.** Requires the Department of Motor Vehicles to collect and disseminate, on an annual basis, statewide and locality-level data related to driving under the influence of alcohol, drugs, or a combination thereof. The bill requires the Department to submit an annual report on the data collected on or before October 1 to the General Assembly, the Governor, and the Virginia State Crime Commission and to make such data available to the public on the website of the Department. The bill provides that the Department shall not be required to submit the first annual report prior to October 1, 2024, and that the first annual report shall include data from calendar year 2019 through calendar year 2023. As introduced, this bill was a recommendation of

the Virginia State Crime Commission. This bill is identical to SB 1398.

*Patron - Delaney*

**P HB2246 Special license plates; military service; unremarried surviving spouses.** Authorizes unremarried surviving spouses of persons eligible to receive a special license plate for military service to also receive such special license plates. The law currently authorizes this for certain types of military service. This bill incorporates HB 1868.

*Patron - Cordoza*

**P HB2247 Driver improvement clinics and driver training schools.** Lengthens from one year to two years the validity of and increases the cost of licenses and certifications for driver training schools that are third party testers, third party examiners for Class A driver training schools, driver improvement clinics, driver training instructors, and driver training schools, including computer-based driver education providers, and provides for concurrent expirations of licenses and certifications for such schools and their instructors. The bill authorizes the Commissioner of the Department of Motor Vehicles, from July 1, 2023, to July 1, 2024, to issue such licenses and certifications for a validity period of between one and 24 months with a fee prorated on a monthly basis to ensure the even distribution of renewals over a calendar year. The bill has a delayed effective date of July 1, 2024, except that the provision of the bill authorizing the issuance of such licenses and certifications by the Commissioner is effective in due course. This bill is identical to SB 1063.

*Patron - Cordoza*

**P HB2254 Highway use fee; reimbursement.** Requires the Department of Motor Vehicles to establish and administer a process whereby a vehicle owner may contest an assessed highway use fee. The bill requires the Department to reimburse the vehicle owner for any contested highway use fee or portion thereof that was incorrectly collected.

*Patron - Sickles*

**P HB2304 Motorcycle rider safety training courses.** Changes one of the three available types of motorcycle training courses from a sidecar and three-wheeled motorcycle course to a three-wheeled motorcycle course and changes the helmet requirement for motorcycle training courses from a three-quarter shell motorcycle helmet to any lawful motorcycle helmet. The bill removes the specific motorcycle training course requirements for (i) the student-to-instructor ratio, (ii) the students per range at any one time, and (iii) the features of motorcycles used in training and requires such aspects of the motorcycle training course to comply with the recommendations of the Motorcycle Safety Foundation, unless otherwise provided by the Department of Motor Vehicles.

*Patron - Bloxom*

**P HB2381 Toll operators; Department of Motor Vehicles records.** Authorizes toll facility operators to obtain from the Department of Motor Vehicles the email address or other electronic address of the owner of a vehicle that failed to pay a toll. Existing provisions require an invoice for an unpaid toll to be sent by first-class mail. The bill contains technical amendments. This bill is identical to SB 1473.

*Patron - Austin*

**P HB2392 Towing and recovery operators; attorney fees and costs.** Authorizes towing and recovery operators to recover reasonable attorney fees and costs in a civil action brought by the towing and recovery operator to recover costs or enforce a lien related to towing and recovery services rendered as a result of a request made by any local or state law-

enforcement officer or other government official acting in his official capacity. This bill received Governor's recommendations.

*Patron - Austin*

**P HB2423 Flashing red and white warning lights; emergency vehicle exemptions; WMATA Response and Recovery Coordination Branch vehicles.** Authorizes vehicles operated by the Response and Recovery Coordination Branch of the Washington Metropolitan Area Transit Authority's Office of Emergency Preparedness to (i) be equipped with flashing, blinking, or alternating red or red and white combination warning lights and (ii) disregard certain regulations regarding the operation of vehicles without being subject to criminal prosecution while responding to an emergency, provided that the operator of such vehicle has received certain training and recertifies every two years. The bill adds responding to metropolitan transit-related incidents to the list of circumstances in which such lighted warning lights shall be displayed. This bill is identical to SB 981.

*Patron - Austin*

**P SB855 Headlights; aftermarket modifications; blue lights.** Prohibits the use of headlights on motor vehicles, motorcycles, autocycles, bicycles, electric personal assistive mobility devices, personal delivery devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters with aftermarket modifications that make such headlights appear as a blue light.

*Patron - Spruill*

**P SB861 Traffic control device violation monitoring systems.** Authorizes localities in Planning District 23, after completing an engineering safety analysis that addresses congestion, accident rates, and driver disregard for traffic control devices, to establish traffic control device violation monitoring systems, defined in the bill, imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic control devices at any intersection deemed by the local governing body to be negatively impacted by traffic due to the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project. The bill prohibits the use of such devices for enforcing traffic signal or speed limit violations and provides that a driver's first offense is punishable by a written warning, not a monetary penalty. The bill expires on July 1, 2027, or upon certification by the Secretary of Transportation that the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project is complete, whichever occurs earlier. The bill contains technical amendments.

*Patron - Locke*

**P SB865 Highway use fee; exemptions; low-speed vehicles.** Exempts registered low-speed vehicles from the existing highway use fee calculated on the basis of average fuel economy and miles traveled per year and replaces such fee with an annual flat fee of \$25.

*Patron - Cosgrove*

**P SB868 Passing stopped school buses; rebuttable presumption.** Extends from 10 days to 30 business days the deadline for issuing a summons for an alleged violation of passing a stopped school bus in order for proof that the motor vehicle passed a stopped school bus and that the defendant was the registered owner of the vehicle to give rise to a rebuttable presumption that the owner of the vehicle was the operator during the violation. This bill is identical to HB 1995.

*Patron - Cosgrove*

**P SB871 Motor vehicle dealers; franchise agreements; sale or lease of new motor vehicles.** Provides that the

threat to withhold incentive payments or the right to participate in incentive programs is included in the existing prohibition on any vehicle manufacturer, factory branch, distributor, or distributor branch coercing or attempting to coerce a dealer into entering into an agreement. The bill prohibits vehicle manufacturers, factory branches, distributors, or distributor branches from taking certain listed actions related to direct contact with buyers or lessees or coercing or requiring a dealer to allow such actions in the franchise agreement. The bill prohibits and makes void any provisions of a franchise agreement or similar agreement authorizing a manufacturer, factory branch, distributor, or distributor branch to unilaterally amend the franchise agreement or similar agreement. The bill provides that the existing prohibition on a manufacturer, factory branch, distributor, or distributor branch owning, operating, or controlling a motor vehicle dealership includes any dealership of a new line-make established by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof or a company affiliated through ownership of the manufacturer, factory branch, distributor, or distributor branch of at least 25 percent of the equity of the company. The bill provides that the existing requirement that manufacturers, factory branches, distributors, or distributor branches provide the cost of initiation, update, change, or maintenance of each accessory or function of the vehicle that may be initiated, updated, changed, or maintained by the manufacturer or distributor through over-the-air or remote means shall be the cost at the time of the new motor vehicle sale. This bill is identical to HB 1469.

*Patron - Surovell*

**P SB938 Lights on other vehicles; animal-drawn vehicles.** Clarifies that the existing requirements for vehicles to display white lights in the front and red lights in the rear or approved reflectors applies to animal-drawn vehicles. The bill also provides that such lights may be battery-operated.

*Patron - Ruff*

**P SB951 Uninsured motorist fee; repeal.** Repeals the option to register an uninsured motor vehicle upon payment of the uninsured motor vehicle fee of \$500. The repeal has an effective date of July 1, 2024. The bill authorizes the Commissioner of the Department of Motor Vehicles to continue registering uninsured vehicles from July 1, 2023, to July 1, 2024, but provides that all such registrations shall expire prior to July 1, 2024.

*Patron - Ruff*

**P SB978 Keeper of vehicles; liens; certain towing and recovery drivers and operators.** Expands a keeper of vehicles' lien in the case of a tow truck driver or towing and recovery operator furnishing services to a truck, tractor truck, or combination of vehicles, including those that are rented or leased, to apply to any power unit, tractor, trailer, or semitrailer in the combination. The bill clarifies that a keeper of vehicles' lien does not extend to cargo, extends the duty of a keeper of vehicles to allow retrieval to permit the vehicle or cargo owner to access the vehicle to retrieve their cargo, and allows the keeper of vehicles to dispose of unclaimed cargo. The bill also adds tow truck drivers and towing and recovery operators furnishing services involving cleanup related to vehicle collisions to the definition of "keeper of vehicles."

*Patron - Marsden*

**P SB981 Flashing red and white warning lights; emergency vehicle exemptions; WMATA Response and Recovery Coordination Branch vehicles.** Authorizes vehicles operated by the Response and Recovery Coordination Branch of the Washington Metropolitan Area Transit Authority's Office of Emergency Preparedness to (i) be equipped with flashing, blinking, or alternating red or red and white combina-



tion warning lights and (ii) disregard certain regulations regarding the operation of vehicles without being subject to criminal prosecution while responding to an emergency, provided that the operator of such vehicle has received certain training and recertifies every two years. The bill adds responding to metropolitan transit-related incidents to the list of circumstances in which such lighted warning lights shall be displayed. This bill is identical to HB 2423.

*Patron - Marsden*

**P SB982 Yielding or reducing speed for stationary vehicles; vehicles displaying hazard lights, caution signs, or road flares.** Requires drivers to make a lane change or reduce speed when passing stationary vehicles that have activated the vehicular hazard warning signal flashers, displayed caution signs, or been marked with properly lit flares or torches on certain highways when safe and reasonable to do so and makes a violation of this requirement a traffic infraction. This bill is identical to HB 1932.

*Patron - Marsden*

**P SB995 Use of handheld personal communication devices in certain motor vehicles.** Clarifies the penalty structure for a first offense and a second or subsequent offense of using a handheld personal communication device in certain motor vehicles, as well as the mandatory fine for a violation within a highway work zone, to accommodate the Supreme Court's case management system. The bill contains technical amendments. This bill is declarative of existing law and is identical to HB 2014.

*Patron - Marsden*

**P SB1027 Vehicle safety inspection; commercial vehicles; exemption.** Provides that a commercial vehicle operating in interstate commerce is exempt from the vehicle safety inspection requirement if, in addition to other criteria, such vehicle is inspected in accordance with the federal requirements for annual inspection by complying with federal periodic inspection requirements. Current law requires annual inspection through self-inspection, a third-party inspection, a Commercial Vehicle Safety Alliance inspection, or a periodic inspection performed by any state with a program in order for the vehicle to be exempt. This bill is identical to HB 1619.

*Patron - Cosgrove*

**P SB1028 Crash reports; inspection by certain persons.** Changes the person authorized to inspect a crash report from the present owner of a vehicle or property involved in the crash to the owner of such vehicle or property at the time of the crash. This bill is identical to HB 1620.

*Patron - Cosgrove*

**P SB1051 Vehicles left on private property; public utility company and broadband provider service vehicles; removal or towing.** Allows public utility company or broadband provider service vehicles to be left temporarily on private property without the consent of the property owner, provided that service or maintenance is being conducted by an employee of the company or provider on the property and such vehicle does not block the entry or exit of the property. The bill prohibits removal or towing of such vehicle for a period of 72 hours. This bill was vetoed by the Governor.

*Patron - McPike*

**P SB1057 Farm use placards.** Delays from July 1, 2023, to July 1, 2024, the date by which vehicles claiming a farm use exemption are required to obtain a farm use placard from the Department of Motor Vehicles and display such placard at all times. The bill provides that the requirement to display a farm use placard only applies to pickup or panel trucks

and sport utility vehicles. The bill removes certain requirements on the application for a farm use placard, prohibits requesting additional information on such application, and prohibits disclosure of application information. The bill authorizes the use of an agricultural or horticultural vehicle for disposing of incidental refuse and a seasonal transportation vehicle for driving to a storage house, packing plant, or market regardless of distance. The bill clarifies that the exemption for transporting back to a farm essential food includes procuring a meal for a farmer or his employees and that such exemption applies while engaged in authorized farm vehicle uses. The bill exempts vehicles required to obtain a farm use placard from the motor vehicle sales and use tax and authorizes localities to exempt such vehicles from personal property tax. This bill is identical to HB 1806.

*Patron - Hanger*

**P SB1058 Objects obstructing driver's view; dashboard cameras allowed.** Allows the suspension and use of any dashboard camera and any accompanying wires or attachments in or on a motor vehicle, provided that (i) such suspension and use are not otherwise prohibited by the provisions of Title 49 of the Code of Federal Regulations and (ii) such camera, wires, and attachments are wholly or mostly concealed behind the rear view mirror without any additional obstruction to the driver's view.

*Patron - Hanger*

**P SB1063 Driver improvement clinics and driver training schools.** Lengthens from one year to two years the validity of and increases the cost of licenses and certifications for driver training schools that are third party testers, third party examiners for Class A driver training schools, driver improvement clinics, driver training instructors, and driver training schools, including computer-based driver education providers, and provides for concurrent expirations of licenses and certifications for such schools and their instructors. The bill authorizes the Commissioner of the Department of Motor Vehicles, from July 1, 2023, to July 1, 2024, to issue such licenses and certifications for a validity period of between one and 24 months with a fee prorated on a monthly basis to ensure the even distribution of renewals over a calendar year. The bill has a delayed effective date of July 1, 2024, except that the provision of the bill authorizing the issuance of such licenses and certifications by the Commissioner is effective in due course. This bill is identical to HB 2247.

*Patron - Spruill*

**P SB1064 Titling requirements for nonrepairable vehicles; sale to certain auto recyclers.** Establishes a process whereby an insurance company can obtain a nonrepairable certificate for a vehicle acquired through the claims process without first obtaining a title or salvage certificate for such vehicle, provided that the insurance company is unable to obtain the assigned title or salvage certificate from the insured and has determined the vehicle to be a nonrepairable vehicle, any lien on the vehicle has been satisfied, and the vehicle is being sold to a demolisher, salvage dealer, or scrap metal processor for the purpose of recycling parts, dismantling, demolishing, or recycling for scrap. This bill is identical to HB 1661.

*Patron - Spruill*

**P SB1069 Drivers stopping for pedestrians; certain signs; stops.** Requires the driver of a vehicle on a highway approaching a pedestrian who is crossing such highway to stop when such pedestrian is within the driver's lane or within an adjacent lane and approaching the driver's lane. Currently, a driver is required to yield the right-of-way to such pedestrian by stopping and remaining stopped. The bill also provides that localities that are already authorized to install signs directing

motor vehicles to yield the right-of-way to pedestrians crossing or attempting to cross a highway may also install signs directing motor vehicles to stop for such pedestrians.

*Patron - Saslaw*

**P SB1085 Study; motor vehicle noise; report.**

Directs the Superintendent of State Police to convene a work group to examine the issue of vehicle noise in the Commonwealth and to report its findings and recommendations to the Chairmen of the Senate and House Committees on Transportation by November 1, 2023. This bill was vetoed by the Governor.

*Patron - Ebbin*

**P SB1216 Transportation network companies; uninsured and underinsured motorist coverage.**

Requires transportation network company (TNC) insurance to maintain the same minimum uninsured and underinsured motorist coverage as is currently required by law for all motor vehicle insurance policies of \$30,000 for bodily injury per person, \$60,000 for bodily injury per accident, and \$20,000 for property damage, whether or not there is a passenger in the vehicle. The bill also prohibits TNC insurance underinsured motorist coverage from being set off by another policy from incidents arising when there is a passenger in the vehicle. Current law requires uninsured and underinsured motorist coverage for TNCs at \$1 million when a passenger is in the vehicle. The bill repeals expired provisions related to TNC insurance coverage. This bill is identical to HB 1495.

*Patron - Lucas*

**P SB1238 Motor carriers; financial responsibility.**

Requires motor carriers when operating a vehicle with a gross vehicle weight rating of 7,500 pounds or less in intrastate commerce when available to transport property for compensation but not actively transporting such property to be covered by the same financial responsibility requirements as all other motorists. Current law sets such minimum liability requirements at \$25,000 per person, \$50,000 per incident for death and bodily injury, and \$20,000 for property damage.

*Patron - Obenshain*

**P SB1318 Special license plates; BLUE RIDGE PARKWAY FOUNDATION.** Authorizes the issuance of revenue-sharing special license plates for supporters of the Blue Ridge Parkway Foundation bearing the legend BLUE RIDGE PARKWAY FOUNDATION. This bill is identical to HB 1494.

*Patron - Edwards*

**P SB1343 Commissioner of the Department of Motor Vehicles; online access to driving records; minors.**

Directs the Commissioner of the Department of Motor Vehicles to create a process and guidelines by which minors may access their driving records on the Department of Motor Vehicles website, including the necessary means to verify the identity of such requester, and to implement the process and guidelines by July 1, 2024. The provisions of the bill do not become effective unless reenacted by the 2024 Session of the General Assembly.

*Patron - Barker*

**P SB1372 Special license plate; women veterans.**

Authorizes the issuance of special license plates for supporters of women veterans bearing the legend SUPPORT WOMEN VETERANS. This bill is identical to HB 2080.

*Patron - Vogel*

**P SB1398 Department of Motor Vehicles; driving under the influence of alcohol, drugs, or a combination thereof; data collection and reporting.** Requires the Department

of Motor Vehicles to collect and disseminate, on an annual basis, statewide and locality-level data related to driving under the influence of alcohol, drugs, or a combination thereof. The bill requires the Department to submit an annual report on the data collected on or before October 1 to the General Assembly, the Governor, and the Virginia State Crime Commission and to make such data available to the public on the website of the Department. The bill provides that the Department shall not be required to submit the first annual report prior to October 1, 2024, and that the first annual report shall include data from calendar year 2019 through calendar year 2023. As introduced, this bill was a recommendation of the Virginia State Crime Commission. This bill is identical to HB 2204.

*Patron - Surovell*

**P SB1473 Toll operators; Department of Motor Vehicles records.** Authorizes toll facility operators to obtain from the Department of Motor Vehicles the email address or other electronic address of the owner of a vehicle that failed to pay a toll. Existing provisions require an invoice for an unpaid toll to be sent by first-class mail. The bill contains technical amendments. This bill is identical to HB 2381.

*Patron - Marsden*

## Failed

**F HB1380 Issuing citations; certain traffic offenses.** Removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle and the removes the accompanying exclusionary provisions. This bill incorporates HB 1445 and HB 1703.

*Patron - Campbell, R.R.*

**F HB1445 Issuing citations; certain traffic offenses and odor of marijuana; exclusion of evidence.** Removes provisions prohibiting a law-enforcement officer from stopping a motor vehicle for operating (i) with an expired registration sticker prior to the first day of the fourth month after the original expiration date; (ii) with defective and unsafe equipment; (iii) without tail lights, brake lights, or a supplemental high mount stop light; (iv) without lighted headlights displayed when so required; (v) with certain tinting films, signs, posters, stickers, or decals; (vi) with objects or other equipment suspended so as to obstruct the driver's view; or (vii) with an expired inspection prior to the first day of the fourth month after the original expiration date and removes the accompanying exclusionary provisions. The bill also authorizes a law-enforcement officer to lawfully stop, search, or seize a person, place, or thing or a search warrant to be issued based solely on the odor of marijuana if such odor creates a reasonable suspicion of a violation of the law prohibiting driving while intoxicated.

*Patron - Wyatt*

**F HB1453 Permanent farm use placards.** Repeals the requirement for the owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, and decal requirements for a motor vehicle, trailer, or semi-trailer to obtain a nontransferable permanent farm use placard from the Department of Motor Vehicles and to display the farm use placard on the vehicle at all times. Under current law, such requirement will become effective July 1, 2023. The bill rein-

states the authority of any law-enforcement officer to inquire about the address or real property parcel identification number of the farm or lands with which the exempt vehicle is associated.

*Patron - Orrock*

**F HB1466** **Special provisions involving voluntary anti-forced labor and child slavery certifications for sales of low emissions and electric motor vehicles in the Commonwealth of Virginia; remedies for Attorney General when sufficient supply of EV and LEV vehicles are not available.**

*Patron - Anderson*

**F HB1535** **Commercial motor vehicles; driving in left-most lane.** Limits the locations where a person may drive a commercial motor vehicle in the left-most lane from those interstate highways having more than two lanes in each direction with a posted speed limit of less than 65 miles per hour to those interstate highways having more than two lanes in each direction with a posted speed limit of less than 55 miles per hour.

*Patron - Jenkins*

**F HB1537** **Warning devices on school buses; use before proposed stop.** Increases the distance before a proposed stop that a school bus must use its warning devices from 100 feet to 200 feet if the lawful speed limit is less than 35 miles per hour and from 200 feet to 500 feet if the lawful speed limit is 35 miles per hour or more.

*Patron - Jenkins*

**F HB1557** **Modified utility vehicles.** Authorizes operation of modified utility vehicles, defined in the bill, on public highways with less than four travel lanes where the maximum speed limit is no greater than 55 miles per hour and on public highways with four or more travel lanes where the maximum speed limit is no greater than 35 miles per hour. The same registration and insurance requirements applicable to passenger cars apply also to modified utility vehicles. The bill contains equipment requirements for modified utility vehicles.

*Patron - Orrock*

**F HB1559** **Local ordinances; vehicle exhaust; operation on property near residential district.** Allows local governing bodies to regulate, by ordinance, noise from vehicles not conforming to exhaust system requirements that are operated on highways or on public or private property in or within 500 feet of any residential district. Current law only allows such regulation by ordinance from such vehicles that are operated on a highway.

*Patron - Watts*

**F HB1589** **Pedestrian control signals; applicability to persons riding bicycles and other devices.** Allows persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorized skateboards or scooters to follow the pedestrian Walk signal at an intersection when traveling in the direction of the signal, provided that they yield to pedestrians in the crosswalk traveling in the same direction. The bill provides that a person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter may not start to cross a highway in the direction of a Don't Walk signal, but such person who has partially completed his crossing on the Walk signal shall proceed to a sidewalk or safety island and remain there while the Don't Walk signal is showing.

*Patron - Sullivan*

**F HB1703** **Issuing citations; certain traffic offenses.** Removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle and removes the accompanying exclusionary provisions.

*Patron - Durant*

**F HB1714** **Stolen or embezzled vehicle; notification of toll operator.** Requires the Department of Motor Vehicles, if a vehicle registration has been suspended due to being reported stolen or embezzled, to include notice of such suspension using the words "stolen or embezzled" when providing vehicle owner information to the Department of Transportation or other toll operator requesting such information for the purpose of toll enforcement and prohibits the issuance of a citation for an unpaid toll to the owner of such vehicle if such suspension was in effect at the time of the violation.

*Patron - Wachsmann*

**F HB1745** **Tow truck drivers and towing and recovery operators; prohibited acts.** Prohibits tow truck drivers and towing and recovery operators from monitoring law-enforcement communications in order to determine the location of a wrecked or disabled vehicle that is subject to a law-enforcement-requested tow for the purpose of driving by the scene of such vehicle to initiate contact with the owner or operator of the vehicle to solicit or offer towing services and prohibits tow truck drivers from driving by the scene of a wrecked or disabled vehicle for the same purposes.

*Patron - Carr*

**F HB1747** **Driver's licenses; persons having defective vision; minimum standards of visual acuity and field of vision.** Allows a driver's license without daylight restrictions to be issued to any person with visual acuity between 20/40 and 20/70 in one or both eyes with or without corrective lenses and a field of 110 degrees of horizontal vision in one or both eyes if such person's application is accompanied by a certification by an ophthalmologist or optometrist that there is no other condition that would impair such person's operation of a motor vehicle during nighttime hours.

*Patron - Willett*

**F HB1772** **All-terrain vehicles and off-road motorcycles; seizure, impounding, and disposition.** Authorizes local governing bodies to provide for the lawful seizure, impounding, and disposition of (i) an illegally operated all-terrain vehicle or (ii) an off-road motorcycle operated on a highway or on private property without the consent of the property owner.

*Patron - Williams Graves*

**F HB1773** **Exception to stopping requirement; bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or motorized skateboard or scooter.** Authorizes the operator of a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or motorized skateboard or scooter to yield instead of stop at an intersection of two highways controlled by a stop sign if (i) each intersecting highway has no more than three motor vehicle travel lanes; (ii) the operator is at least 15 years old or accompanied by an adult; (iii) the operator slows to a speed reasonable for the existing conditions; (iv) before proceeding into the intersection, the person yields the right-of-way to any pedestrian law-

fully within the crosswalk and to the driver of another vehicle approaching or entering such intersection from another direction; and (v) the stop sign is not marked as a full-stop stop sign. The bill authorizes the Department of Transportation to designate any stop sign as a full-stop stop sign if site-specific conditions, including limited sight distances and hidden entrances, make it unsafe for a person to yield instead of stop at such stop sign and requires a clearly marked sign at such stop signs.

*Patron - Carr*

**F HB1785 Speed limit in residence districts; local authority; penalty.** Authorizes the governing body of any city to reduce the default speed limit on any highway maintained by the city that is located in a residence district to less than 25 miles per hour unless otherwise indicated by a sign and to adopt increased penalties for operation of a motor vehicle 15 miles per hour or more above the posted speed limit in a residence district. Current law authorizes the increased penalties in the Cities of Falls Church and Manassas. The bill clarifies that the requirement for signage for a conviction of a speeding violation does not apply to ordinances adopted setting a default speed limit as provided in the bill.

*Patron - Carr*

**F HB1868 Special license plates; military service; unremarried surviving spouses.** Authorizes unremarried surviving spouses of persons eligible to receive a special license plate for military service to also receive such special license plates. The law currently authorizes this for certain types of military service.

*Patron - Scott, P.A.*

**F HB1883 Permanent farm use placards.** Repeals the requirement for the owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, and decal requirements for a motor vehicle, trailer, or semi-trailer to obtain a nontransferable permanent farm use placard from the Department of Motor Vehicles and to display the farm use placard on the vehicle at all times. Under current law, such requirement will become effective July 1, 2023. The bill reinstates the authority of law-enforcement officers to inquire about the address or real property parcel identification number of the farm or lands with which the exempt vehicle is associated. The bill prohibits any person from displaying a farm use tag, plate, or placard or otherwise claiming a farm use exemption to which he is not entitled while operating an unregistered vehicle on a highway and provides penalties of \$100 for a first violation, \$200 for a second violation, and \$500 for a third or subsequent violation. The bill requires the Department of Agriculture and Consumer Services to convene a work group of relevant stakeholders to identify issues and develop recommendations for improvements regarding farm use vehicle exemptions from vehicle registration and the use and display of farm use vehicle tags.

*Patron - Freitas*

**F HB1939 Powers of local authorities; reducing speed limits; highways in the primary and secondary state highway systems.** Authorizes the governing body of any locality to reduce to less than 25 miles per hour, but not less than 15 miles per hour, the speed limit of highways that are part of the primary and secondary state highway systems located in a business district or residence district within the locality's boundaries, provided that the reduced speed limit is indicated by lawfully placed signs. Current law only authorizes the governing body of a locality that maintains its own roads to make such a reduction on highways in a business district or residence district within the locality's boundaries.

*Patron - Plum*

**F HB2062 Towing enforcement.** Provides that violations of current law regarding tow truck drivers and towing and recovery operators are subject to the Virginia Consumer Protection Act. The bill repeals the \$150 civil penalty for certain towing violations in Planning District 8.

*Patron - Lopez*

**F HB2088 Personalized license plates; references to Confederacy or persons who committed treason.** Directs the Department of Motor Vehicles to amend the Personalized License Plate Issuance Guidelines to prohibit the issuance of any personalized license plate that makes reference to the Confederacy or any persons who committed acts of treason against the United States and to cancel any personalized license plate issued by the Department that makes reference to the Confederacy or any persons who committed acts of treason against the United States.

*Patron - Mundon King*

**F HB2102 Vehicle exhaust systems; equipment.** Prohibits (i) the sale or offering for sale of any mechanical or electronic device that creates or amplifies noise emitted by a motor vehicle, moped, or motorized skateboard or scooter that is louder than the noise emitted by the motor vehicle, moped, or motorized skateboard or scooter as originally manufactured and (ii) the operation of a motor vehicle, moped, or motorized skateboard or scooter equipped with any such device. The bill prohibits the issuance of a safety inspection approval sticker on any vehicle equipped with such a device or other unlawful muffler.

*Patron - Bulova*

**F HB2119 Photo speed monitoring devices; locality-designated highway segments.** Authorizes any locality to authorize, by ordinance, its local law-enforcement agency to place and operate photo speed monitoring devices in certain locations named in the ordinance, provided that (i) the highway has a posted speed limit of 35 miles per hour or greater; (ii) the ordinance identifies the locality-designated speeding offense to be enforced by the photo speed monitoring device; (iii) speeding, crash, or fatality data supports the need for stronger enforcement against speeding; and (iv) in counties and towns whose roads are subject to the control and jurisdiction of the Department of Transportation, the locality-designated highway segment is in the secondary state highway system. The bill directs the locality to also identify the speeding violations that may be enforced by photo speed monitoring device. Current law authorizes the use of photo speed monitoring devices in highway work zones and school crossing zones.

*Patron - Hudson*

**F HB2127 Passing certain stopped vehicles; motorcycles.** Authorizes the operator of a two-wheeled motorcycle to pass another vehicle that is stopped in the same lane or between lanes, provided that the operator is on a divided highway with at least two lanes of travel in each direction that has a speed limit that does not exceed 45 miles per hour, such motorcycle does not exceed a speed of 15 miles per hour, and the operator may execute such passing safely.

*Patron - Wilt*

**F HB2163 Special license plates; UNIVERSITY OF TEXAS.** Authorizes the issuance of special license plates for supporters of the University of Texas bearing the legend UNIVERSITY OF TEXAS.

*Patron - Scott, D.L.*

**F HB2218 School crossing zones; speed decrease; Planning District 8.** Authorizes the governing body

of a county in Planning District 8 to decrease the speed limit in a school crossing zone if the school board having jurisdiction over such school passes a resolution requesting the decrease of the speed limit in such school crossing zone. Current law authorizes such governing bodies to increase or decrease such speed limits after justification for the increase or decrease has been shown by an engineering and traffic investigation. The bill provides that the authority to increase and decrease such speed limits applies on highways in the state highway system.

*Patron - Tran*

**F HB2300 Use of handheld personal communications device; commercial dispatch.** Exempts from the prohibition on holding a handheld personal communications device while driving a motor vehicle the use of such a device for commercial dispatch purposes, as defined in the bill.

*Patron - McNamara*

**F HB2340 Motor vehicle license plates and registration; taxes and penalties.** Increases from \$100 to \$150 the maximum license tax that a locality is authorized to impose annually on motor vehicles not displaying current license plates. The bill increases from up to \$250 to up to \$350 the penalty on motor vehicles that have not been registered within the first 30 days of an individual's residency in the Commonwealth.

*Patron - Bulova*

**F HB2395 Speed determination devices; calibration or testing.** Extends the validity of the calibration or testing of certain devices used to determine motor vehicle speed, other than photo speed monitoring devices, from six months to 12 months. Current law sets such validity for photo speed monitoring devices at 12 months.

*Patron - Campbell, E.H.*

**F HB2404 Driver training instructors; active law-enforcement officers.** Authorizes the Commissioner of the Department of Motor Vehicles to, in lieu of the requirements established by the Department of Education for driver education instructor qualification, accept an active law-enforcement officer in good standing who otherwise meets the same training and years of service standards as those retired or resigned law-enforcement officers eligible for such qualification under current law.

*Patron - Morefield*

**F HB2468 Dealership operation by manufacturer; determination of no independent dealer to operate the franchise.** Authorizes a previous determination by the Commissioner of the Department of Motor Vehicles that there was no independent dealer available in the community or trade area to own and operate the franchise in a manner consistent with the public interest to be sufficient grounds for a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own, operate, or control a subsequent franchise location in the Commonwealth.

*Patron - Willett*

**F HJ537 Study; Secretary of Public Safety; emergency response vehicles; report.** Requests the Secretary of Public Safety to study the impact of federal emissions standards on the quality, cost, and availability of emergency response vehicles.

*Patron - LaRock*

**F SB783 Issuance of a restricted driver's license for multiple convictions of driving while intoxicated; completion of specialty dockets.** 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 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.

*Patron - Reeves*

**F SB785 State Air Pollution Control Board; motor vehicle emissions standards.** Repeals the requirement that the State Air Pollution Control Board implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. The bill prohibits the Board from adopting or enforcing any model year standards related to control of emissions from new motor vehicles or new motor vehicle engines, including low-emission vehicle and zero-emission vehicle standards pursuant to the federal Clean Air Act and prohibits the Commonwealth from requiring any new motor vehicle or new motor vehicle engine to be certified as compliant with model year standards related to the control of emissions adopted by California for which a waiver has been granted pursuant to the federal Clean Air Act.

*Patron - McDougale*

**F SB790 Towing enforcement.** Provides that violations of current law regarding tow truck drivers and towing and recovery operators are subject to the Virginia Consumer Protection Act. The bill repeals the \$150 civil penalty for certain towing violations in Planning District 8.

*Patron - Favola*

**F SB847 Pedestrian control signals; applicability to persons riding bicycles and other devices.** Allows persons riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter to follow the pedestrian control signal at an intersection when traveling in the direction of the signal, provided that they yield to pedestrians in the crosswalk traveling in the same direction. The bill specifies that such persons shall not start to cross the highway in the direction of such signal while the signal is solid, that pedestrians shall not start to cross the highway when such signal is solid or flashing, and that any person who has partially crossed the highway shall proceed to a sidewalk or safety island when the solid Don't Walk signal begins.

*Patron - Favola*

**F SB862 Highway use fee and mileage-based user fee program; repeal.** Eliminates the highway use fee and mileage-based user fee program. The bill directs the Commissioner of the Department of Motor Vehicles to continue to reimburse the cost of the highway use fee to any applicant that paid a highway use fee and is eligible for reimbursement of the original vehicle registration fee pursuant to relevant law. The bill directs the Commissioner to refund the cost of the highway use fee to any owner of a vehicle who prepaid the fee before the effective date of the bill, prorated for the period after which the highway use fee is no longer in effect.

*Patron - Newman*

**F SB864 Motor vehicle dealers; businesses without a physical presence in the Commonwealth selling vehicles in the Commonwealth; vehicle title.** Creates a presumption that any business entity that does not maintain a physical presence in the Commonwealth and offers to sell or sells five or more motor vehicles within any 12 consecutive months, for which the delivery of such sold motor vehicle or place of such sale is in the Commonwealth, is a motor vehicle dealer and provides that such presumption may be rebutted by

a preponderance of the evidence. The bill adds to the grounds for denying, suspending, or revoking licenses or certificates of dealer registration or qualification the failure to transfer the valid vehicle title of the sold motor vehicle to the buyer at the time of such sale.

*Patron - Cosgrove*

**F SB875 Issuing citations; certain traffic offenses.** Removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle and removes the accompanying exclusionary provisions.

*Patron - McDougale*

**F SB901 Firearm in unattended motor vehicle; civil penalty.** Provides that no person shall leave, place, or store a handgun in an unattended motor vehicle, as defined in the bill, unless the vehicle is locked. The bill provides that any person violating such prohibition is subject to a civil penalty of no more than \$500 and that such unattended motor vehicle may be subject to removal for safekeeping.

*Patron - Marsden*

**F SB979 Towing trespassing vehicles; limitations on fees.** Prohibits localities from setting limits on towing fees and other associated fees for trespassing passenger cars and vehicles that are lower than the respective statewide maximum charges authorized for such fees in localities without a local ordinance setting towing fees; removes current specified limits for Planning Districts 8 and 16 that would fall below those limits; and requires an ordinance adopted by a locality that sets such limits to provide that no more than two additional fees can be charged for towing any vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday. The bill changes current statewide trespass towing fee limits on hookup and initial towing fees of passenger cars from \$150 to \$180 and additional fees for towing between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday from \$30 to \$35.

*Patron - Marsden*

**F SB1009 Pedestrian control signals; applicability to persons riding bicycles and other devices.** Allows persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorized skateboards or scooters to follow the pedestrian Walk signal at an intersection when traveling in the direction of the signal, provided that they yield to pedestrians in the crosswalk traveling in the same direction. The bill provides that a person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter may not start to cross a highway in the direction of a Don't Walk signal, but such person who has partially completed his crossing on the Walk signal shall proceed to a sidewalk or safety island and remain there while the Don't Walk signal is showing.

*Patron - DeSteph*

**F SB1010 Issuing citations; certain traffic offenses.** Removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain

objects suspended in the vehicle and removes the accompanying the exclusionary provisions.

*Patron - DeSteph*

**F SB1196 Permanent farm use placards.** Repeals the requirement for the owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, and decal requirements for a motor vehicle, trailer, or semitrailer to obtain a nontransferable permanent farm use placard from the Department of Motor Vehicles and to display the farm use placard on the vehicle at all times. Under current law, such requirement will become effective July 1, 2023. The bill reinstates the authority of any law-enforcement officer to inquire about the address or real property parcel identification number of the farm or lands with which the exempt vehicle is associated.

*Patron - Reeves*

**F SB1293 Bicycles; exemptions to certain traffic control devices; local ordinances.** Authorizes the local governing body of any county, city, or town to by ordinance authorize a bicyclist to treat a stop light as a stop sign and a stop sign as a yield right-of-way sign, provided that certain safety measures are observed.

*Patron - Deeds*

**F SB1456 Speed determination devices; calibration or testing.** Extends the validity of the calibration or testing of certain devices used to determine motor vehicle speed, other than photo speed monitoring devices, from six months to 12 months. Current law sets such validity for photo speed monitoring devices at 12 months.

*Patron - Vogel*

## Notaries and Out-of-State Commissioners

### Failed

**F SB1093 Notaries; course and examination; journal and electronic record of notarial acts.** Requires every applicant for a notary or electronic notary commission to take, within 90 days preceding the application, a course of instruction and to complete a written examination of such course. The bill specifies that the content of the course and the basis for the written examination shall include notarial laws, procedures, and ethics. The bill also requires any notary to keep a journal of notarial acts and any electronic notary to keep an electronic record of notarial acts and for such notary or electronic notary to keep, maintain, protect, and provide for lawful inspection of such journal or electronic record.

*Patron - Ebbin*

## Pensions, Benefits, and Retirement

### Passed

**P HB1630 Virginia Retirement System; return to work.** Reduces from 12 to six the number of months for the required break in service for a teacher, bus driver, school administrator, or school security officer to return to work full

time and continue to receive his pension under the Virginia Retirement System (VRS). The bill adds specialized student support positions to the list of employees who may return to work with a six-month break in service and specifies that the employer shall include such employees' compensation in membership payroll for purposes of the employer contributions to VRS. The bill has an expiration date of July 1, 2028, for the reduction of the required break in service period for all classes of employees. Finally, the bill requires VRS to submit a report regarding options for employing certain enumerated positions part-time during the required six-month break in service period.

*Patron - Coyner*

**P HB1789 Health insurance credits for certain local officials and employees.** Increases the amount of monthly health insurance credits received by retired constitutional officers and their employees with a minimum of 15 years of creditable service from \$1.50 to \$1.75 per month per year of creditable service not to exceed \$52.50 per month beginning July 1, 2024.

*Patron - Filler-Corn*

**P HB2314 Health insurance credits; retired state employees.** Increases, beginning July 1, 2024, from \$4 per year of creditable service to \$4.25 per year of creditable service the amount of each monthly health insurance credit provided by the Commonwealth for the cost of health insurance coverage for any retired state employee.

*Patron - Rasoul*

**P SB784 Judicial Retirement System; appearance as counsel.** Provides that the prohibition on a retired justice or judge appearing as counsel in any court in the Commonwealth shall not apply when either (i) (a) the retired judge or justice has been retired for at least two years; (b) the retired justice or judge is appearing as counsel, pro bono, for an indigent person in a civil matter; (c) such civil matter is assigned or referred to the retired justice or judge by a nonprofit legal aid program organized under the auspices of the Virginia State Bar; and (d) the retired justice or judge is not an employee, officer, or board member of such nonprofit legal aid program or (ii) the retired justice or judge is at least 67 years of age and is eligible to receive full Social Security benefits.

*Patron - Locke*

**P SB1107 Virginia Retirement System; return to work.** Reduces from 12 to six the number of months for the required break in service for a teacher, bus driver, school administrator, or school security officer to return to work full time and continue to receive his pension under the Virginia Retirement System (VRS). The bill adds specialized student support positions to the list of employees that may return to work, with a six-month break in service. The employer of such individuals shall include such employees' compensation in membership payroll for purposes of the employer contribution to VRS. The bill has a delayed effective date of January 1, 2024. The bill has an expiration date of July 1, 2028, for the reduction of the required break in service for all classes of employees.

*Patron - Cosgrove*

**P SB1289 Virginia Retirement System; return to work.** Reduces from 12 to six the number of months for the required break in service for a teacher, bus driver, school administrator, or school security officer to return to work full time and continue to receive his pension under the Virginia Retirement System (VRS). The bill adds specialized student support positions to the list of employees that may return to work with a six-month break in service and specifies that the

employer shall include such employees' compensation in membership payroll for purposes of the employer contributions to VRS. The bill has an expiration date of July 1, 2028, for the reduction of the required break in service for all classes of employees. Finally, the bill requires VRS to submit a report regarding options for employing certain enumerated positions part-time during the required six-month break in service period.

*Patron - Deeds*

**P SB1411 Virginia Retirement System; return to work for law-enforcement officers; report.** Directs the Virginia Retirement System and the Department of Criminal Justice Services, in consultation with the Joint Legislative Audit and Review Commission, to analyze and report on options for allowing law enforcement officers to return to work as law-enforcement officers after retirement and continue to receive their retirement benefits.

*Patron - Norment*

**P SB1449 Judicial Retirement System; creditable service and contributions; extended absence; emergency.** Provides that the entire amount of time a judge is on an extended absence for more than three months shall be subtracted from his years of creditable service toward retirement benefits and that no employer contributions shall be made at any time during such extended absence period. The bill provides exceptions for an extended absence that is due to a medical condition, disability, active duty military leave, or family emergency when the existence of such an exception is certified under the penalty of perjury and submitted to the Virginia Retirement System and the Executive Secretary of the Supreme Court of Virginia. The bill contains an emergency clause.

*Patron - Obenshain*

**P SB1479 Virginia Retirement System; return to work.** Reduces from 12 to six the number of months for the required break in service for a teacher, bus driver, school administrator, or school security officer to return to work full time and continue to receive his pension under the Virginia Retirement System (VRS). The bill adds specialized student support positions to the list of employees who may return to work with a six-month break in service and specifies that the employer shall include such employees' compensation in membership payroll for purposes of the employer contributions to VRS. The bill has an expiration date of July 1, 2028, for the reduction of the required break in service period for all classes of employees. Finally, the bill requires VRS to submit a report regarding options for employing certain enumerated positions part-time during the required six-month break in service period.

*Patron - Lucas*

## Failed

**F HB1568 Portability of service credit between Virginia Retirement System and certain political subdivisions of the Commonwealth; remove vesting requirement for transfers.** Removes the requirement that any transferring member be vested with benefits in his current retirement system in order to purchase service credit in the retirement system applicable to such member's new covered position, where the transfer of such assets is (i) from the Virginia Retirement System (VRS) to a political subdivision of the Commonwealth that has a defined benefit plan that is not supplemental to VRS, (ii) from any such political subdivision's plan to VRS, or (iii) from



one such political subdivision's plan to any other such political subdivision's plan.

*Patron - Walker*

**F HB1850 Virginia Retirement System; return to work.** Reduces from 12 to six months the required break in service for a teacher, school administrator, school bus driver, or school security officer to return to work full time and continue to receive his pension under the Virginia Retirement System (VRS). The employer of such individuals shall include their compensation in membership payroll for purposes of the employer contribution to VRS.

*Patron - Subramanyam*

**F HB1867 Virginia Retirement System; prior service or membership credit.** Allows a member of the Virginia Retirement System who is a teacher to receive at no cost up to four years of service credit for prior active duty military service in the armed forces of the United States.

*Patron - Scott, P.A.*

**F HB2107 Certain retired licensed public school employees; continued employment; service retirement allowance.** Permits any person receiving a service retirement allowance from the Virginia Retirement System who is hired by a local school board as an instructional or administrative employee required to be licensed by the Board of Education or as a school bus driver to elect to continue to receive the retirement allowance during such employment if he has been receiving such retirement allowance for at least two academic semesters, or the equivalent, preceding his employment and is not receiving a retirement benefit pursuant to an early retirement incentive program from any local school division within the Commonwealth. Current law permits any person receiving a service retirement allowance from the Virginia Retirement System who is hired by a local school board as an instructional or administrative employee required to be licensed by the Board of Education or as a school bus driver to elect to continue to receive the retirement allowance during such employment if he has been receiving such retirement allowance for at least 12 calendar months preceding his employment, he is not receiving a retirement benefit pursuant to an early retirement incentive program from any local school division within the Commonwealth, and at the time he is employed, the position to which he is assigned is among those identified by the Superintendent of Public Instruction, the relevant division superintendent, or the relevant local school board as a critical shortage area. The bill also extends from July 1, 2025, to July 1, 2030, the sunset date for provisions (i) requiring school boards, division superintendents, if so requested, and the Superintendent of Public Instruction to annually identify and report critical shortages of teachers and administrative personnel and (ii) permitting any person receiving a service retirement allowance who is hired as a local school board instructional or administrative employee required to be licensed by the Board of Education to elect to continue to receive the retirement allowance during such employment under certain conditions.

*Patron - Bourne*

**F HB2292 Virginia Retirement System; school resource officers.** Requires localities to provide enhanced retirement benefits to school resource officers. The bill also allows a retired law-enforcement officer to return to work as a school resource officer after a break in service of at least 12 months without impacting his retirement benefits.

*Patron - Williams*

**F HB2299 Virginia Law Officers' Retirement System; conservation officer eligibility.** Adds conservation officers of the Department of Conservation and Recreation to

the definition of "employee" as it relates to the Virginia Law Officers' Retirement System.

*Patron - Orrock*

**F HB2303 Virginia Retirement System; school bus drivers; return to employment.** Provides that if a retired school bus driver was employed by a local school division and had a bona fide break in service of at least three months between retirement and employment as a school bus driver in a local school division that identifies and experiences a critical shortage of school bus drivers reaching a vacancy rate that exceeds 20 percent, such person is not required to establish a 12-month break in service that would otherwise be required by law. The critical shortage and vacancy rate of school bus drivers in a local school division are subject to semi-annual reevaluation to determine whether a critical shortage continues to exist and whether the vacancy rate of school bus drivers in the local school division continues to exceed 20 percent. The bill requires an affected local school division to provide an annual report to the General Assembly identifying critical shortages, vacancy rates, and employment of school bus drivers, including those reemployed out of retirement, in the prior year. The bill also requires the Secretary of Education and Secretary of Transportation to convene a work group to identify specific strategies to address bus driver shortages across Virginia local school divisions.

*Patron - Bell*

**F HB2318 Virginia Retirement System; certain law-enforcement and correctional officers; part time.** Provides that an employee of a political subdivision or of the Commonwealth who (i) is compensated on a salaried or hourly basis; (ii) works at least 20 hours per week, and (iii) is employed as a law-enforcement officer or correctional officer shall be considered a full-time employee for purposes of participation in the Virginia Retirement System.

*Patron - Shin*

**F HB2327 Virginia Retirement System; enhanced retirement benefits for 911 dispatchers.** Allows local governments to provide enhanced retirement benefits for hazardous duty service to full-time salaried 911 dispatchers. The bill provides that such enhanced retirement benefits apply only to service earned as a full-time salaried 911 dispatcher on or after July 1, 2024, but allows an employer, as that term is defined in relevant law, to provide such enhanced retirement benefits for service earned as a full-time salaried 911 dispatcher before July 1, 2024, in addition to service earned on or after that date. The bill has a delayed effective date of July 1, 2024.

*Patron - Cherry*

**F HB2328 Virginia Law Officers' Retirement System; 911 dispatchers.** Extends membership in the Virginia Law Officers' Retirement System (VaLORS) to 911 dispatchers who are employed by the Department of State Police and agencies whose law-enforcement officers are eligible for membership in VaLORS. The bill has a delayed effective date of July 1, 2024, and provides that such membership would apply only to service earned on or after July 1, 2024.

*Patron - Cherry*

**F HB2335 Virginia Retirement System; investments; environmental, social, and governance investing restricted.** Provides that unless the Board of Trustees of the Virginia Retirement System can demonstrate that a social investment, defined in the bill, would provide a superior rate of return compared to a similar investment that is not a social investment with a similar time horizon and risk, neither the Board nor any external fiduciary utilized by the Board may

invest or make recommendations regarding state funds for the purpose of social investment on or after July 1, 2023.

*Patron - Durant*

**F SB869 Virginia Retirement System; retired law-enforcement officers employed as school security officers.** Provides that if a retired law-enforcement officer was employed by a local school division as a school security officer on or after January 1, 2020, but before January 1, 2023, and had a bona fide break in service of at least one month between retirement and employment as a school security officer, such person is not required to establish the 12-month break in service that would otherwise be required by law.

*Patron - Cosgrove*

**F SB1201 Virginia Retirement System and State Police Officers' Retirement System; enhanced retirement benefits for 911 dispatchers.** Adds 911 dispatchers to the list of local employees eligible to receive enhanced retirement benefits for hazardous duty service under the Virginia Retirement System. The bill also extends membership in the Virginia Law Officers' Retirement System to 911 dispatchers who are employed by the Department of State Police. The bill has a delayed effective date of July 1, 2024, and contains a reenactment clause.

*Patron - Reeves*

**F SB1369 Virginia Retirement System; Judicial Retirement System; increased retirement allowance for judges, assistant attorneys for the Commonwealth, and public defenders.** Increases, for the purposes of determining benefits provided under the hybrid retirement program, the retirement multiplier from one percent to 1.7 percent for assistant attorneys for the Commonwealth and public defenders appointed on or after July 1, 2023, who are participants in the hybrid retirement program. The bill also increases, for the purposes of determining benefits provided under the Judicial Retirement System, the retirement multiplier from one percent to 1.7 percent for judges appointed on or after July 1, 2023, who are participants in the hybrid retirement program and who are at least 55 years of age at the time of appointment.

*Patron - Vogel*

**F SB1437 Virginia Retirement System; investments; environmental, social, and governance investing restricted.** Provides that unless the Board of Trustees of the Virginia Retirement System can demonstrate that a social investment, defined in the bill, would provide a superior rate of return compared to a similar investment that is not a social investment with a similar time horizon and risk, neither the Board nor any external fiduciary utilized by the Board may invest or make recommendations regarding state funds for the purpose of social investment on or after July 1, 2023.

*Patron - McDougle*

## Persons with Disabilities

### Passed

**P HB2172 Rights of persons with disabilities; definitions; mobility-impaired person.** Removes from the definition of "mobility-impaired person" the requirement that such person complete training to use a dog for service or support as a prerequisite to invoking the rights of persons with disabilities under Chapter 9 (§ 51.5-40 et seq.) of Title 51.5.

*Patron - Sickles*

**P HB2492 Virginia Board for People with Disabilities; membership; terminology.** Adds to the Virginia Board for People with Disabilities the Health Commissioner or a representative from the Department of Health chosen by the Health Commissioner. The bill amends existing references to "mentally impairing developmental disabilities" to "cognitive developmental disabilities."

*Patron - Seibold*

**P SB952 Department for Aging and Rehabilitative Services; Alzheimer's Disease and Related Disorders Commission; membership; sunset.** Extends from July 1, 2023, to July 1, 2026, the expiration of the Alzheimer's Disease and Related Disorders Commission and expands from 15 to 20 the membership of the Commission by adding the Commissioner of the Department for Aging and Rehabilitative Services, the Commissioner of Health, the Director of the Department of Medical Assistance Services, the Commissioner of the Department of Behavioral Health and Developmental Services, and the Commissioner of the Department of Social Services, or their designees, as ex officio members with non-voting privileges.

*Patron - Ruff*

**P SB1218 Department for Aging and Rehabilitative Services; Commonwealth Council on Aging; membership and staff support.** Reduces from 24 to 18 the number of members to be appointed to the Commonwealth Council on Aging by (i) replacing the requirement that the membership include one member from each of the 11 congressional districts of the Commonwealth with the requirement that the membership include one member from each of the eight regions of the Commonwealth identified by the University of Virginia's Weldon Cooper Center for Public Service in its Virginia Regional Map (2017); (ii) adding the Executive Director of the Virginia Center on Aging; and (iii) reducing from four to two the number of members to be appointed by the Speaker of the House of Delegates and the Senate Committee on Rules, respectively. The bill requires the Commissioner of the Department for Aging and Rehabilitative Services to appoint an executive director to serve as secretary to the Council.

*Patron - Mason*

### Failed

**F HB1906 Auxiliary grants; independent community living.** Allows the Department for Aging and Rehabilitative Services to provide auxiliary grants to eligible recipients residing in independent community living, as defined in the bill, under conditions set forth in the bill. The bill directs the Department of Medical Assistance Services to, if deemed necessary, amend the state plan for medical assistance services and any waivers thereof to implement the provisions of the bill and limits to no more than 200 the number of auxiliary grant recipients in independent community living. The bill has a delayed effective date of January 1, 2024, and directs the Commissioner for Aging and Rehabilitative Services to adopt emergency regulations to implement its provisions.

*Patron - Hope*

**F HB2437 Department for Aging and Rehabilitative Services; training; powers and duties of guardian; annual reports by guardians; information required.** Directs the Department for Aging and Rehabilitative Services to develop and provide training for court-appointed guardians by July 1, 2024. The bill requires an appointed guardian and any staff employed by such guardian to perform guardianship duties to complete the initial training developed by the Department within four months of the date of the initial court order of

appointment and guardians and such staff appointed prior to July 1, 2024, to complete such training by January 1, 2026. The bill further requires a guardian to include in his annual report to the local department of social services a statement as to whether such training has been completed.

*Patron - Roem*

**F SB1269 Auxiliary grants; independent community living.** Allows the Department for Aging and Rehabilitative Services to provide auxiliary grants to eligible recipients residing in independent community living, as defined in the bill, under conditions set forth in the bill. The bill directs the Department of Medical Assistance Services to, if deemed necessary, amend the state plan for medical assistance services and any waivers thereof to implement the provisions of the bill and limits to no more than 200 the number of auxiliary grant recipients in independent community living. The bill contains a reenactment clause and directs the Commissioner for Aging and Rehabilitative Services to develop and report to the General Assembly an implementation plan for expanding the auxiliary grants program to recipients residing in independent community living.

*Patron - Edwards*

## Police (State)

### Passed

**P HB1859 Applicant Fingerprint Database; participation in FBI Next Generation Identification Rap Back Service, through Virginia Rap Back Service, for fingerprint-based criminal history record monitoring; penalty.** Requires the Department of State Police to participate in the Federal Bureau of Investigation's Next Generation Identification Record of Arrest and Prosecution (Rap) Back Service, through the Virginia Rap Back Service, for the purpose of allowing those agencies and governmental entities that require a fingerprint-based criminal background check as a condition of (i) providing care to (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service to be advised when an individual subject to such screening is arrested for, or convicted of, a criminal offense. The bill provides that fingerprints submitted to the FBI through the Virginia Rap Back Service may be used for future searches, including latent searches.

The bill requires the Department to ensure that notification is made to the participating entity, defined in the bill, when an FBI Rap Back report is received. Any unauthorized use of the information submitted to the Service is prohibited; any willful violation with the intent to harass or intimidate another is a Class 1 misdemeanor. The bill requires the Department to promulgate regulations governing the Service and the removal and destruction of records on persons who are deceased or are no longer enrolled in the Service. The bill provides that such regulations shall provide that a participating entity shall disenroll any individual who is deceased or is no longer an individual, as defined in the bill, within 30 days of death or such event that no longer requires such individual to be enrolled in the Virginia Rap Back Service in order to ensure the prompt removal and destruction of records from the Virginia Rap Back Service. The bill authorizes the Department to charge a \$12 fee per individual enrolled in the Service, paid by any participating entity enrolling the individual in the Service, and provides that when more than one participating agency enrolls the same individual in the Service, both entities shall be responsible for paying the full cost for maintenance and notification. The bill requires that any fees collected shall be deposited in a special account to off-

set costs of subscription fees, maintenance fees, and enhancements related to the Criminal and Rap Back Information System.

Under current law, the Department maintains an Applicant Fingerprint Database that functions similarly to the Service. The bill transitions the Department from using the Database and requires the Service to be operational no later than July 1, 2025, contingent upon appropriation of funds. This bill is identical to SB 1183.

*Patron - Webert*

**P SB1183 Applicant Fingerprint Database; participation in FBI Next Generation Identification Rap Back Service, through Virginia Rap Back Service, for fingerprint-based criminal history record monitoring; penalty.** Requires the Department of State Police to participate in the Federal Bureau of Investigation's Next Generation Identification Record of Arrest and Prosecution (Rap) Back Service, through the Virginia Rap Back Service, for the purpose of allowing those agencies and governmental entities that require a fingerprint-based criminal background check as a condition of (i) providing care to (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service to be advised when an individual subject to such screening is arrested for, or convicted of, a criminal offense. The bill provides that fingerprints submitted to the FBI through the Virginia Rap Back Service may be used for future searches, including latent searches.

The bill requires the Department to ensure that notification is made to the participating entity, defined in the bill, when an FBI Rap Back report is received. Any unauthorized use of the information submitted to the Service is prohibited; any willful violation with the intent to harass or intimidate another is a Class 1 misdemeanor. The bill requires the Department to promulgate regulations governing the Service and the removal and destruction of records on persons who are deceased or are no longer enrolled in the Service. The bill provides that such regulations shall provide that a participating entity shall disenroll any individual who is deceased or is no longer an individual, as defined in the bill, within 30 days of death or such event that no longer requires such individual to be enrolled in the Virginia Rap Back Service in order to ensure the prompt removal and destruction of records from the Virginia Rap Back Service. The bill authorizes the Department to charge a \$12 fee per individual enrolled in the Service, paid by any participating entity enrolling the individual in the Service, and provides that when more than one participating agency enrolls the same individual in the Service, both entities shall be responsible for paying the full cost for maintenance and notification. The bill requires that any fees collected shall be deposited in a special account to offset costs of subscription fees, maintenance fees, and enhancements related to the Criminal and Rap Back Information Service.

Under current law, the Department maintains an Applicant Fingerprint Database that functions similarly to the Service. The bill transitions the Department from using the Database and requires the Service to be operational no later than July 1, 2025, contingent upon appropriation of funds. This bill is identical to HB 1859.

*Patron - Reeves*

### Failed

**F HB1719 Release or dissemination of information from the Virginia Fusion Intelligence Center; whistleblower protection; report.** Provides that any release or dissemination of information from the Virginia Fusion Intelligence Center made in good faith and in accordance with the provisions of the Fraud and Abuse Whistle Blower Protection

Act is not punishable. The bill also requires the Department of State Police to prepare a report to the Governor and the General Assembly summarizing its triennial review of information contained in any database maintained by the Virginia Fusion Intelligence Center.

*Patron - Clark*

**F HB1936 Establishment of Virginia Firearm Buy-Back Program and Fund.** Directs the Department of State Police to establish the uniform standards for the creation of the Virginia Firearm Buy-Back Program. The bill requires the Department to (i) inform local law-enforcement agencies of the policies and procedures to be used for the Program, (ii) provide guidelines to participating local law-enforcement agencies on implementation of the Program, and (iii) establish a formula for determining any monetary incentive for a surrendered firearm. The bill clarifies that participation in the Program by a local law-enforcement agency is voluntary. The bill also directs the Department to establish the Virginia Firearm Buy-Back Fund, a nonreverting fund to be used solely for the purposes of development and implementation of the Program.

*Patron - Plum*

**F SB1383 Virginia Fusion Intelligence Center; Mental Health Crisis Intervention Hotline; creation.** Directs the Virginia Fusion Intelligence Center to (i) establish a 24-hour-a-day, seven-day-a-week toll-free Mental Health Crisis Intervention Hotline to receive anonymous tips regarding individuals suspected to be in need of mental health treatment in order to facilitate mental health treatment, crisis intervention, and the prevention of tragedies and (ii) develop and implement policies and procedures for referring tips received through the Hotline to state or local law enforcement, as may be appropriate, in a timely manner for follow-up and investigation.

*Patron - Stuart*

## Prisons and Other Methods of Correction

### Passed

**P HB1709 Department of Corrections; possession and administration of naloxone.** Adds employees of the Department of Corrections designated by the Director of the Department to the list of persons who are authorized to possess and administer naloxone or other opioid antagonists. Under current law, the only employees of the Department authorized to possess and administer naloxone or other opioid antagonists are those designated as probation and parole officers or as correctional officers. This bill is identical to SB 1424.

*Patron - Cherry*

**P HB2169 Parole Board; eligibility determinations; reports.** Removes provisions that exempted from the mandatory disclosure provisions of the Virginia Freedom of Information Act the records of the Parole Board. The bill requires the Board to (i) adopt rules regarding parole eligibility as set forth in the bill; (ii) publish the statement of actions taken by the Board by the fifteenth day of each month; (iii) include in such statement individualized reasons for the granting or denial of parole and the vote of each member; (iv) conduct final deliberations and votes on parole decisions at public meetings; (v) publish an annual report that summarizes actions taken by the Board during the prior year; and (vi) provide a prisoner or his attorney with all information, other than the per-

sonal information of the victim, gathered by the Board during an investigation, provided that such information shall not be further disclosed, reproduced, copied, or disseminated.

The bill provides that final discharges may be issued by the Board only upon approval by a majority of Board members and requires the Board to publish an annual report regarding such final discharges, with items specified in the bill. The bill also requires the Board, prior to making any decision to grant discretionary parole to an inmate, to have discussed and debated such decision at a meeting at which a majority of the Board members were present. The bill requires, in cases in which the Board grants discretionary parole to an inmate, each Board member to identify his reasoning for such decision at the time such member's vote is cast. The bill requires that parole review hearings include a live interview of the prisoner, which may be conducted in person or by videoconference or telephone, and, absent imminent death or other extraordinary circumstances, prohibits the Board from granting parole to any prisoner who has not received a live interview within the prior calendar year. The bill also allows the victim of the crime for which the prisoner is incarcerated to present testimony to the Board by virtual means. The bill has a delayed effective date of July 1, 2024. This bill is identical to SB 1361. This bill received Governor's recommendations.

*Patron - Williams*

**P HB2230 Arrest and return of felon serving period of postrelease supervision.** Provides that a revocation hearing for a supervision violation shall be conducted in accordance with the provisions regarding the revocation hearings for a suspended sentence or probation violation.

*Patron - Wampler*

**P HB2438 State Board of Local and Regional Jails; membership.** Increases from nine members to 11 members the State Board of Local and Regional Jails by requiring (i) the appointment of both a former sheriff and a former superintendent of a regional jail facility where current law requires appointment of only one former sheriff or one former warden, superintendent, administrator, or operations manager of a state or local correctional facility and (ii) the appointment of an additional member who is employed by a public mental health services agency with training in or clinical, managerial, or other relevant experience working with individuals subject to the criminal justice system who have mental illness. This bill is identical to SB 797.

*Patron - Campbell, E.H.*

**P HB2487 Correctional facilities; use of restorative housing.** Prohibits the use of restorative housing, defined in the bill, in state correctional facilities, subject to certain exceptions. The bill requires that an incarcerated person who has been placed in restorative housing be offered a minimum of four hours of out-of-cell programmatic interventions or other congregate activities per day aimed at promoting personal development or addressing underlying causes of problematic behavior. The bill also requires the facility administrator to have a defined and publicly available policy and procedure for the process of transitioning an incarcerated person placed in restorative housing out of such housing and back to the general population of the facility. This bill is identical to SB 887.

*Patron - Davis*

**P SB797 State Board of Local and Regional Jails; membership.** Increases from nine members to 11 members the State Board of Local and Regional Jails by requiring (i) the appointment of both a former sheriff and a former superintendent of a regional jail facility where current law requires appointment of only one former sheriff or one former warden,

superintendent, administrator, or operations manager of a state or local correctional facility and (ii) the appointment of an additional member who is employed by a public mental health services agency with training in or clinical, managerial, or other relevant experience working with individuals subject to the criminal justice system who have mental illness. This bill is identical to HB 2438.

*Patron - Favola*

**P SB887 Correctional facilities; use of restorative housing.** Prohibits the use of restorative housing, defined in the bill, in state correctional facilities, subject to certain exceptions. The bill requires that an incarcerated person who has been placed in restorative housing be offered a minimum of four hours of out-of-cell programmatic interventions or other congregate activities per day aimed at promoting personal development or addressing underlying causes of problematic behavior. The bill also requires the facility administrator to have a defined and publicly available policy and procedure for the process of transitioning an incarcerated person placed in restorative housing out of such housing and back to the general population of the facility. This bill is identical to HB 2487.

*Patron - Morrissey*

**P SB1361 Parole Board; eligibility determinations; reports.** Removes provisions that exempted from the mandatory disclosure provisions of the Virginia Freedom of Information Act the records of the Parole Board. The bill requires the Board to (i) adopt rules regarding parole eligibility as set forth in the bill; (ii) publish the statement of actions taken by the Board by the fifteenth day of each month; (iii) include in such statement individualized reasons for the granting or denial of parole and the vote of each member; (iv) conduct final deliberations and votes on parole decisions at public meetings; (v) publish an annual report that summarizes actions taken by the Board during the prior year; and (vi) provide a prisoner or his attorney with all information, other than the personal information of the victim, gathered by the Board during an investigation, provided that such information shall not be further disclosed, reproduced, copied, or disseminated.

The bill provides that final discharges may be issued by the Board only upon approval by a majority of Board members and requires the Board to publish an annual report regarding such final discharges, with items specified in the bill. The bill also requires the Board, prior to making any decision to grant discretionary parole to an inmate, to have discussed and debated such decision at a meeting at which a majority of the Board members were present. The bill requires, in cases in which the Board grants discretionary parole to an inmate, each Board member to identify his reasoning for such decision at the time such member's vote is cast. The bill requires that parole review hearings include a live interview of the prisoner, which may be conducted in person or by videoconference or telephone, and, absent imminent death or other extraordinary circumstances, prohibits the Board from granting parole to any prisoner who has not received a live interview within the prior calendar year. The bill also allows the victim of the crime for which the prisoner is incarcerated to present testimony to the Board by virtual means. The bill has a delayed effective date of July 1, 2024. This bill is identical to HB 2169. This bill received Governor's recommendations.

*Patron - Morrissey*

## Failed

**F HB1458 Conditional release of geriatric prisoners.** Expands the list of offenses that prohibit a person from

petitioning the Parole Board for conditional release as a geriatric prisoner.

*Patron - Ballard*

**F HB1603 Enhanced earned sentence credits; exemptions; firearm-related offense; felony conviction during confinement.** Removes any person convicted of a felony offense involving a firearm from eligibility for enhanced earned sentence credits and reduces enhanced earned sentence credit to zero for a person who receives a felony conviction for an offense that occurred during confinement.

*Patron - Wyatt*

**F HB1646 Court duties of sheriff; commitment hearings at locations other than a courthouse.** Allows a judge or special justice who conducts a commitment hearing at a location other than a courthouse to request that the sheriff of the appropriate jurisdiction provide a deputy to accompany the judge or special justice to such commitment hearing. The bill requires that, upon receiving such request, such sheriff shall provide a deputy to accompany such judge or special justice to such commitment hearing.

*Patron - Anderson*

**F HB1849 Secretary of Public Safety and Homeland Security; work group to study the use of chemical restraints in correctional facilities; report.** Directs the Secretary of Public Safety and Homeland Security to convene a work group to study the use of chemical restraints in state and local correctional facilities, including the use of such restraints by third-party health providers. The bill provides that the work group shall report its findings and recommendations by December 1, 2023.

*Patron - Willett*

**F HB1914 Department of Corrections; operations and costs.** Establishes a formula for determining the estimated appropriations in a fiscal impact statement of any bill that adds a new felony for which imprisonment or commitment is authorized. The bill also provides that the cost of goods and services sold in stores in state correctional facilities shall not exceed 10 percent of the cost of the typical market rate for such goods and services in major retail stores that are not affiliated with any correctional facility and that the Department shall not receive any commissions or markups from the goods and services sold.

*Patron - Hope*

**F HB2039 Local correctional facilities; fees; report.** Eliminates or caps certain fees charged to inmates in local correctional facilities and repeals provisions that allow a sheriff or jail superintendent to establish a deferred or installment payment agreement or contract with a collections agency when an inmate is unable to pay fees owed to the local correctional facility. The bill establishes the manner in which the balance of all accounts maintained for an inmate's use must be transferred to the inmate upon release.

*Patron - Shin*

**F HB2226 Arrest and return of parolee or felon serving a period of postrelease supervision.** Directs the circuit court of the sentencing jurisdiction to initiate proceedings against a felon serving a period of postrelease supervision upon a showing of a violation or probable violation of any of the terms or conditions of his release. Under current law, the Chairman or any member of the Parole Board initiates such proceedings.

*Patron - Wampler*

**F HB2249 Prisoners; Department of Corrections-issued and jailer-issued identification.** Requires the Department of Motor Vehicles to expedite, to the extent possible, the processing of an application submitted by a prisoner for a government-issued identification card, birth certificate, or Social Security card and the issuance of such identification and documents.

*Patron - Rasoul*

**F HB2321 Investigation prior to release; input from the attorney for the Commonwealth.** Provides that when the Parole Board is conducting the required investigation to determine if a prisoner will be released on parole the Board must notify the attorney for the Commonwealth in each jurisdiction in which an offense occurred for which the prisoner is incarcerated, and the attorney for the Commonwealth may submit his input to the Board regarding the impact that the release of the prisoner will have on the jurisdiction.

*Patron - Campbell, E.H.*

**F HB2412 Geriatric prisoners; conditional release; review hearings.** Directs the Parole Board to review annually all petitions for geriatric conditional release. The bill provides that the Parole Board may, however, defer subsequent hearings for up to three years if an initial hearing was held and the petition for conditional release was denied. The bill also requires that, in situations in which a person who is otherwise eligible for parole under current law also files a petition for geriatric conditional release, the Parole Board conduct the reviews for such parole and conditional release at a single hearing.

*Patron - Campbell, E.H.*

**F SB889 Local correctional facilities; fees; report.** Eliminates or caps certain fees charged to inmates in local correctional facilities and repeals provisions that allow a sheriff or jail superintendent to establish a deferred or installment payment agreement or contract with a collections agency when an inmate is unable to pay fees owed to the local correctional facility. The bill establishes the manner in which the balance of all accounts maintained for an inmate's use must be transferred to the inmate upon release. The bill directs the State Board of Local and Regional Jails to create a work group to study implementation of the provisions of the bill and report to the General Assembly by October 1, 2023. The remainder of the bill has a delayed effective date of July 1, 2024.

*Patron - Morrissey*

**F SB917 Application of parole statutes for juveniles and persons committed upon felony offenses committed on or after January 1, 1995.** Repeals the abolition of parole. The bill requires the Virginia Parole Board to establish procedures for consideration of parole for persons who were previously ineligible for parole because parole was abolished and to allow for an extension of time for the scheduling of a parole interview for reasonable cause.

*Patron - Morrissey*

**F SB966 Compensation of local jails for cost of incarceration.** Requires the Department of Corrections to compensate local jails for the actual cost, based on the rate calculated in the Compensation Board's annual jail cost report, of incarcerating felons who should otherwise be confined in a state correctional facility. Current law provides for local jails to be compensated at the rate set forth in the general appropriation act.

*Patron - Peake*

**F SB994 Office of the Department of Corrections Ombudsman; created.** Creates the Office of the Department of Corrections Ombudsman headed by an Ombudsman who is selected by a Corrections Oversight Committee, also created by the bill. The Committee is made up of four members of the General Assembly and 11 nonlegislative citizen members who monitor the activities of the Ombudsman and the Department of Corrections. The bill provides the Office's authority to conduct inspections at least once every three years and more often when warranted of Department or Board of Local and Regional Jails facilities and requires the Office to establish confidential telephone hotlines and online forms for concerns, complaints, and inquiries by inmates, their family members and advocates, and Department employees and contractors. In addition, the bill requires the Committee to conduct quarterly public hearings and submit an annual report to the Governor, the Attorney General, the Senate Committee on the Judiciary, the House Committee on Public Safety, and the Director of the Department. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Marsden*

**F SB1015 Investigation prior to release; input from the attorney for the Commonwealth.** Provides that when the Parole Board is conducting the required investigation to determine if a prisoner will be released on parole the Board must notify the attorney for the Commonwealth in each jurisdiction in which an offense occurred for which the prisoner is incarcerated, and the attorney for the Commonwealth may submit his input to the Board regarding the impact that the release of the prisoner will have on the jurisdiction.

*Patron - Suetterlein*

**F SB1022 Mandatory reporting of all offenders released from a state correctional facility before the completion of the offender's sentence.** Requires the Department of Corrections to provide the Virginia State Crime Commission with the name, last known address, criminal history information, length of sentence incarcerated, reason for early release, and remaining time on such length of sentence for each offender in the custody of the Department. The bill requires the Commission to publish the names of such offenders along with the reason for early release on its website and provide an annual report by November 15 to the General Assembly concerning the release of such offenders and any future criminal charges and convictions for such offenders.

*Patron - Stuart*

**F SB1242 Geriatric prisoners; conditional release; review hearings.** Directs the Parole Board to review annually all petitions for geriatric conditional release. The bill provides that the Parole Board may, however, defer subsequent hearings for up to three years if an initial hearing was held and the petition for conditional release was denied. The bill also requires that, in situations in which a person who is otherwise eligible for parole under current law also files a petition for geriatric conditional release, the Parole Board conduct the reviews for such parole and conditional release at a single hearing.

*Patron - Obenshain*

**F SB1245 Arrest and return of parolee or felon serving a period of postrelease supervision.** Directs the circuit court of the sentencing jurisdiction to initiate proceedings against a felon serving a period of postrelease supervision upon a showing of a violation or probable violation of any of the terms or conditions of his release. Under current law, the

Chairman or any member of the Parole Board initiates such proceedings.

*Patron - Obenshain*

**F SB1247 Parole Board; decision requirements; annual reports.** Requires the Parole Board, prior to making any decision to grant discretionary parole to an inmate, to discuss and debate such decision at a meeting at which all Board members are present. The bill requires, in cases in which the Board grants discretionary parole to an inmate, each Board member to identify his reasoning for such decision at the time such member's vote is cast. The bill requires that parole review hearings include a live interview of the prisoner, which may be conducted in person or by videoconference or telephone, and, absent imminent death or other extraordinary circumstances, prohibits the Board from granting parole to any prisoner who has not received a live interview within the prior calendar year. The bill provides that final discharges may be issued by the Board only upon approval by a majority of Board members and requires the Board to publish an annual report regarding such final discharges, with items specified in the bill. The bill requires the Board to contact the victim of the crime for which the prisoner is incarcerated prior to making any decision to release the prisoner on discretionary parole and allows the victim to present testimony to the Board by virtual means. Under current law, the Board is required to endeavor diligently to contact the victim prior to making such decision.

*Patron - Obenshain*

**F SB1274 Electronic communication systems within state correctional facilities; free telephone calls and communication services.** Requires the Department of Corrections to provide telephone systems and web-based or electronic communications systems free of charge to any person, whether such person is initiating or receiving the communication.

*Patron - Boysko*

**F SB1542 Enhanced earned sentence credits; exemptions; certain firearm-related offenses; felony conviction during confinement.** Removes any person convicted of certain felony offenses involving a firearm from eligibility for enhanced earned sentence credits and reduces enhanced earned sentence credit to zero for a person who receives a felony conviction for an offense that occurred while a prisoner in a local, state, or community correctional facility or in the custody of an employee thereof.

*Patron - Stuart*

## Professions and Occupations

### Passed

**P HB1409 Drug Control Act; prohibition of distribution of hypodermic needles; exception.** Provides an exception to the prohibition of distribution of hypodermic needles for the distribution of hypodermic needles that are designed to be used with a reusable injector pen for the administration of insulin. This bill is identical to SB 1198.

*Patron - Brewer*

**P HB1418 Department of Professional and Occupational Regulation; Real Estate Appraiser Board; appraisal experience.** Requires the Real Estate Appraiser Board to accept evidence of the successful completion of a Licensed Residential PAREA Program or Certified Residential PAREA Program to satisfy the experience requirements established in regulations as a condition of licensure as a licensed

residential real estate appraiser, certified residential real estate appraiser, or certified general real estate appraiser. The bill defines "Certified Residential PAREA Program" or "Licensed Residential PAREA Program" as a Practical Applications of Real Estate Appraisal experience training program approved by the Appraiser Qualifications Board of the Appraisal Foundation that utilizes simulated experience training and serves as an alternative to the traditional supervisor and trainee method of achieving appraisal experience.

*Patron - Ware*

**P HB1426 Board of Medicine; continuing education; human trafficking.** Requires that, of the hours of continuing education required for renewal of licensure, any licensee of the Board of Medicine may be required by the Board of Medicine to complete up to two hours of continuing learning activities or courses in a specific subject area. Under the bill, if the Board of Medicine designates a subject area for continuing learning activities or courses, the first subject area shall be on the topic of human trafficking. This bill is identical to SB 1147.

*Patron - Tata*

**P HB1433 Licensure of professional counselors; Counseling Compact.** Authorizes Virginia to become a signatory to the Counseling Compact. The Compact permits eligible licensed professional counselors to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2024, and directs the Board of Counseling to adopt emergency regulations to implement the provisions of the bill. This bill is identical to SB 802.

*Patron - Scott, P.A.*

**P HB1447 Administration of controlled substances; emergency medical services providers.** Allows persons who are employed or engaged at a medical care facility who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility to administer drugs and devices at the medical care facility pursuant to an oral or written order or standing protocol. This bill is identical to SB 1426.

*Patron - Orrock*

**P HB1449 Secretary of Health and Human Resources; administration of prescription medication by emergency medical services providers.** Directs the Secretary of Health and Human Resources to consider adopting a process to allow emergency medical services providers to administer prescription medication to persons under certain circumstances.

*Patron - Orrock*

**P HB1511 Midwifery; administration of medication.** Allows licensed midwives to obtain, possess, and administer drugs and devices within the scope of their practice. The bill requires the Board of Medicine to develop and publish best practice and standards of care guidance for all such drugs. The bill limits the liability of entities that provide or dispense drugs or devices to a licensed midwife and that rely in good faith upon the license information provided by the licensed midwife. Under the bill, completing all Alliance for Innovation on Maternal Health patient safety bundles advanced by the Virginia Neonatal Perinatal Collaborative is required of any licensed midwife who obtains, possesses, and administers drugs and devices within the scope of his practice. This bill is identical to SB 1275.

*Patron - Adams, D.M.*



**P HB1573** Department of Health Professions; applications for licensure, certification, and registration; mental health conditions and impairment; emergency. Directs each health regulatory board within the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment and to include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients? and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause. This bill is identical to SB 970.

*Patron - Walker*

**P HB1622** Health regulatory boards; delegation of authority to conduct informal fact-finding proceedings. Removes the requirement that a health regulatory board receive information that a practitioner may be subject to a disciplinary action in order for the board to delegate to an appropriately qualified agency subordinate the authority to conduct informal fact-finding proceedings.

*Patron - Wright*

**P HB1627** Common Interest Community Board; enforcement power over continuing violations of common interest community associations. Allows the Office of the Common Interest Community Ombudsman, upon receiving any notice of a final adverse decision issued by a common interest community association, to either (i) refer such final adverse decision to the Common Interest Community Board for further review of whether such decision is in conflict with relevant laws or Board regulations or (ii) make a determination of whether such final adverse decision conflicts with relevant laws or Board regulations. If the Office determines that such final adverse decision conflicts with relevant laws or Board regulations, the bill requires the Office to promptly notify the governing board, and if applicable the common interest community manager, of the association of such determination. If the Common Interest Community Ombudsman receives a subsequent notice of final adverse decision for the same violation within one year of such determination, the Office shall refer the matter to the Board. The bill also requires the Office to maintain data on referrals made to the Board.

Finally, the bill provides that if, within one year of issuing a determination that an adverse decision issued by a common interest community association is in conflict with relevant laws or Board regulations, the Director of the Department of Professional and Occupational Regulation receives a subsequent notice of final adverse decision for the same violation, the Director must refer the repeat violation to the Board. This bill is identical to SB 1042.

*Patron - Coyner*

**P HB1633** Department of Professional and Occupational Regulation; Virginia Contractor Transaction Recovery Fund; recovery; arbitration. Allows a person who has a judgment entered in conformity with an order confirming an arbitration award from a court of competent jurisdiction in the Commonwealth against a contractor that involves improper or dishonest conduct in connection with a transaction involving contracting to file a verified claim with the Director of the Department of Professional and Occupational Regulation to obtain a directive ordering payment from the Virginia Contractor Transaction Recovery Fund of the amount unpaid upon the judgment, subject to certain conditions outlined in the bill.

*Patron - Bulova*

**P HB1638** Department of Professional and Occupational Regulation, Department of Health Professions, and related regulatory boards; disclosure of information regarding examinations, licensure, certification, registration, or permitting. Allows the Department of Professional and Occupational Regulation, the Department of Health Professions, and professional, occupational, and health regulatory boards to mail or email upon request records regarding applications for admission to examinations or for licensure, certification, registration, or permitting and the related scoring records to the individual to whom such records pertain. Under current law, such records may be made available for copying by the subject individual at the office of the Department or board that possesses the material during normal working hours. This bill is identical to SB 1060.

*Patron - Walker*

**P HB1737** Practice of optometry; licensing; regulations. Reorganizes provisions regulating the practice of optometry; updates licensing requirements by removing specific requirements for the Board of Optometry's examination procedures; and expands possible Board actions for the issuance, revocation, and suspension of licenses and for the reprimand of licensees. The bill specifies that any student, intern, or trainee in optometry may perform optometric services under the direct supervision of a licensed optometrist or ophthalmologist as part of a course of study at an accredited institution of higher education and removes the option for the Board to approve alternative continuing education courses at the request of a licensee. The bill contains technical amendments.

*Patron - Robinson*

**P HB1754** Telemedicine; continuity of care. Allows for continuity of care through telemedicine when a practitioner with whom a patient has previously established a practitioner-patient relationship is unavailable at the time in which the patient seeks continuity of care. The bill allows another practitioner of the same subspecialty at the same practice group with access to the patient's treatment history to provide continuity of care using telemedicine services until the practitioner with whom the patient has a previously established practitioner-patient relationship becomes available. This bill is identical to SB 1119.

*Patron - Head*

**P HB1833** Department of Professional and Occupational Regulation; over-the-counter and prescription hearing aids. Clarifies that licensure by the Board for Hearing Aid Specialists and Opticians is not required for a corporation, partnership, trust, association, or other like organization engaged in the business of selling prescription hearing aids, defined in the bill as a hearing aid that is not an over-the-counter hearing aid, provided that it employs only licensed practitioners in the direct sale and fitting of prescription hearing aids. This bill is identical to SB 1279.

*Patron - Walker*

**P HB1846** Medical marijuana program; product, registration, dispensing, and recordkeeping requirements; advertising. Allows a practitioner to issue a written certification via telemedicine to a patient who is located on the premises of a pharmaceutical processor or cannabis dispensing facility. The bill allows pharmaceutical processors and cannabis dispensing facilities to make available on their premises technology that uncertified persons may use to contact a practitioner of the person's choice to request a written certification. The bill amends and adds numerous provisions regarding the Commonwealth's medical marijuana program, including provisions related to recordkeeping, product registration, expiration

dates, allowable deviations, dispensing, packaging, labeling, and advertising. The bill requires pharmaceutical processors and cannabis dispensing facilities to collect and provide to the Board of Pharmacy by July 1, 2024, data regarding implementation of the bill. The bill also requires the Board of Pharmacy to make certain amendments to its regulations. This bill is identical to SB 1337. This bill received Governor's recommendations.

*Patron - Head*

**P HB1940 Waterworks and wastewater works operators; license reciprocity.** Requires the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, upon application by an individual, and without examination, to recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure in the Commonwealth if certain conditions are met. This bill is identical to SB 999.

*Patron - Runion*

**P HB1946 Behavior analysts; assistant behavior analysts; licensure criteria; certifying entities.** Provides in the criteria for licensure as a behavior analyst or assistant behavior analyst established by the Board of Medicine that certain documentation must be provided by the Behavior Analyst Certification Board or its successor. Under current law, such documentation must be provided by the Behavior Analyst Certification Board or any other entity that is nationally accredited to certify practitioners of behavior analysis. This bill is identical to SB 1406.

*Patron - Wachsmann*

**P HB2033 Audiology and Speech-Language Pathology Interstate Compact.** Authorizes Virginia to become a signatory to the Audiology and Speech-Language Pathology Interstate Compact. The Compact increases public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses for such services. The Compact has been enacted in 23 states and the Audiology and Speech-Language Pathology Compact Commission is currently preparing rules and bylaws in order for the member states to be fully integrated in the Compact's data system.

*Patron - Sewell*

**P HB2077 Department of Veterans Services; disclosure of services provided.** Requires all attorneys who hold accreditation from the U.S. Department of Veterans Affairs to assist veterans with VA-related claims and appeals processes to provide a written disclosure informing all clients of the free services provided by the Department of Veterans Services for service members, veterans, and their families.

*Patron - Murphy*

**P HB2139 Prescription refills; insulin; authority of pharmacists to refill prescriptions.** Allows pharmacists to refill prescriptions for insulin without authorization from the prescriber in emergencies.

*Patron - Delaney*

**P HB2146 Virginia Board of Social Work; licensed clinical social worker candidates; licensure by reciprocity; workgroup; report.** Directs the Virginia Board of Social Work to convene a workgroup to examine the feasibility of licensure by reciprocity with other jurisdictions. Under the bill, the Board shall submit a report to the General Assembly no later than November 1, 2023.

*Patron - Guzman*

**P HB2147 Board of Pharmacy; translated directions for use of prescriptions; report.** Directs the Board of Pharmacy to convene a work group to study the provision of translated directions for the use of prescriptions. The bill directs the work group to report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2023.

*Patron - Guzman*

**P HB2157 Interjurisdictional compacts; criminal history record checks.** Provides that when an interjurisdictional compact requires criminal history record checks as a condition of participation, the applicable health regulatory board shall require each applicant to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. This bill is identical to SB 1054.

*Patron - Fariss*

**P HB2179 Department of Labor and Industry; Department of Professional and Occupational Regulation; notice of disciplinary action; method of delivery to allow for confirmation of delivery.** Authorizes the use of commercial delivery services with signed and dated acknowledgment of delivery by the Commissioner of Labor and Industry when providing notice to an employer of any proposed penalty for a violation of a safety or health provision or of the employer's failure to abate a violation of a safety or health provision. Under current law, the Commissioner is authorized to provide such required notices only through certified mail or personal service. The bill also requires the regulatory boards of the Department of Professional and Occupational Regulation to send to any regulant subject to a disciplinary action notice in a manner that allows for confirmation of delivery. The bill removes the current requirement that such notice be sent by certified mail, return receipt requested, and retains the provision allowing delivery through electronic means, if agreed to by the parties. This bill is identical to SB 1126.

*Patron - Morefield*

**P HB2180 Department of Professional and Occupational Regulation; universal license recognition.** Establishes criteria for an individual licensed, certified, or having work experience in another state to apply to a regulatory board within the Department of Professional and Occupational Regulation and be issued an occupational license or government certification if certain conditions are met. This bill is identical to SB 1213.

*Patron - Morefield*

**P HB2211 Graduates of foreign nursing education programs; licensure requirements.** Requires that applicants for licensure to practice professional nursing who are graduates of a nursing education program in a foreign country have (i) graduated or be eligible to graduate from a licensing board-approved RN or LPN/VN prec licensure education program or have graduated from an approved foreign RN or LPN/VN prec licensure education program and (ii) if a graduate of a foreign RN or LPN/VN prec licensure education program not taught in English or if English is not the applicant's native language, successfully passed an English proficiency examination. The bill requires the Board of Nursing to (a) identify multiple approved entities to provide language examinations and multiple approved entities to evaluate and verify credentials earned from a nursing education program in a foreign

country and (b) make the list of approved entities publicly available on the Board of Nursing website.

*Patron - Tran*

**P HB2222 Surgical assistants; practice prior to licensure.** Allows persons who have successfully completed an accredited surgical assistant training program to practice under certain conditions prior to licensure. The bill allows such person to practice as a surgical assistant with the title "surgical assistant, license applicant" until he has received a failing score on the national certification examination or six months from the date of graduation, whichever occurs sooner. This bill received Governor's recommendations.

*Patron - Hayes*

**P HB2231 Board of Social Work; powers and duties.** Expands the powers and duties of the Board of Social Work to require the Board to maintain a list of the names and contact information of persons approved by the Board to supervise candidates for licensure as a clinical social worker and allows supervisees pursuing licensure as a clinical social worker to change or add a supervisor from the Board's list of currently approved supervisors without prior approval from the Board.

*Patron - Sickles*

**P HB2251 Department of Health Professions; Board of Dentistry; licensure requirements of dentists and dental hygienists; viability of licensure by endorsement; report.** Directs the Department of Health Professions to convene a work group to analyze licensure requirements for dentists and dental hygienists and examine the viability of a licensure by endorsement pathway for dentists and dental hygienists. The work group shall report its findings to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by October 1, 2023.

*Patron - Scott, P.A.*

**P HB2274 Pharmacist scope of practice; initiation of treatment for certain diseases and conditions.** Allows pharmacists to initiate treatment with, dispense, or administer controlled substances or devices for the initiation of treatment of group A Streptococcus bacteria infection, influenza virus infection, COVID-19 virus infection, and urinary tract infection to persons 18 years of age or older with whom the pharmacist has a bona fide pharmacist-patient relationship in accordance with regulations set forth by the Board of Pharmacy. The bill directs the Board of Pharmacy to adopt a state-wide protocol for the initiation of treatment with and dispensing and administering of drugs and devices by pharmacists in accordance with the provisions of the bill by November 1, 2023. The bill provides that such protocol shall be developed by a work group consisting of representatives from the Board of Pharmacy, the Board of Medicine, and the Department of Health and directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill. This bill is identical to SB 948.

*Patron - Kilgore*

**P HB2284 Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; membership.** Removes from the membership of the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals a faculty member of a public institution of higher education in the Commonwealth whose principal field of teaching is management or operation of waterworks or wastewater works and adds to the Board's

membership a local or regional representative of the Department of Health.

*Patron - Wiley*

**P HB2359 Practice of physical therapy.** Eliminates the requirement that treatment by a licensed physical therapist for more than 60 consecutive days after evaluation of the patient occurs only upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner, or a licensed physician assistant acting under the supervision of a licensed physician. The bill also allows licensed physical therapists to practice dry needling without a referral if they are licensed to practice dry needling. Additionally, the bill clarifies that a licensed physical therapist may provide, without referral or supervision, physical therapy services to infants and toddlers who require physical therapy services to fulfill the provisions of their individualized services plans and students with disabilities who require physical therapy services to fulfill the provisions of their individualized education plans or physical therapy services provided under § 504 of the federal Rehabilitation Act of 1973. The bill directs the Board of Physical Therapy to report, by December 1, 2024, to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions a summary of disciplinary actions taken against physical therapists whose conduct resulted in physical harm to a patient when such patient received dry needling treatment or more than 60 consecutive days of physical therapy treatment without a physician referral. This bill is identical to SB 1005.

*Patron - Fariss*

**P HB2364 Drug Control Act; Schedule I.** Adds certain chemicals to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. This bill is identical to SB 894.

*Patron - Wachsmann*

**P HB2368 Medical marijuana program; product requirements; certifications; reporting.** Requires cannabis product and botanical cannabis labels to be complete, accurate, easily discernable, and uniform among different products and brands and that each label, which shall be included on the product and on the pharmaceutical processor's website, include (i) the product name, (ii) all active and inactive ingredients, (iii) the total percentage and milligrams of tetrahydrocannabinol and cannabidiol included in the product and the number of milligrams of tetrahydrocannabinol and cannabidiol in each serving, (iv) the amount of product that constitutes a single serving and the amount recommended for use by the practitioner or dispensing pharmacist, (v) information regarding the product's purpose and detailed usage directions, and (vi) child and safety warnings in a conspicuous font. The bill also requires that a pharmaceutical processor or cannabis dispensing facility shall maintain an adequate supply of cannabis products that (a) contain cannabidiol as their primary cannabinoid and (b) have low levels of or no tetrahydrocannabinol. The bill provides that a patient's registered agent is not required to register with the Board of Pharmacy when such registered agent is listed on the patient's written certification pursuant to the patient's request and in the discretion of the practitioner based on medical need. The bill also requires that, in the case of cannabis products, the Prescription Monitoring Program shall include only the information specified in law, which is amended by the bill. This bill received Governor's recommendations.

*Patron - Adams, D.M.*

**P HB2374 Prescriptions; telemedicine; refusal to fill prescription from telemedicine provider; prohibition.** Prohibits pharmacists from refusing to fill prescriptions solely on the basis of a prescriber's use of a telemedicine platform to provide services. The bill also prohibits pharmacists from prioritizing dispensing prescriptions from a prescriber who does not use telemedicine over prescriptions from a prescriber who does use telemedicine based solely on the prescriber's use of a telemedicine platform to provide services.

*Patron - Davis*

**P SB802 Licensure of professional counselors; Counseling Compact.** Authorizes Virginia to become a signatory to the Counseling Compact. The Compact permits eligible licensed professional counselors to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2024, and directs the Board of Counseling to adopt emergency regulations to implement the provisions of the bill. This bill is identical to HB 1433.

*Patron - Hashmi*

**P SB817 Lien for attorney fees; written notice requirements; validity and amount determinations.** Provides that written notice of a lien for attorney fees shall be given either within 45 days of the end of representation or (i) in causes of action sounding in tort or for liquidated or unliquidated damages on contract, before settlement or adjustment or (ii) in cases of annulment or divorce, before final judgment is entered, whichever is earlier. The bill further provides that the validity and amount of such a lien may be determined either by motion in the case in which the lien is claimed or by separate action after final judgment has been entered therein or if no case has been filed. The bill specifies that the validity and amount of such a lien shall be determined by the court without a jury and directs the Office of the Executive Secretary to create a form to be filed with the clerk of the circuit court. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

*Patron - Surovell*

**P SB894 Drug Control Act; Schedule I.** Adds certain chemicals to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. This bill is identical to HB 2364.

*Patron - Newman*

**P SB948 Pharmacist scope of practice; initiation of treatment for certain diseases and conditions.** Allows pharmacists to initiate treatment with, dispense, or administer controlled substances or devices for the initiation of treatment of group A Streptococcus bacteria infection, influenza virus infection, COVID-19 virus infection, and urinary tract infection to persons 18 years of age or older with whom the pharmacist has a bona fide pharmacist-patient relationship in accordance with regulations set forth by the Board of Pharmacy. The bill directs the Board of Pharmacy to adopt a state-wide protocol for the initiation of treatment with and dispensing and administering of drugs and devices by pharmacists in accordance with the provisions of the bill by November 1, 2023. The bill provides that such protocol shall be developed by a work group consisting of representatives from the Board of Pharmacy, the Board of Medicine, and the Department of Health and directs the Board of Pharmacy to adopt emergency

regulations to implement the provisions of the bill. This bill is identical to HB 2274.

*Patron - Suetterlein*

**P SB970 Department of Health Professions; applications for licensure, certification, and registration; mental health conditions and impairment; emergency.** Directs each health regulatory board within the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment and to include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients? and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause. This bill is identical to HB 1573.

*Patron - Mason*

**P SB999 Waterworks and wastewater works operators; license reciprocity.** Requires the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, upon application by an individual, and without examination, to recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure in the Commonwealth if certain conditions are met. This bill is identical to HB 1940.

*Patron - Mason*

**P SB1005 Practice of physical therapy.** Eliminates the requirement that treatment by a licensed physical therapist for more than 60 consecutive days after evaluation of the patient occurs only upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner, or a licensed physician assistant acting under the supervision of a licensed physician. The bill also allows licensed physical therapists to practice dry needling without a referral if they are licensed to practice dry needling. Additionally, the bill clarifies that a licensed physical therapist may provide, without referral or supervision, physical therapy services to infants and toddlers who require physical therapy services to fulfill the provisions of their individualized services plans and students with disabilities who require physical therapy services to fulfill the provisions of their individualized education plans or physical therapy services provided under § 504 of the federal Rehabilitation Act of 1973. The bill directs the Board of Physical Therapy to report, by December 1, 2024, to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions a summary of disciplinary actions taken against physical therapists whose conduct resulted in physical harm to a patient when such patient received dry needling treatment or more than 60 consecutive days of physical therapy treatment without a physician referral. This bill is identical to HB 2359.

*Patron - Hashmi*

**P SB1042 Common Interest Community Board; enforcement power over continuing violations of common interest community associations.** Allows the Office of the Common Interest Community Ombudsman, upon receiving any notice of a final adverse decision issued by a common interest community association, to either (i) refer such final adverse decision to the Common Interest Community Board for further review of whether such decision is in conflict with relevant laws or Board regulations or (ii) make a determination of whether such final adverse decision conflicts with relevant laws or Board regulations. If the Office determines that such final adverse decision conflicts with relevant laws or Board regulations, the bill requires the Office to promptly notify the

governing board, and if applicable the common interest community manager, of the association of such determination. If the Common Interest Community Ombudsman receives a subsequent notice of final adverse decision for the same violation within one year of such determination, the Office shall refer the matter to the Board. The bill also requires the Office to maintain data on referrals made to the Board.

Finally, the bill provides that if, within one year of issuing a determination that an adverse decision issued by a common interest community association is in conflict with relevant laws or Board regulations, the Director of the Department of Professional and Occupational Regulation receives a subsequent notice of final adverse decision for the same violation, the Director must refer the repeat violation to the Board. This bill is identical to HB 1627.

*Patron - McPike*

**P SB1054 Interjurisdictional compacts; criminal history record checks.** Provides that when an interjurisdictional compact requires criminal history record checks as a condition of participation, the applicable health regulatory board shall require each applicant to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. This bill is identical to HB 2157.

*Patron - Peake*

**P SB1060 Department of Professional and Occupational Regulation, Department of Health Professions, and related regulatory boards; disclosure of information regarding examinations, licensure, certification, registration, or permitting.** Allows the Department of Professional and Occupational Regulation, the Department of Health Professions, and professional, occupational, and health regulatory boards to mail or email upon request records regarding applications for admission to examinations or for licensure, certification, registration, or permitting and the related scoring records to the individual to whom such records pertain. Under current law, such records may be made available for copying by the subject individual at the office of the Department or board that possesses the material during normal working hours. This bill is identical to HB 1638.

*Patron - Favola*

**P SB1119 Telemedicine; continuity of care.** Allows for continuity of care through telemedicine when a practitioner with whom a patient has previously established a practitioner-patient relationship is unavailable at the time in which the patient seeks continuity of care. The bill allows another practitioner of the same subspecialty at the same practice group with access to the patient's treatment history to provide continuity of care using telemedicine services until the practitioner with whom the patient has a previously established practitioner-patient relationship becomes available. This bill is identical to HB 1754.

*Patron - Stuart*

**P SB1126 Department of Labor and Industry; Department of Professional and Occupational Regulation; notice of disciplinary action; method of delivery to allow for confirmation of delivery.** Authorizes the use of commercial delivery services with signed and dated acknowledgment of delivery by the Commissioner of Labor and Industry when providing notice to an employer of any proposed penalty for a violation of a safety or health provision or of the employer's failure to abate a violation of a safety or health provision. Under current law, the Commissioner is authorized to provide such required notices only through certified mail or personal

service. The bill also requires the regulatory boards of the Department of Professional and Occupational Regulation to send to any regulant subject to a disciplinary action notice in a manner that allows for confirmation of delivery. The bill removes the current requirement that such notice be sent by certified mail, return receipt requested, and retains the provision allowing delivery through electronic means, if agreed to by the parties. This bill is identical to HB 2179.

*Patron - Hackworth*

**P SB1147 Board of Medicine; continuing education; human trafficking.** Requires that, of the hours of continuing education required for renewal of licensure, any licensee of the Board of Medicine may be required by the Board of Medicine to complete up to two hours of continuing learning activities or courses in a specific subject area. Under the bill, if the Board of Medicine designates a subject area for continuing learning activities or courses, the first subject area shall be on the topic of human trafficking. This bill is identical to HB 1426.

*Patron - Boysko*

**P SB1198 Drug Control Act; prohibition of distribution of hypodermic needles; exception.** Provides an exception to the prohibition of distribution of hypodermic needles for the distribution of hypodermic needles that are designed to be used with a reusable injector pen for the administration of insulin. This bill is identical to HB 1409.

*Patron - Saslaw*

**P SB1213 Department of Professional and Occupational Regulation; universal license recognition.** Establishes criteria for an individual licensed, certified, or having work experience in another state to apply to a regulatory board within the Department of Professional and Occupational Regulation and be issued an occupational license or government certification if certain conditions are met. This bill is identical to HB 2180.

*Patron - McDougle*

**P SB1275 Midwifery; administration of medication.** Allows licensed midwives to obtain, possess, and administer drugs and devices within the scope of their practice. The bill requires the Board of Medicine to develop and publish best practice and standards of care guidance for all such drugs. The bill limits the liability of entities that provide or dispense drugs or devices to a licensed midwife and that rely in good faith upon the license information provided by the licensed midwife. Under the bill, completing all Alliance for Innovation on Maternal Health patient safety bundles advanced by the Virginia Neonatal Perinatal Collaborative is required of any licensed midwife who obtains, possesses, and administers drugs and devices within the scope of his practice. This bill is identical to HB 1511.

*Patron - Dunnivant*

**P SB1279 Department of Professional and Occupational Regulation; over-the-counter and prescription hearing aids.** Clarifies that licensure by the Board for Hearing Aid Specialists and Opticians is not required for a corporation, partnership, trust, association, or other like organization engaged in the business of selling prescription hearing aids, defined in the bill as a hearing aid that is not an over-the-counter hearing aid, provided that it employs only licensed practitioners in the direct sale and fitting of prescription hearing aids. This bill is identical to HB 1833.

*Patron - Boysko*

**P SB1337 Medical marijuana program; product, registration, dispensing, and recordkeeping require-**

**ments; advertising.** Allows a practitioner to issue a written certification via telemedicine to a patient who is located on the premises of a pharmaceutical processor or cannabis dispensing facility. The bill allows pharmaceutical processors and cannabis dispensing facilities to make available on their premises technology that uncertified persons may use to contact a practitioner of the person's choice to request a written certification. The bill amends and adds numerous provisions regarding the Commonwealth's medical marijuana program, including provisions related to recordkeeping, product registration, expiration dates, allowable deviations, dispensing, packaging, labeling, and advertising. The bill requires pharmaceutical processors and cannabis dispensing facilities to collect and provide to the Board of Pharmacy by July 1, 2024, data regarding implementation of the bill. The bill also requires the Board of Pharmacy to make certain amendments to its regulations. This bill is identical to HB 1846. This bill received Governor's recommendations.

*Patron - Dunnivant*

**P SB1406 Behavior analysts; assistant behavior analysts; licensure criteria; certifying entities.** Provides in the criteria for licensure as a behavior analyst or assistant behavior analyst established by the Board of Medicine that certain documentation must be provided by the Behavior Analyst Certification Board or its successor. Under current law, such documentation must be provided by the Behavior Analyst Certification Board or any other entity that is nationally accredited to certify practitioners of behavior analysis. This bill is identical to HB 1946.

*Patron - Vogel*

**P SB1426 Administration of controlled substances; emergency medical services providers.** Allows persons who are employed or engaged at a medical care facility who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility to administer drugs and devices at the medical care facility pursuant to an oral or written order or standing protocol. This bill is identical to HB 1447.

*Patron - Suetterlein*

**P SB1533 Medical marijuana program; additional cultivation facility.** Allows a pharmaceutical processor that has obtained a permit to operate a pharmaceutical processing facility from the Board of Pharmacy to establish, if authorized by the Board, one additional location for the cultivation of cannabis plants, which must be located within the same health service area as the pharmaceutical processing facility. The bill requires the Board of Pharmacy to consider certain factors in determining whether to authorize an additional cultivation location. This bill received Governor's recommendations.

*Patron - Deeds*

**P SB1539 Practice of dentistry; botulinum toxin injections.** Provides that, in addition to the possession and administration of botulinum toxin injections for dental purposes, a dentist may possess and administer botulinum toxin injections for cosmetic purposes, provided that the dentist has completed training and continuing education in the administration of botulinum toxin injections for cosmetic purposes. The bill requires the Board of Dentistry, in consultation with the Board of Medicine, to amend its regulations to establish training and continuing education requirements for dentists related to the administration of botulinum toxin injections for cosmetic purposes and requires the Board of Dentistry to amend its regu-

lations to remove botulinum toxin injections from the list of procedures requiring additional certification.

*Patron - Pillion*

## Failed

**F HB1384 Department of Professional and Occupational Regulation; licensure by apprenticeship.** Requires the regulatory boards within the Department of Professional and Occupational Regulation to grant a license, defined in the bill, to an applicant for licensure by apprenticeship, also defined in the bill, if the applicant has (i) completed an apprenticeship in an occupation that is regulated by the board operated within the Department, and the board grants licensure to individuals in such occupation or an occupation with a similar scope of practice; (ii) passed all requisite examinations; and (iii) paid all applicable fees, as determined by the board. The bill has a delayed effective date of January 1, 2024.

*Patron - Fowler*

**F HB1389 Administration of controlled substances for treatment of mental illness or emotional disturbance; parental consent required.** Provides that a minor shall not be deemed an adult for the purpose of consenting to administration of medication for the treatment of mental illness or emotional disturbance. Currently, a minor is deemed an adult for the purpose of consenting to medical and health services needed in the case of outpatient care, treatment, or rehabilitation for mental illness or emotional disturbance.

*Patron - Anderson*

**F HB1489 Practice of naturopathic medicine.** Establishes licensure requirements for the practice of naturopathic medicine, including education, examinations, and scope of practice for licensure as a naturopathic doctor, defined in the bill. The bill requires the Board of Medicine to promulgate regulations governing the profession and establishes the Advisory Board on Naturopathy to make recommendations to the Board of Medicine.

*Patron - Davis*

**F HB1498 Department of Professional and Occupational Regulation; barbers and cosmetologists; exemptions; threading.** Exempts persons whose activities are confined solely to removing unwanted hair by the use of string or thread from being required to obtain an occupational license from the Board for Barbers and Cosmetology.

*Patron - Convirs-Fowler*

**F HB1521 Kratom; prohibited acts; civil penalty.** Provides that no person that sells, prepares, manufactures, distributes, or maintains kratom products, as defined in the bill, or advertises, represents, or holds itself out as selling, preparing, manufacturing, distributing, or maintaining kratom products shall prepare, distribute, sell, or expose for sale (i) any kratom product that includes or is packed with a substance that is not kratom and that affects the quality or strength of the kratom product or that contains any poisonous or otherwise deleterious ingredient; (ii) any kratom product that contains a level, as described in the bill, that is greater than two percent of the overall alkaloid composition of the product or any synthetic alkaloids or other synthetically derived compounds of the kratom plant; (iii) any kratom extract that contains levels of residual solvents that are higher than is allowed in Chapter 467 of current edition of the United States Pharmacopeia; or (iv) any kratom product that does not provide labeling directions necessary for safe and effective use by consumers, including a recommended serving size. The bill provides that any person that violates the provisions of the bill shall be subject to a civil pen-

alty of \$100 for a first violation, \$200 for a second violation, and \$500 for a third or subsequent violation.

*Patron - Fowler*

**F HB1658 Proposed scope of practice changes; health regulatory board assessment required; report.** Directs the General Assembly to submit bills proposing scope of practice changes related to the health professions to the relevant health regulatory board for assessment. The bill provides that the relevant health regulatory board has 24 months to complete its assessment and directs the board to forward a report summarizing its assessment and recommendations to the chairman of the standing committee that requested the assessment.

*Patron - Price*

**F HB1711 Parental access to minor's medical records.** Prohibits denial of parental access to the medical records of such parent's minor child, unless federal law requires the minor child's consent.

*Patron - Bell*

**F HB1734 Board of Medicine; continuing education; implicit bias and cultural competency in health care.** Requires the Board of Medicine to adopt and implement policies that require each practitioner licensed by the Board who has direct contact with persons who are or may become pregnant to complete two hours of continuing education related to implicit bias, defined in the bill, and cultural competency in health care at least once every other license renewal cycle.

*Patron - Head*

**F HB1764 Physician assistants; practice agreement exemption; elimination of practice ratio for physicians and physician assistants.** Allows physician assistants practicing in hospitals, certain facilities operated by the Department of Behavioral Health and Developmental Services, or federally qualified health centers designated by the Centers for Medicare and Medicaid Services to practice without a practice agreement if the credentialing and privileging requirements of the applicable facility include a practice arrangement, as described in the bill. The bill also eliminates the practice ratio for physicians and physician assistants; under current law, patient care team physicians and patient care team podiatrists are not allowed to collaborate or consult with more than six physician assistants at any one time.

*Patron - Head*

**F HB1787 Prescription for controlled substance; practitioner-patient relationship; telemedicine.** Allows a practitioner to establish a bona fide practitioner-patient relationship through asynchronous interaction for the purpose of prescribing a Schedule VI controlled substance if the patient chooses not to seek reimbursement by a health plan or carrier for the prescribing and if such prescribing complies with federal requirements for the practice of telemedicine.

*Patron - Robinson*

**F HB1814 Prescription Monitoring Program; exemptions; licensed narcotic maintenance treatment programs.** Removes dispensing of covered substances within a licensed narcotic maintenance treatment program from the list of circumstances exempt from reporting requirements of the Prescription Monitoring Program. The bill has a delayed effective date of July 1, 2024.

*Patron - Wachsmann*

**F HB1872 Board of Counseling; licensure of professional counselors without examination.** Allows the Board of Counseling to issue a license to practice as a professional counselor without examination to an applicant seeking

initial licensure or renewal of such license and who satisfies all other education, experience, and fitness to practice requirements set forth in regulation and who is qualified to practice professional counseling.

*Patron - Scott, P.A.*

**F HB1925 Board of Medicine; licensure of anesthesiologist assistants.** Establishes criteria for the licensure of anesthesiologist assistants and directs the Board of Medicine to adopt regulations governing the practice of anesthesiologist assistants. The bill provides that no person shall use or assume the title "anesthesiologist assistant" or hold himself out as an anesthesiologist assistant unless such person holds a license as an anesthesiologist assistant issued by the Board.

*Patron - Hope*

**F HB1952 Pharmacies; reporting of processing delays impacting patient safety; centralized or remote processing of prescriptions.** Requires a pharmacy that, on average, during any one-week period is unable to process a prescription within two days of receipt of such prescription to report the prescription backlog to the Board of Pharmacy. The bill requires any pharmacy making such report to submit a corrective action plan detailing its staffing, workflow, technology, and patient communication strategies to address the prescription backlog. The bill permits the Board to (i) investigate any reported or suspected backlog; (ii) accept, amend, or reject a corrective action plan; and (iii) impose disciplinary action against the pharmacy permit for failure to comply with the bill. Additionally, the bill allows pharmacies to perform centralized or remote processing of prescriptions in accordance with regulations promulgated by the Board. The bill directs the Board to adopt emergency regulations to implement the provisions of the bill.

*Patron - Hodges*

**F HB2056 Professions and occupations; proof of identity.** Replaces the requirement for proof of citizenship to obtain a license, certificate, registration, or other authorization issued by the Commonwealth to engage in a business, trade, profession, or occupation, except for an application with the Department of Health Professions, with a requirement to provide proof of identity that includes a government-issued identification card or driver's license, or other photo identification, along with documentation of the applicant's current address. Under current law, an application must include either a social security number or a control number issued by the Department of Motor Vehicles.

*Patron - Lopez*

**F HB2073 Interstate Medical Licensure Compact.** Creates the Interstate Medical Licensure Compact to create a process for expedited issuance of a license to practice medicine in the Commonwealth for qualifying physicians to enhance the portability of medical licenses while protecting patient safety. The bill establishes requirements for coordination of information systems among member states and procedures for investigation and discipline of physicians alleged to have engaged in unprofessional conduct. The bill creates the Interstate Medical Licensure Compact Commission to administer the compact.

*Patron - Murphy*

**F HB2085 Prescription of opioids; sickle cell anemia.** Exempts prescribers from certain requirements of the Prescription Monitoring Program related to prescribing opioids if the opioid is prescribed to a patient for pain management related to sickle cell anemia.

*Patron - Mundon King*



**F HB2091 Parental access to minor's medical records; consent by certain minors to treatment of mental or emotional disorder.** Adds an exception to the right of parental access to a minor child's health records if the furnishing to or review by the requesting parent of such health records would be reasonably likely deter the minor from seeking care. Under the bill, a minor 16 years of age or older who is determined by a health care provider to be mature and capable of giving informed consent shall be deemed an adult for the purpose of giving consent to treatment of a mental or emotional disorder. The bill provides that the capacity of a minor to consent to treatment of a mental or emotional disorder does not include the capacity to (i) refuse treatment for a mental or emotional disorder for which a parent, guardian, or custodian of the minor has given consent or (ii) if the minor is under 16 years of age, consent to the use of prescription medications to treat a mental or emotional disorder.

*Patron - Mundon King*

**F HB2183 Nurse practitioners; practice authority upon licensure.** Removes the requirement that nurse practitioners, other than a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist, who meet certain conditions may practice without a practice agreement only if they have completed the equivalent of at least five years of full-time clinical experience as a licensed nurse practitioner. The bill also removes patient care team requirements for nurse practitioners. The bill removes the existing provision allowing a physician to serve as a patient care team physician on a patient care team with up to 10 nurse practitioners licensed in the category of psychiatric-mental health nurse practitioner, thus limiting any patient care team physician to a patient care team with no more than six nurse practitioners.

*Patron - Robinson*

**F HB2229 Licensure of professional counselors; Counseling Compact.** Authorizes Virginia to become a signatory to the Counseling Compact. The Compact permits eligible licensed professional counselors to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2024, and directs the Board of Counseling to adopt emergency regulations to implement the provisions of the bill. The Compact takes effect when it is enacted by a tenth member state.

*Patron - Sickles*

**F HB2233 Prescription drug price transparency; manufacturer reporting requirements.** Removes the requirement that a drug manufacturer submit to the Department of Health's contracted nonprofit data services organization all information included in the manufacturer's annual consolidation report on Securities and Exchange Commission Form 10-K or any other public disclosure in order for the manufacturer's prescription drug reporting obligations to be fully satisfied.

*Patron - Sickles*

**F HB2239 Department of Health Professions; Virginia Healthcare Workforce Data Center; provision of certain information related to health care providers to the public.** Directs the Department of Health Professions, through its Virginia Healthcare Workforce Data Center, to make available to the public by request any existing data on health care providers by locality, including certification type and demographic information for each provider. The bill requires that if the Department is unable to provide such information upon

request, the Department must provide an explanation to the requestor as to why the information cannot be provided.

*Patron - Willett*

**F HB2248 Providers of treatment for substance use disorder; use of methadone or opioid replacements; biometric certification.** Requires providers of treatment for substance use disorder who administer methadone or opioid replacements as treatments to utilize biometric certification to verify the identity of the clinician and patient. Biometric certification includes iris scans of patients and either iris scans or two-finger fingerprint scans of clinicians. The bill requires the Board of Pharmacy to establish a statewide data repository for the storage of records of every transaction involving the administration of methadone or opioid replacements to a patient, with such records being held for no fewer than 10 years.

*Patron - Cordoza*

**F HB2280 Parental consent to surgical and medical treatment of certain minors; admission of minors to mental health facility for inpatient treatment.** Requires written informed consent from the parent or guardian of any minor prior to any non-emergency surgical or medical treatment, mental health treatment, or immunization of a minor. The bill limits circumstances under existing law when a minor shall be deemed an adult for the purpose of consenting to certain medical or health services. The bill also allows a minor of any age to be admitted to a mental health facility for inpatient treatment without the consent of the minor.

*Patron - LaRock*

**F HB2287 Practice of certified registered nurse anesthetists.** Allows certified registered nurse anesthetists to practice in consultation with a doctor of medicine, osteopathy, podiatry, or dentistry. Currently, certified registered nurse anesthetists are required to practice under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry.

*Patron - Wampler*

**F HB2369 Medical marijuana program; dispensaries.** Removes the requirement that a cannabis dispensing facility be owned, at least in part, by a pharmaceutical processor and increases from five to 12 the number of cannabis dispensing facilities. The Board of Pharmacy may issue per year in each health service area.

*Patron - Adams, D.M.*

**F HB2465 Return of prescription drugs past their expiration dates.** Permits prescription drugs in full or partial containers to be returned up to six months after the labeled expiration date for full credit or replacement.

*Patron - Hodges*

**F HB2481 Registered surgical technologist; credentialing.** Adds the National Center for Competency Testing as an accepted credentialing organization for registered surgical technologists.

*Patron - Hayes*

**F HB2497 Midwifery; administration of medication.**

*Patron - LaRock*

**F SB786 Board for Asbestos, Lead, and Home Inspectors; licensure of mold inspectors and mold remediators.** Provides for the licensure and regulation of mold inspectors and mold remediators by the Board for Asbestos, Lead, and Home Inspectors, which is renamed in the bill as the Board for Asbestos, Lead, Mold, and Home Inspectors. The bill

increases the membership of the Board by one member to include a mold inspector or a mold remediator.

*Patron - Spruill*

**F SB793 Prescriptions for hydroxychloroquine and ivermectin for treatment of COVID-19.** Provides that licensed health care providers with prescriptive authority may prescribe, administer, or dispense hydroxychloroquine and ivermectin to a patient with a clinical diagnosis of COVID-19. The bill prohibits the Board of Medicine from initiating a disciplinary action against a licensed health care provider solely for prescribing, administering, or dispensing hydroxychloroquine or ivermectin to a patient with a clinical diagnosis of COVID-19, provided such clinical diagnosis and treatment has been documented in the patient's medical record by such licensed health care provider.

*Patron - Chase*

**F SB930 Health care; decision making; end of life; penalties.** Allows an adult diagnosed with a terminal condition to request and an attending health care provider to prescribe a self-administered controlled substance for the purpose of ending the patient's life in a humane and dignified manner. The bill requires that a patient's request for a self-administered controlled substance to end his life must be given orally on two occasions and in writing, signed by the patient and one witness, and that the patient be given an express opportunity to rescind his request at any time. The bill makes it a Class 2 felony (i) to willfully and deliberately alter, forge, conceal, or destroy a patient's request, or rescission of request, for a self-administered controlled substance to end his life with the intent and effect of causing the patient's death; (ii) to coerce, intimidate, or exert undue influence on a patient to request a self-administered controlled substance for the purpose of ending his life or to destroy the patient's rescission of such request with the intent and effect of causing the patient's death; or (iii) to coerce, intimidate, or exert undue influence on a patient to forgo a self-administered controlled substance for the purpose of ending the patient's life. The bill also grants immunity from civil or criminal liability and professional disciplinary action to any person who complies with the provisions of the bill and allows health care providers to refuse to participate in the provision of a self-administered controlled substance to a patient for the purpose of ending the patient's life.

*Patron - Hashmi*

**F SB932 Virginia Psilocybin Advisory Board established; report; Drug Control Act reclassification of psilocybin.** Establishes the Virginia Psilocybin Advisory Board to develop a long-term strategic plan for establishing therapeutic access to psilocybin services and monitor and study federal laws, regulations, and policies regarding psilocybin. The bill requires the Board to report annually by December 1 to the Governor and the General Assembly regarding its activities and recommendations. The bill reclassifies psilocybin under the Drug Control Act from a Schedule I to a Schedule III controlled substance.

*Patron - Hashmi*

**F SB1006 Licensure and practice of associate physicians.** Authorizes the Board of Medicine to issue a two-year license to practice as an associate physician to an applicant who (i) is 18 years of age or older; (ii) is of good moral character; (iii) has graduated from an accredited medical school; (iv) has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination within the two-year period immediately preceding application for licensure or has successfully completed Step 1, Step 2, and Step 3 of the United States Medical Licensing Examination, regardless of the date of completion of each step; and (v) has not com-

pleted a medical internship or residency program. The bill requires all associate physicians to practice in accordance with a written practice agreement entered into between the associate physician and a physician licensed by the Board and provides for prescriptive authority of associate physicians in accordance with regulations of the Board.

*Patron - DeSteph*

**F SB1039 Department of Labor and Industry; Safety and Health Codes Board; Virginia Occupational Safety and Health Program; use of cranes and derricks in construction; report.** Requires the Safety and Health Codes Board (the Board) of the Department of Labor and Industry (the Department) to adopt regulations to the Virginia Occupational Safety and Health Program (VOSH), regarding cranes and derricks in construction, to allow an active load stabilization mechanism or passive load stabilization mechanism, defined in the bill, to be used if necessary to prevent hazardous rotation of a load as determined by the project manager or safety engineer. The bill requires the Department to report the final regulations to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology by November 1, 2023.

*Patron - McPike*

**F SB1084 Prescription of Schedule VI controlled substances; asynchronous interactions; report.** Allows practitioners to establish a bona fide practitioner-patient relationship through asynchronous interaction for the purpose of prescribing Schedule VI controlled substances if the patient chooses not to use insurance for the encounter and if such prescribing complies with federal requirements for the practice of telemedicine. The bill directs the Board of Pharmacy to conduct a review of Schedule VI controlled substances and report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by December 31, 2023, any Schedule VI substances that the General Assembly may want to consider rescheduling due to potential risk of abuse by a patient if prescribed in accordance with the standard of care for asynchronous telemedicine interactions.

*Patron - Bell*

**F SB1090 Board of Pharmacy; permit to operate pharmaceutical processor or cannabis dispensing facility.** Increases the limit on the number of permits that the Board of Pharmacy (the Board) may issue or renew in any year from one to two pharmaceutical processors for each health service area established by the Board of Health. The bill also allows the Board to issue or renew permits in any year for up to five cannabis dispensing facilities per pharmaceutical processor for each health service area. Under current law, the Board may issue up to five cannabis dispensing facilities for each health service area. With the exception of pharmaceutical processors permitted prior to July 1, 2023, the bill prohibits a pharmaceutical processor from receiving more than one permit from the Board.

*Patron - Ebbin*

**F SB1227 Department of Professional and Occupational Regulation; effect of criminal convictions on licensure; data to be included in biennial report.** Provides for consideration of certain factors to be made by any regulatory board through an individualized assessment prior to denying an application for licensure, certification, or registration for any occupation or profession regulated by the Department of Professional and Occupational Regulation where such denial was made in whole or in part upon the existence of the applicant's criminal record. The bill requires, beginning July 1, 2026, the Department to include certain data related to the

criminal history of applicants to each regulatory board in its biennial report.

*Patron - Morrissey*

**F SB1342 Licensure of anesthesiologist assistants.** Provides that no person shall use or assume the title "anesthesiologist assistant" or hold himself out as an anesthesiologist assistant unless such person holds a license as an anesthesiologist assistant issued by the Board of Medicine, establishes criteria for the licensure of anesthesiologist assistants, and directs the Board of Medicine to adopt regulations governing the licensure of anesthesiologist assistants.

*Patron - Barker*

**F SB1440 Board of Medicine; continuing education; implicit bias and cultural competency in health care.** Requires the Board of Medicine to adopt and implement policies that require each practitioner licensed by the Board who has direct contact with persons who are or may become pregnant to complete two hours of continuing education related to implicit bias, defined in the bill, and cultural competency in health care at least once every other license renewal cycle.

*Patron - Locke*

**F SB1480 Department of Professional and Occupational Regulation; deregulation of certain professions.** Repeals certain provisions of the Code related to the regulation of landscape architects, interior designers, residential building energy analysts, backflow prevention device workers, auctioneers, and geologists and boxing, wrestling, and martial arts events. The bill contains technical amendments.

*Patron - Stuart*

**F SB1487 Alkaline hydrolysis; registration; regulations.** Establishes a registration requirement for alkaline hydrolysis providers. The bill defines alkaline hydrolysis and adds alkaline hydrolysis and hydrolyzed remains to statutes dealing with cremation and cremains. The bill grants the Board of Funeral Directors and Embalmers the power to inspect alkaline hydrolysis providers and their operations. The bill requires the Board of Funeral Directors to consult with the Department of Environmental Quality, the Department of Health, and representatives of wastewater treatment facilities and funeral service associations to promulgate regulations related to alkaline hydrolysis.

*Patron - Morrissey*

**F SB1494 Procedure for disciplining attorneys and reinstatement of attorneys by three-judge circuit court.** Provides that any former attorney who has had his license revoked and filed a petition for reinstatement with the Virginia State Bar may elect and demand that such reinstatement proceedings be conducted by a three-judge circuit court. The bill also provides that a decision from a three-judge circuit court convened to sit for disciplinary matters or reinstatement proceedings may be appealed to the Court of Appeals and, if necessary, to the Supreme Court of Virginia. Under current law for disciplinary matters, the appeal is to the Supreme Court.

*Patron - Surovell*

**F SB1503 Social Work Advisory Board; established; report.** Establishes the Social Work Advisory Board to advise the Governor on efforts to improve the social work profession in the Commonwealth. The bill requires the Social Work Advisory Board to report annually by December 1 to the Governor and the General Assembly regarding its activities and recommendations.

*Patron - Rouse*

## Property and Conveyances

### Passed

**P HB1519 Common interest communities; professionally managed associations.** Provides with respect to the Property Owners' Association Act and the Virginia Condominium Act that a management contract that contains an automatic renewal provision may be terminated by the association or unit owners' association, as the case may be, or the common interest community manager of either such association at any time without cause upon not less than 60 days' written notice.

*Patron - Adams, D.M.*

**P HB1542 Virginia Residential Landlord and Tenant Act; security deposits.** Increases from 15 to 30 days the additional time period that a landlord has to provide a tenant with an itemization of damages to the premises and the cost of repair when such damages exceed the amount of the tenant's security deposit and require the services of a third-party contractor. The bill has an expiration date of June 30, 2024, and is identical to SB 891.

*Patron - Campbell, J.L.*

**P HB1635 Virginia Residential Landlord and Tenant Act; uninhabitable dwelling unit.** Provides that a tenant may terminate the rental agreement and receive a full refund of all deposits and rent paid to the landlord if, at the beginning of the tenancy, a condition exists in the rental dwelling unit that constitutes a fire hazard or serious threat to the life, health, or safety of tenants or occupants of the premises, including an infestation of rodents or a lack of heat, hot or cold running water, electricity, or adequate sewage disposal facilities, so long as the tenant provides the landlord notice of his intent to terminate the rental agreement within seven days of the date on which possession of the dwelling unit was to have transferred to the tenant. The bill requires the landlord to provide the tenant a refund of all deposits and rent paid on or before the fifteenth business day following the day on which (i) the termination notice is delivered to the landlord or (ii) the tenant vacates the dwelling unit, whichever occurs later, unless the landlord provides to the tenant written notice of his refusal to accept the tenant's termination of the rental agreement, along with the reasons for such refusal, within 15 business days following the date on which such termination notice was delivered to the landlord. The bill also provides that any tenant who has not taken possession or who has vacated the dwelling unit may file an action in a court of competent jurisdiction to contest the landlord's refusal to accept the termination notice, if applicable, and for the return of any deposits and rent paid to the landlord, and allows for the prevailing party in any such action to recover reasonable attorney fees.

*Patron - Bulova*

**P HB1702 Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement; rent increase; notice.** Requires a landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth to, in the case of any rental agreement that contains an option to renew or an automatic renewal provision, provide written notice to the tenant notifying the tenant of any increase in rent during the subsequent rental agreement term no less than 60 days prior to the end of the current rental agreement term.

*Patron - Maldonado*

**P HB1725 Virginia Fair Housing Law; use of assistance animal in a dwelling; penalties.** Prohibits certain persons from providing fraudulent supporting documentation to evince the existence of a disability or disability-related need for a person requesting a reasonable accommodation with respect to the use of an assistance animal in a dwelling. The bill adds a violation of such prohibition as a prohibited practice under the Virginia Consumer Protection Act.

*Patron - VanValkenburg*

**P HB1735 Virginia Residential Landlord and Tenant Act; Manufactured Home Lot Rental Act; statement of tenant rights and responsibilities.** Provides that if a tenant fails or otherwise refuses to sign the form developed by the Department of Housing and Community Development (the Department) and posted on its website acknowledging that the tenant has received the statement of tenant rights and responsibilities from the landlord, the landlord shall record the date or dates on which he provided the form to the tenant and the fact that the tenant failed or otherwise refused to sign such form. The bill gives the landlord the option of providing the tenant a subsequent opportunity to sign such form after the effective date of the tenancy. Finally, the bill directs the Director of the Department to update certain forms to include language directing parties to rental agreements to refer to the Department's website for more resources.

*Patron - VanValkenburg*

**P HB1888 Real estate settlement agents; fees; informed consent.** Requires the written consent of the seller's counsel before a settlement agent or its subsidiaries, affiliates, or subcontractors can collect any fees payable to such settlement agent or its subsidiaries, affiliates, or subcontractors from a represented seller.

*Patron - Sullivan*

**P HB1930 Virginia Self-Service Storage Act; default by occupant; watercraft.** Allows the owner of a self-storage facility, in the case of a stored watercraft for which an occupant has been in default for more than 60 days, to have such watercraft towed in lieu of conducting a public sale of such watercraft. This bill is identical to SB 976.

*Patron - Runion*

**P HB1955 Virginia Real Estate Time-Share Act; alternative purchases.** Removes the requirement under the Virginia Real Estate Time-Share Act that a time-share instrument executed by a time-share estate project developer state whether such developer reserves the right to add to or delete any alternative purchase and requires that the public offering statement distributed to each prospective purchaser of a time-share disclose whether the developer will offer any alternative purchase. This bill is identical to SB 969.

*Patron - Tata*

**P HB2082 Virginia Residential Landlord and Tenant Act; employees of the landlord; rental dwelling unit keys and electronic key codes.** Requires a landlord who owns more than 200 rental dwelling units that are attached to the same piece of real property to require any applicant for employment in any position that will have access to keys, defined in the bill, to each rental dwelling unit to be subject to a pre-employment criminal history records check. The bill also provides that a landlord must establish written policies and procedures for the (i) storage, issuance and return, and security of; (ii) access to; and (iii) if applicable, usage and deactivation of rental dwelling unit keys and electronic key codes. The provisions of the bill do not apply to a financial institution or a real estate licensee.

visions of the bill do not apply to a financial institution or a real estate licensee.

*Patron - Mundon King*

**P HB2184 Judgment liens; release of specific property.** Creates a procedure by which a settlement agent may release a property from a judgment lien when the lien creditor has failed to respond to a request in writing to pay the amount owed.

*Patron - Coyner*

**P HB2235 Common interest communities; Resale Disclosure Act.** Establishes the Resale Disclosure Act, which sets out disclosure requirements and authorized fees relating to contracts for the resale of property located within common interest communities and provides for the issuance of resale certificates or financial updates. The bill repeals the existing disclosure requirements and authorized fees relating to association disclosure packets under the Property Owners' Association Act and resale certificates under the Virginia Condominium Act. The bill requires a seller to obtain a resale certificate and provide the certificate to the purchaser. The bill does not apply to contracts ratified prior to July 1, 2023. This bill is identical to SB 1222.

*Patron - Wampler*

**P HB2325 Agricultural land; acquisition or transfer by foreign adversaries prohibited; report.** Prohibits any foreign adversary, as defined in the bill, from acquiring or transferring any interest in agricultural land, as defined in federal law, beginning January 1, 2023, and requires the Department of Agriculture and Consumer Services to compile a report annually with certain information regarding agricultural land that is under foreign ownership and submit such report to the Governor and General Assembly. This bill is identical to SB 1438. This bill received Governor's recommendations.

*Patron - Bloxom*

**P HB2441 Virginia Residential Landlord and Tenant Act; termination of multiple month-to-month tenancies by landlord.** Requires any owner of multifamily premises that fails to renew the greater of either 20 or more month-to-month tenancies or 50 percent of the month-to-month tenancies within a consecutive 30-day period in the same multifamily premises to serve written notice on each such tenant at least 60 days prior to allowing such tenancy to expire. The bill exempts a landlord from the 60 days' notice requirement where a tenant has failed to pay rent in accordance with the rental agreement.

*Patron - Price*

**P SB891 Virginia Residential Landlord and Tenant Act; security deposits.** Increases from 15 to 30 days the additional time period that a landlord has to provide a tenant with an itemization of damages to the premises and the cost of repair when such damages exceed the amount of the tenant's security deposit and require the services of a third-party contractor. The bill has an expiration date of June 30, 2024, and is identical to HB 1542.

*Patron - Bell*

**P SB969 Virginia Real Estate Time-Share Act; alternative purchases.** Removes the requirement under the Virginia Real Estate Time-Share Act that a time-share instrument executed by a time-share estate project developer state whether such developer reserves the right to add to or delete any alternative purchase and requires that the public offering statement distributed to each prospective purchaser of a time-

share disclose whether the developer will offer any alternative purchase. This bill is identical to HB 1955.

*Patron - Mason*

**P SB976 Virginia Self-Service Storage Act; default by occupant; watercraft.** Allows the owner of a self-storage facility, in the case of a stored watercraft for which an occupant has been in default for more than 60 days, to have such watercraft towed in lieu of conducting a public sale of such watercraft. This bill is identical to HB 1930.

*Patron - Peake*

**P SB1222 Common interest communities; Resale Disclosure Act.** Establishes the Resale Disclosure Act, which sets out disclosure requirements and authorized fees relating to contracts for the resale of property located within common interest communities and provides for the issuance of resale certificates or financial updates. The bill repeals the existing disclosure requirements and authorized fees relating to association disclosure packets under the Property Owners' Association Act and resale certificates under the Virginia Condominium Act. The bill requires a seller to obtain a resale certificate and provide the certificate to the purchaser. The bill does not apply to contracts ratified prior to July 1, 2023. This bill is identical to HB 2235.

*Patron - Mason*

**P SB1389 Deed recordation; address transfer for taxation.** Requires that the commissioner of revenue of a jurisdiction shall, upon receipt and review of the recordation receipt from the clerk of the circuit court of his jurisdiction, ensure that the land book is updated to reflect each grantee and property address or any other such address as may be specified in writing by the grantee for the delivery of future tax bills.

*Patron - Lewis*

**P SB1438 Agricultural land; acquisition or transfer by foreign adversaries prohibited; report.** Prohibits any foreign adversary, as defined in the bill, from acquiring or transferring any interest in agricultural land, as defined in federal law, beginning January 1, 2023, and requires the Department of Agriculture and Consumer Services to compile a report annually with certain information regarding agricultural land that is under foreign ownership and submit such report to the Governor and General Assembly. This bill is identical to HB 2325. This bill received Governor's recommendations.

*Patron - Stuart*

## Failed

**F HB1558 Common interest communities; residents providing certain services presumed to be independent contractors.** Provides that a resident of a common interest community association who provides bookkeeping, billing, or recordkeeping services for such community for compensation shall be presumed to be an independent contractor.

*Patron - Watts*

**F HB1650 Virginia Residential Landlord and Tenant Act; enforcement by localities.** Provides that if a condition exists in a rental dwelling unit that constitutes a material noncompliance by the landlord with the rental agreement or with any provision of law that, if not promptly corrected, constitutes a fire hazard or serious threat to the life, health, or safety of tenants or occupants of the premises, a locality may institute an action for injunction and damages to enforce the landlord's duty to maintain the rental dwelling unit in a fit and habitable condition, provided that (i) the property where the violation occurred is within the jurisdictional boundaries of the

locality and (ii) the locality has notified the landlord who owns the property, either directly or through the managing agent, of the nature of the violation and the landlord has failed to remedy the violation to the satisfaction of the locality within a reasonable time after receiving such notice.

*Patron - Price*

**F HB1651 Virginia Residential Landlord and Tenant Act; nonrefundable application fee; limitations.** Provides that a landlord shall not obtain a consumer report or conduct any other investigation into the background or qualifications of a rental applicant without first establishing a written rental admission policy that is available to the public and providing the applicant with either a written or an electronic copy of such policy. The bill also provides that such policy must contain a disclosure of the amount of all nonrefundable application fees and deposits.

*Patron - Price*

**F HB1652 Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement.** Increases from five days to 14 days the mandatory waiting period after a landlord serves written notice on a tenant notifying the tenant of his nonpayment of rent and of the landlord's intention to terminate the rental agreement if rent is not paid before the landlord may pursue remedies for termination of the rental agreement.

*Patron - Price*

**F HB1724 Improvements, repairs, or maintenance of property; entering adjoining property; petition for entry.** Allows an owner or lessee of real property who seeks to improve, repair, or maintain his property to petition the circuit court for a license to enter adjoining property for the purpose of performing the improvements, repairs, or maintenance when the property is so situated that it is impossible to perform the improvements, repairs, or maintenance without entering such adjoining property and permission to enter such adjoining property has been denied. The bill provides that such license shall be granted by the court in an appropriate case upon such terms as justice requires. Any such entry shall not be deemed a trespass, and the licensee shall be liable to the adjoining owner or his lessee for actual damages occurring as a result of the entry.

*Patron - VanValkenburg*

**F HB1732 Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement; payment plan.** Requires a landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, before terminating a rental agreement due to nonpayment of rent if the exact amount of rent owed is less than or equal to one month's rent plus any late charges contracted for in the rental agreement or as provided by law, to serve upon such tenant a written notice informing the tenant of the exact amount due and owed and offer the tenant a payment plan under which the tenant must pay the exact amount due and owed in equal monthly installments over a period of six months. The bill also outlines the remedies a landlord has if a tenant fails to pay the exact amount due and owed or enter into a payment plan within five days of receiving notice or if the tenant enters into a payment plan but fails to pay within five days of the due date any rent that becomes due under the payment plan after such plan becomes effective.

*Patron - Bennett-Parker*

**F HB1830 Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement.** Increases from five days to 14 days the mandatory

waiting period after a landlord serves written notice on a tenant notifying the tenant of his nonpayment of rent and of the landlord's intention to terminate the rental agreement if rent is not paid before the landlord may pursue remedies for termination of the rental agreement.

*Patron - Torian*

**F HB1837 Common interest community associations; prohibition on use of nominating committees.** Prohibits property owners' associations and unit owners' associations pursuant to the Property Owners' Association Act and the Virginia Condominium Act, as the case may be, from utilizing a nominating committee or similar entity for the purpose of soliciting, nominating, selecting, or appointing a member or unit owner or rejecting an otherwise qualified member or unit owner for a position on a property owners' association's board of directors or unit owners' association's executive board.

*Patron - Simon*

**F HB1845 Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement; children and elderly tenants; local department of social services.** Provides that a landlord, when serving written notice on a tenant of his intention to terminate a rental agreement for noncompliance by the tenant with such rental agreement, shall notify the tenant of the option to contact the local department of social services if an authorized occupant is (i) a dependent child younger than 18 years of age, with certain exceptions enumerated in the bill, or (ii) a mentally or physically incapacitated elderly person. The bill provides that where a landlord has received a favorable court order, such landlord shall be responsible for notifying the local department of social services.

*Patron - Taylor*

**F HB2022 Virginia Residential Landlord and Tenant Act; rent increase during tenancy; conditions.** Provides that a rental agreement shall not contain provisions that the tenant agrees to pay any increase in rent during the term of a written lease unless such increase is agreed to in a separate, written document signed by the tenant and the landlord that includes (i) the new amount of rent to be charged to the tenant, (ii) the date upon which the rent increase becomes effective, and (iii) any additional terms or benefits to the tenant agreed to as consideration for such increase in rent.

*Patron - Maldonado*

**F HB2058 Virginia Residential Landlord and Tenant Act; tenant's assertion; condemnation of leased premises; remedies.** Provides a rebuttable presumption of a landlord's material noncompliance with the rental agreement if the leased premises was condemned by an appropriate state or local agency due to the landlord's or his agent's refusal or failure to remedy a condition for which he was served a condemnation notice, unless such condition was caused by an act of God. The bill requires a court, when such rebuttable presumption is established, to award the tenant the amount of three months' rent, any prepaid rent, and any security deposit paid by the tenant.

*Patron - Lopez*

**F HB2075 Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement; warranty of habitability.** Prohibits a landlord from waiving, either orally or in writing, his duty to maintain a fit premises and requires a landlord to include in every rental agreement the terms and conditions governing such duty.

*Patron - Lopez*

**F HB2098 Common interest communities; Property Owners' Association Act and Virginia Condominium Act; authority of association to suspend right to use certain facilities.** Authorizes the board of directors of an association organized pursuant to the Property Owners' Association Act and the unit owners' association organized pursuant to the Virginia Condominium Act to suspend a member's or unit owner's, respectively, access to certain facilities for any violation of the declaration or rules and regulations for which the member or unit owner, or his family members, tenants, guests, or other invitees, is responsible. Current law allows the board of directors or unit owners' association to suspend such access only for nonpayment of assessments that are more than 60 days past due.

*Patron - Bulova*

**F HB2135 Virginia Residential Landlord and Tenant Act; early termination of rental agreement; victims of sexual abuse or criminal sexual assault.** Provides that a tenant who is a victim of sexual abuse or other criminal sexual assault may terminate such tenant's obligations under a rental agreement if the tenant (i) has obtained a protective order and has given proper written notice of termination during the period of the protective order or any extension thereof or (ii) as evidence of such abuse or criminal sexual assault, has obtained (a) records or files from a federal or state agency, law-enforcement agency, or court; (b) documentation from a domestic violence or sexual assault program; or (c) documentation from a religious, medical, or other professional and has given written notice of termination. Under current law, there must be a conviction before the tenant may terminate such obligations under a rental agreement.

*Patron - Delaney*

**F HB2214 Virginia Residential Property Disclosure Act; required disclosures; resource protection areas; locality to send notice.** Requires the owner of residential real property located in the Commonwealth who has actual knowledge that the property contains a resource protection area established under the Chesapeake Bay Preservation Act to disclose such fact to the purchaser of such property on a form provided by the Real Estate Board on its website. The bill also requires any locality that is subject to the Chesapeake Bay Preservation Act to send, on a yearly basis, to every owner of real property containing a resource protection area written notice informing the owner of the importance of such fact and the penalties that may be imposed by the locality for a violation of any zoning, subdivision, or other ordinance adopted in accordance with the Chesapeake Bay Preservation Act.

*Patron - Tran*

**F SB941 Virginia Residential Landlord and Tenant Act; security deposits.** Provides that if a tenant is present for a move-out inspection, there are no damages to the dwelling unit beyond normal wear and tear based upon such inspection, and the tenant does not owe any rent to the landlord as of the date of such move-out inspection, the landlord shall refund the entirety of the security deposit to the tenant within 15 business days of the date of such move-out inspection. Such refund shall be returned to the tenant electronically, in person, or by mail at a forwarding address provided by the tenant.

*Patron - Hashmi*

**F SB1127 Department of Housing and Community Development; protection of vulnerable tenants; report.** Directs the Department of Housing and Community Development, in coordination with the Department of Social Services, to convene a workgroup to evaluate policies that can be used to protect an authorized occupant where such authorized occu-

parent is (i) a dependent child younger than 18 years of age or (ii) a mentally or physically incapacitated elderly person. The bill provides that the workgroup shall analyze the current protections in place for children and elderly tenants. The bill also directs the workgroup to report its findings and recommendations to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions by November 1, 2023.

*Patron - Morrissey*

**F SB1138 Virginia Residential Landlord and Tenant Act; rent increase during tenancy; conditions.** Provides that, except for any increase in rent that occurs after the first year of a lease with a term longer than one year, a rental agreement shall not contain provisions that the tenant agrees to pay any increase in rent during the term of a written lease unless such increase is agreed to in a separate, written document signed by the tenant and the landlord that includes (i) the new amount of rent to be charged to the tenant, (ii) the date upon which the rent increase becomes effective, and (iii) any additional terms or benefits to the tenant agreed to as consideration for such increase in rent.

*Patron - McPike*

**F SB1330 Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement.** Increases from five days to 14 days the mandatory waiting period after a landlord serves written notice on a tenant notifying the tenant of his nonpayment of rent and of the landlord's intention to terminate the rental agreement if rent is not paid before the landlord may pursue remedies for termination of the rental agreement.

*Patron - McClellan*

**F SB1340 Virginia Residential Landlord and Tenant Act; application limitations.** Prohibits a landlord from performing background, credit, or other pre-occupancy checks on an applicant without first (i) establishing a written rental application policy that includes a disclosure of the amount of all nonrefundable application fees and deposits and (ii) providing the applicant either (a) a copy of the landlord's written application policy or (b) an electronic communication stating where the landlord's written application policy may be accessed and providing a hyperlink or other electronic access to such policy. The written application policy may be provided through posting on a website available to the public.

*Patron - Barker*

**F SB1428 Common interest communities; foreclosure remedy.** Prohibits a common interest community association from conducting a foreclosure sale on a lien for unpaid assessments totaling less than \$5,000, excluding interest and attorney fees. Current law does not place a limit on the amount of assessments that must be unpaid before a common interest community association may conduct a foreclosure sale on a lien for any such unpaid assessments. The bill also limits interest charged on such unpaid assessments to an annual rate of six percent and prohibits any bill to enforce a lien from being entertained upon such property if the assessments are less than \$5,000. Current law prohibits any bill to enforce a lien from being entertained if such real estate is the judgment debtor's primary residence unless the judgment exceeds \$25,000.

*Patron - Surovell*

**F SB1469 Virginia Residential Landlord and Tenant Act; applicability; persons residing in hotels, motels, etc.** Provides that if a person resides in a hotel, motel, extended stay facility, vacation residential facility, boarding-house, or similar transient lodging as his permanent residence, such lodging shall not be subject to the provisions of the Vir-

ginia Residential Landlord and Tenant Act. Under current law, such lodging is subject to the Act if a person has resided there or is subject to a written lease for more than 90 days.

*Patron - Spruill*

**F SB1545 Civil relief; citizens of the Commonwealth furloughed or otherwise not receiving wages or payments due to partial closure of the federal government; emergency.** Provides a 30-day stay of eviction and foreclosure proceedings for tenants, homeowners, and owners who rent to a tenant a one-family to four-family residential dwelling unit who request a stay and provide written proof, defined in the bill, that such tenant or homeowner is (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government who was furloughed or otherwise has not received or is not currently receiving wages or payments due to a closure of the United States government.

*Patron - Rouse*

## Public Service Companies

### Passed

**P HB1604 Virginia Electric Utility Regulation Act; regulation of rates.** Provides, that in any proceeding to establish base rates for Appalachian Electric Power or Dominion Energy Virginia conducted by the State Corporation Commission (the Commission), if the Commission determines in its sole discretion that the utility's existing base rates will, on a going-forward basis, either produce (i) revenues in excess of the utility's authorized rate of return or (ii) revenues below the utility's authorized rate of return, then the Commission is required to order any reductions or increases, as applicable and necessary, to such base rates that it deems appropriate to ensure the resulting base rates (a) are just and reasonable and (b) provide the utility an opportunity to recover its costs of providing services over the rate period and earn a fair rate of return. This bill is identical to SB 1321.

*Patron - Ware*

**P HB1637 Electric utilities; pilot program for underground transmission or distribution lines; additional projects.** Adds one project to the existing pilot program for underground transmission lines. The bill requires the State Corporation Commission to approve one additional application filed between January 1, 2023, and October 1, 2023, as a qualifying project to be constructed in whole or in part underground, as a part of the pilot program. The bill requires that the added qualifying project be a newly proposed 230-kilovolt underground line and that (i) an engineering analysis demonstrates that it is technically feasible to place the proposed line, in whole or in part, underground; (ii) the governing body of each locality in which a portion of the proposed line will be placed underground indicates, by resolution, general community support for the project and that the governing body supports the transmission line to be placed underground; (iii) a project has been filed with the Commission or is pending issuance of a certificate of public convenience and necessity by October 1, 2023; (iv) the estimated additional cost of placing the proposed line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the Commission agree, a proposed underground line



whose cost exceeds 2.5 times the cost of placing the line overhead may also be accepted into the pilot program; (v) the public utility requests that the project be considered as a qualifying project under the pilot program; and (vi) the primary need of the project is for purposes of grid reliability or grid resiliency or to support economic development priorities of the Commonwealth, including the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed, and not to address aging assets that would have otherwise been replaced in due course.

Additionally, the bill adds one project to place underground an electric distribution mainline as part of a transportation infrastructure improvement project incorporating transit that has been initially accepted for partial funding of at least \$250 million pursuant to a federal program. The bill provides that such project is qualified to be placed underground if (a) the estimated additional cost of placing the proposed mainline, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the Commission agree, a proposed underground line whose cost exceeds 2.5 times the cost of placing the line overhead may also be accepted into the pilot program and (b) the public utility requests that the project be considered as a qualifying project under this section. The provisions of the bill related to the underground distribution mainline expire on July 1, 2028. This bill is identical to SB 1370. This bill received Governor's recommendations.

*Patron - Webert*

**P HB1643 Coal mine methane; capture and beneficial use; Department of Energy to evaluate policy options; report.** States that it is the policy of the Commonwealth to encourage the capture and beneficial use of coal mine methane, defined in the bill. The bill directs the Department of Energy to evaluate policy options to encourage the capture and beneficial use of coal mine methane and submit a report of its findings by November 15, 2023. This bill is identical to SB 1121.

*Patron - Kilgore*

**P HB1752 Public utilities; fiber optic broadband lines crossing railroads.** Provides that if a broadband service provider, in the construction of its works, deems it necessary to cross the works of a railroad company, the broadband service provider is required to submit an application to the railroad company. The bill requires the application to include (i) a license fee; (ii) engineering design plans, construction plans, bore plans, fraction mitigation plans, dewatering plans, rigging and lifting plans, and any other pertinent plans deemed necessary and prepared by a registered professional engineer; (iii) the location of the crossing, including whether it is located in a public right-of-way; (iv) the proposed date of commencement of work; (v) the anticipated duration of the work in the crossing; (vi) the areas in which the project personnel will work; and (vii) the contact information of the broadband service provider's point of contact. The bill requires a railroad company to acknowledge receipt of the application, to request any additional information within 15 days, and to approve the application within 35 days unless the railroad company petitions the State Corporation Commission. The bill requires the broadband service provider to bear the cost of any such crossing, including a license fee of \$2,000 for each crossing, except that for a crossing over an abandoned section of track the license fee shall not exceed \$1,000 and for a crossing of a railroad company's works within a public right-of-way there is not a license fee. Under the bill, the Commonwealth shall grant a

right-of-way to any broadband service provider seeking to use the right-of-way for broadband deployment to the extent that the Commonwealth owns any interest in any real property crossed by a railroad or manages any real property not owned by the Commonwealth that is crossed by a railroad. The bill requires the broadband service provider to maintain a general liability insurance policy or railroad protective liability insurance policy that meets certain requirements. The bill also requires a broadband service provider to reimburse the railroad company for direct expenses, not to exceed \$5,000, in addition to the license fee. The bill provides that a railroad company may petition the State Corporation Commission within 35 days of receiving an application if it asserts (a) the license fee is not adequate compensation for the specified crossing, (b) the proposed crossing will cause undue hardship on the railroad company, or (c) the proposed crossing will create the imminent likelihood of danger to public health or safety. Under the bill, a broadband service provider may petition the Commission if a railroad company is not in compliance with the requirements of the bill. The bill requires the Commission to adjudicate any such petition within 90 days. This bill is identical to SB 1029.

*Patron - Head*

**P HB1770 Virginia Electric Utility Regulation Act.** Authorizes Dominion Energy Virginia, on or before July 1, 2024, to petition the State Corporation Commission (the Commission) for a financing order for deferred fuel costs. The bill sets forth specific transaction terms and other provisions related to the financing order. Before granting a financing order, the Commission is required to find that (i) the proposed issuance of deferred fuel cost bonds is in the public interest and the associated deferred fuel cost charges are just and reasonable and (ii) the structuring and pricing of the deferred fuel cost bonds are reasonably expected to result in reasonable deferred fuel cost charges consistent with market conditions at the time the deferred fuel cost bonds are priced and the terms set forth in such financing order. The bill requires the financing order to include, among other things: (a) the amount of deferred fuel costs to be financed using deferred fuel cost bonds; (b) a requirement that deferred fuel cost charges authorized under a financing order are non-bypassable and paid by all retail customers of the electric utility, irrespective of the generation supplier of such customer, except for certain exempt customers; (c) a formula-based true-up mechanism for making annual adjustments to the deferred fuel cost charges; and (d) a method of tracing funds collected as deferred fuel cost charges. The bill requires the utility to permit certain retail customers to opt out of financing the customer's pro rata obligation for the deferred fuel cost charges through deferred fuel cost bonds. Under the bill, the financing order is irrevocable.

The bill creates the deferred fuel cost charge and provides that the revenues generated by this charge, known as deferred fuel cost property, is a property right that can be transferred and pledged as security for the deferred fuel cost bonds. The bill establishes the procedures for creating, perfecting, and enforcing the security interest in deferred fuel cost property. The bill includes a state non-impairment obligation. Under the bill if the deferred fuel cost bonds are issued, the Commonwealth and its agencies, including the Commission, agree not to take any action that would limit or alter the deferred fuel cost charges until the deferred fuel cost bonds have been paid and performed in full.

The bill makes various changes to procedures under which the Commission reviews the earnings and sets the rates of investor-owned incumbent electric utilities. The bill provides that, in lieu of the triennial review proceedings required under current law, Dominion Energy Virginia, beginning in 2023, will be subject to biennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services. The bill requires that if, during a biennial review filed on or before

December 31, 2023, the Commission determines that the utility has earned more than 70 basis points above its fair combined rate of return on its generation and distribution services, the Commission will direct that 85 percent of the amount of such overearnings be credited to customers' bills. For a biennial review filed after December 31, 2023, the bill requires that if the Commission determines that the utility has earned above its fair combined rate of return on its generation and distribution services, the Commission will direct that 85 percent of the amount of such overearnings be credited to customers' bills and that all of any such overearnings that were more than 150 basis points above the utility's fair combined rate of return on its generation and distribution services be credited to customers' bills.

The bill requires that the Commission, in determining a fair rate of return on common equity for an investor-owned electric utility in any biennial review initiated prior to December 31, 2023, set such rate at 9.70 percent, which is based on the simple average of the authorized returns for vertically integrated electric utilities by the applicable regulatory commissions in the peer group jurisdictions of Florida, Georgia, Texas, Tennessee, West Virginia, Kentucky, and North Carolina. The bill provides that for any review after December 31, 2023, the Commission may use any methodology to determine such return it finds consistent with the public interest. The bill provides that the Commission may increase or decrease an electric utility's combined rate of return for generation and distribution services by up to 50 basis points based on factors that may include reliability, generating plant performance, customer service, operating efficiency of a utility, and load forecasting. The bill requires the Commission, before December 31, 2023, to direct the initiation of a proceeding to review and determine the appropriate protocols and standards applicable to implementing any such performance-based adjustments.

The bill provides that in any proceeding to establish base rates for Appalachian Electric Power or Dominion Energy Virginia conducted by the Commission, if the Commission determines in its sole discretion that the utility's existing base rates will, on a going-forward basis, either produce (1) revenues in excess of the utility's authorized rate of return or (2) revenues below the utility's authorized rate of return, then the Commission is required to order any reductions or increases, as applicable and necessary, to such base rates that it deems appropriate to ensure the resulting base rates (A) are just and reasonable and (B) provide the utility an opportunity to recover its costs of providing services over the rate period and earn a fair rate of return.

The bill requires Dominion Energy Virginia, in its 2023 biennial review, to combine certain rate adjustment clauses having a combined annual revenue requirement of at least \$350 million with the utility's base rates. The bill provides that the combination of such rate adjustment clauses is subject to audit by the Commission in the utility's 2023 biennial review filing. The bill authorizes the Commission to, in its discretion, direct the consolidation of any previously implemented rate adjustment clauses in the interest of judicial economy, customer transparency, or other factors the Commission determines to be appropriate.

The bill requires the Commission to include in its report to the Commission on Electric Utility Regulation and the Governor any information concerning the reliability impacts of generation unit additions and retirement determinations by Appalachian Power and Dominion Energy Virginia, along with the potential impact on the purchase of power from generation assets outside the Virginia jurisdiction used to serve the utility's native load.

The bill requires Dominion Energy Virginia, through December 31, 2024, to undertake reasonable efforts to maintain, subject to audit by the Commission, its common equity capitalization to total capitalization ratio at a level equal to

52.10 percent. This bill is identical to SB 1265. This bill received Governor's recommendations.

*Patron - Kilgore*

**P HB1776 Business park electric infrastructure program.** Makes permanent and amends certain provisions of the Code related to the business park electric infrastructure program conducted by the Virginia Economic Development Partnership. The bill requires that the program be conducted in the service territory or transmission zone of each Phase I and Phase II Utility and permits costs incurred by the utility in installing the business park electric infrastructure to be recovered pursuant to a rate adjustment clause approved by the State Corporation Commission. The bill also requires a utility to obtain a certificate from the Commission prior to constructing business park electric infrastructure and requires the Commission to institute a rulemaking proceeding by September 1, 2023, to establish requirements for the program. This bill is identical to SB 1420.

*Patron - O'Quinn*

**P HB1777 Campaign finance; political action committees; certain large pre-election expenditures.** Increases the number of scheduled reports for political action committees from four to five and changes the reporting dates for some reports. The bill requires political action committees formed after the twelfth day before the third Tuesday in June in odd-numbered years to make special reports for any contribution or expenditure of \$1,000 or more. The bill changes the reporting threshold from \$500 to \$1,000 for special reports for political action committees that file their statements of organization after October 15 in odd-numbered years. The bill requires that all in-state political action committees file a report for any single contribution or expenditure of \$1,000 or more made between (i) May 26 and the third Tuesday in June in odd-numbered years and (ii) October 8 and the date of the November general election. Such reports are to be made electronically and must be received by the State Board of Elections by 11:59 p.m. on the following day or, for a contribution received or expenditure made on a Saturday, by 11:59 p.m. on the following Monday. However, the bill requires that any such contribution or expenditure made within the 24 hours prior to the election day be reported and a report thereof received on the day prior to the election. This bill received Governor's recommendations.

*Patron - O'Quinn*

**P HB2026 Renewable energy; biomass-fired facilities; Department of Forestry advisory panel; report.** Removes the renewable energy requirement for each Phase I and Phase II Utility to retire all biomass-fired electric generating units that do not co-fire with coal by December 31, 2028. The bill provides that biomass-fired facilities may qualify as renewable energy standard eligible sources, provided that they are in operation as of January 1, 2023, and (i) supply no more than 10 percent of their annual net electrical generation to the electric grid or no more than 15 percent of their annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected and are fueled by forest-product manufacturing materials harvested in accordance with best management practices or (ii) are owned by a Phase I or Phase II Utility, have less than 52 megawatts capacity, and are fueled by forest-product manufacturing residuals, biowastes, or biomass harvested in accordance with best management practices. The bill directs the Department of Forestry to convene an advisory panel to examine the use of forest-related materials, agricultural-related materials, and solid woody waste materials for biomass-fired electric generating units in the Commonwealth and to submit a report of the advisory panel's findings and any recommendations to the House

Committee on Commerce and Energy and the Senate Committee on Commerce and Labor no later than December 1, 2024. The bill further directs the Department of Forestry to develop by December 1, 2023, best management practices for the sustainable harvesting of biomass for biomass-fired electric generating units that are subject to the provisions of the bill. This bill is identical to SB 1231. This bill received Governor's recommendations.

*Patron - O'Quinn*

**P HB2132 Underground Utility Damage Prevention Act.** Makes various changes to the Underground Utility Damage Prevention Act. The bill (i) requires excavators to review updates in the 811 positive response system and conduct additional safety verifications before digging, (ii) allows an excavator to schedule a locate request 12 days in advance, (iii) creates a criminal penalty for any person who knowingly and intentionally excavates after being notified by a representative of the Commission of a determination that such excavation constitutes an immediate threat to safety or property and such representative requests that excavation cease, (iv) increases from \$2,500 to \$10,000 the maximum civil penalty for violations of the Act, and (v) updates notification requirements. This bill is identical to SB 1145.

*Patron - Wilt*

**P HB2305 Certain electrical generating facilities; competitive procurement.** Provides that in any petition by a Phase I or Phase II Utility for a certificate of public convenience and necessity to construct and operate an electrical generating facility that generates electric energy derived from sunlight, such utility shall demonstrate that the proposed facility was subject to competitive procurement or solicitation.

*Patron - Webert*

**P HB2444 Development of offshore wind capacity; cost recovery.** Requires the State Corporation Commission, in conducting its review of requests for cost recovery by a Phase II Utility for costs associated with generating facilities utilizing energy derived from offshore wind, to give due consideration to the economic development benefits of the project for the Commonwealth, including capital investments and job creation, arising from project construction and operation and the manufacture of wind turbine generator components and subcomponents. The bill also accelerates the timeline from 2034 to 2032 for public utilities to construct or purchase one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth. This bill is identical to SB 1441. This bill received Governor's recommendations.

*Patron - Bloxom*

**P HB2482 State Corporation Commission; certain electricity transmission projects.** Directs the State Corporation Commission to issue its final order for certificates of public convenience and necessity regarding certain projects no later than 270 days after the filing date by a utility. For such projects filed by a utility prior to January 1, 2023, the bill requires the State Corporation Commission to issue its final order for certificates of public convenience and necessity within 90 days of the bill's effective date. This bill is identical to SB 1541.

*Patron - Fariss*

**P SB1018 Railroad companies; notice of certain action.** Requires a railroad company operating in the Commonwealth that submits an application to the federal government for consolidation, merger, abandonment, or discontinuance to notify, in addition to the State Corporation

Commission and the Governor, the Secretary of Transportation, the Secretary of Natural and Historic Resources, the Director of the Department of Rail and Public Transportation, and the Executive Director of the Virginia Passenger Rail Authority of such action.

*Patron - Edwards*

**P SB1029 Public utilities; fiber optic broadband lines crossing railroads.** Provides that if a broadband service provider, in the construction of its works, deems it necessary to cross the works of a railroad company, the broadband service provider is required to submit an application to the railroad company. The bill requires the application to include (i) a license fee; (ii) engineering design plans, construction plans, bore plans, fraction mitigation plans, dewatering plans, rigging and lifting plans, and any other pertinent plans deemed necessary and prepared by a registered professional engineer; (iii) the location of the crossing, including whether it is located in a public right-of-way; (iv) the proposed date of commencement of work; (v) the anticipated duration of the work in the crossing; (vi) the areas in which the project personnel will work; and (vii) the contact information of the broadband service provider's point of contact. The bill requires a railroad company to acknowledge receipt of the application, to request any additional information within 15 days, and to approve the application within 35 days unless the railroad company petitions the State Corporation Commission. The bill requires the broadband service provider to bear the cost of any such crossing, including a license fee of \$2,000 for each crossing, except that for a crossing over an abandoned section of track the license fee shall not exceed \$1,000 and for a crossing of a railroad company's works within a public right-of-way there is not a license fee. Under the bill, the Commonwealth shall grant a right-of-way to any broadband service provider seeking to use the right-of-way for broadband deployment to the extent that the Commonwealth owns any interest in any real property crossed by a railroad or manages any real property not owned by the Commonwealth that is crossed by a railroad. The bill requires the broadband service provider to maintain a general liability insurance policy or railroad protective liability insurance policy that meets certain requirements. The bill also requires a broadband service provider to reimburse the railroad company for direct expenses, not to exceed \$5,000, in addition to the license fee. The bill provides that a railroad company may petition the State Corporation Commission within 35 days of receiving an application if it asserts (a) the license fee is not adequate compensation for the specified crossing, (b) the proposed crossing will cause undue hardship on the railroad company, or (c) the proposed crossing will create the imminent likelihood of danger to public health or safety. Under the bill, a broadband service provider may petition the Commission if a railroad company is not in compliance with the requirements of the bill. The bill requires the Commission to adjudicate any such petition within 90 days. This bill is identical to HB 1752.

*Patron - Stanley*

**P SB1075 Phase I Utilities; deferred fuel costs; biennial reviews.** Authorizes Appalachian Power to petition the State Corporation Commission (the Commission) for a financing order for deferred fuel costs. The bill sets forth specific transaction terms and other provisions related to the financing order. Before granting a financing order, the Commission is required to find that (i) the proposed issuance of deferred fuel cost bonds is in the public interest and the associated deferred fuel cost charges are just and reasonable and (ii) the structuring and pricing of the deferred fuel cost bonds are reasonably expected to result in reasonable deferred fuel cost charges consistent with market conditions at the time the deferred fuel cost bonds are priced and the terms set forth in such financing order. The bill requires the financing order to

include, among other things: (a) the amount of deferred fuel costs to be financed using deferred fuel cost bonds; (b) a requirement that deferred fuel cost charges authorized under a financing order are non-bypassable and paid by all retail customers of the electric utility, irrespective of the generation supplier of such customer, except for certain exempt customers; (c) a formula-based true-up mechanism for making annual adjustments to the deferred fuel cost charges; and (d) a method of tracing funds collected as deferred fuel cost charges. The bill requires the utility to permit certain retail customers to opt out of financing the customer's pro rata obligation for the deferred fuel cost charges through deferred fuel cost bonds. Under the bill, the financing order is irrevocable. The bill creates the deferred fuel cost charge and provides that the revenues generated by this charge, known as deferred fuel cost property, are a property right that can be transferred and pledged as security for the deferred fuel cost bonds. The bill establishes the procedures for creating, perfecting, and enforcing the security interest in deferred fuel cost property. The bill includes a state non-impairment obligation. Under the bill, if the deferred fuel cost bonds are issued, the Commonwealth and its agencies, including the Commission, agree not to take any action that would limit or alter the deferred fuel cost charges until the deferred fuel cost bonds have been paid and performed in full. The bill makes various changes to procedures under which the Commission reviews the earnings and sets the rates of Appalachian Power. The bill provides that, in lieu of the triennial review proceedings required under current law, Appalachian Power will be subject to biennial reviews of their rates, terms, and conditions for generation and distribution services, with the first review commencing on March 31, 2024. The bill requires the Commission, in each biennial review, to conduct a proceeding to review all rates, terms, and conditions for generation and distribution services, with such proceeding utilizing the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted. The bill provides that in each biennial review proceeding, the Commission will set the fair rate of return on common equity applicable to the generation and distribution services of the utility for the two such services combined and for certain approved rate adjustment clauses. The bill provides that the Commission may use any methodology it finds consistent with the public interest to determine Appalachian Power's fair rate of return on common equity. Additionally, the bill provides that the Commission may increase or decrease the combined rate of return for generation and distribution services by up to 50 basis points based on the reliability, generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. The bill requires the Commission, before December 31, 2023, to direct the initiation of a proceeding to review and determine the appropriate protocols and standards applicable to implementing any such performance-based adjustments. The bill provides that if the Commission determines in its sole discretion that the utility's existing rates for generation and distribution services will, on a going-forward basis, either produce (1) revenues in excess of the utility's authorized rate of return or (2) revenues below the utility's authorized rate of return, then the Commission is required to order any reductions or increases, as applicable and necessary, to such rates for generation and distribution services that it deems appropriate to ensure the resulting rates for generation and distribution services (A) are just and reasonable and (B) provide the utility an opportunity to recover its costs. The bill provides that, if in any biennial review, the Commission finds that, during the test period under review, the utility has earned more than 100 basis points above the authorized fair combined rate of return on its generation or distribution services, the Commission will direct that 100 percent of the amount of such earnings that were more

than 100 basis points above such fair combined rate of return be credited to customers' bills. The bill requires the Commission to authorize deferred recovery for reasonable (I) actual costs associated with severe weather events and (II) actual costs associated with natural disasters, not currently in rates, and provides that the Commission shall allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The bill provides that the Commission is authorized to determine during any biennial review the reasonableness or prudence of any cost subject to the rate review incurred or projected to be incurred by the utility. The bill removes the requirement for Appalachian Power to file an integrated resource plan with the Commission. This bill is identical to HB 1777. This bill received Governor's recommendations.

*Patron - Ruff*

**P SB1121 Coal mine methane; capture and beneficial use; Department of Energy to evaluate policy options; report.** States that it is the policy of the Commonwealth to encourage the capture and beneficial use of coal mine methane, defined in the bill. The bill directs the Department of Energy to evaluate policy options to encourage the capture and beneficial use of coal mine methane and submit a report of its findings by November 15, 2023. This bill is identical to HB 1643.

*Patron - Hackworth*

**P SB1145 Underground Utility Damage Prevention Act.** Makes various changes to the Underground Utility Damage Prevention Act. The bill (i) requires excavators to review updates in the 811 positive response system and conduct additional safety verifications before digging, (ii) allows an excavator to schedule a locate request 12 days in advance, (iii) creates a criminal penalty for any person who knowingly and intentionally excavates after being notified by a representative of the Commission of a determination that such excavation constitutes an immediate threat to safety or property and such representative requests that excavation cease, (iv) increases from \$2,500 to \$10,000 the maximum civil penalty for violations of the Act, and (v) updates notification requirements. This bill is identical to HB 2132.

*Patron - McPike*

**P SB1231 Renewable energy; biomass-fired facilities; Department of Forestry advisory panel; report.** Removes the renewable energy requirement for each Phase I and Phase II Utility to retire all biomass-fired electric generating units that do not co-fire with coal by December 31, 2028. The bill provides that biomass-fired facilities may qualify as renewable energy standard eligible sources, provided that they are in operation as of January 1, 2023, and (i) supply no more than 10 percent of their annual net electrical generation to the electric grid or no more than 15 percent of their annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected and are fueled by forest-product manufacturing materials harvested in accordance with best management practices or (ii) are owned by a Phase I or Phase II Utility, have less than 52 megawatts capacity, and are fueled by forest-product manufacturing residuals, biowastes, or biomass harvested in accordance with best management practices. The bill directs the Department of Forestry to convene an advisory panel to examine the use of forest-related materials, agricultural-related materials, and solid woody waste materials for biomass-fired electric generating units in the Commonwealth and to submit a report of the advisory panel's findings and any recommendations to the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor no later than December 1, 2024. The bill further directs the Department of Forestry to develop

by December 1, 2023, best management practices for the sustainable harvesting of biomass for biomass-fired electric generating units that are subject to the provisions of the bill. This bill is identical to HB 2026. This bill received Governor's recommendations.

*Patron - Lewis*

**P SB1265 Virginia Electric Utility Regulation Act.** Authorizes Dominion Energy Virginia, on or before July 1, 2024, to petition the State Corporation Commission (the Commission) for a financing order for deferred fuel costs. The bill sets forth specific transaction terms and other provisions related to the financing order. Before granting a financing order, the Commission is required to find that (i) the proposed issuance of deferred fuel cost bonds is in the public interest and the associated deferred fuel cost charges are just and reasonable and (ii) the structuring and pricing of the deferred fuel cost bonds are reasonably expected to result in reasonable deferred fuel cost charges consistent with market conditions at the time the deferred fuel cost bonds are priced and the terms set forth in such financing order. The bill requires the financing order to include, among other things: (a) the amount of deferred fuel costs to be financed using deferred fuel cost bonds; (b) a requirement that deferred fuel cost charges authorized under a financing order are non-bypassable and paid by all retail customers of the electric utility, irrespective of the generation supplier of such customer, except for certain exempt customers; (c) a formula-based true-up mechanism for making annual adjustments to the deferred fuel cost charges; and (d) a method of tracing funds collected as deferred fuel cost charges. The bill requires the utility to permit certain retail customers to opt out of financing the customer's pro rata obligation for the deferred fuel cost charges through deferred fuel cost bonds. Under the bill, the financing order is irrevocable.

The bill creates the deferred fuel cost charge and provides that the revenues generated by this charge, known as deferred fuel cost property, is a property right that can be transferred and pledged as security for the deferred fuel cost bonds. The bill establishes the procedures for creating, perfecting, and enforcing the security interest in deferred fuel cost property. The bill includes a state non-impairment obligation. Under the bill if the deferred fuel cost bonds are issued, the Commonwealth and its agencies, including the Commission, agree not to take any action that would limit or alter the deferred fuel cost charges until the deferred fuel cost bonds have been paid and performed in full.

The bill makes various changes to procedures under which the Commission reviews the earnings and sets the rates of investor-owned incumbent electric utilities. The bill provides that, in lieu of the triennial review proceedings required under current law, Dominion Energy Virginia, beginning in 2023, will be subject to biennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services. The bill requires that if, during a biennial review filed on or before December 31, 2023, the Commission determines that the utility has earned more than 70 basis points above its fair combined rate of return on its generation and distribution services, the Commission will direct that 85 percent of the amount of such overearnings be credited to customers' bills. For a biennial review filed after December 31, 2023, the bill requires that if the Commission determines that the utility has earned above its fair combined rate of return on its generation and distribution services, the Commission will direct that 85 percent of the amount of such overearnings be credited to customers' bills and that all of any such overearnings that were more than 150 basis points above the utility's fair combined rate of return on its generation and distribution services be credited to customers' bills.

The bill requires that the Commission, in determining a fair rate of return on common equity for an investor-owned electric

utility in any biennial review initiated prior to December 31, 2023, set such rate at 9.70 percent, which is based on the simple average of the authorized returns for vertically integrated electric utilities by the applicable regulatory commissions in the peer group jurisdictions of Florida, Georgia, Texas, Tennessee, West Virginia, Kentucky, and North Carolina. The bill provides that for any review after December 31, 2023, the Commission may use any methodology to determine such return it finds consistent with the public interest. The bill provides that the Commission may increase or decrease an electric utility's combined rate of return for generation and distribution services by up to 50 basis points based on factors that may include reliability, generating plant performance, customer service, operating efficiency of a utility, and load forecasting. The bill requires the Commission, before December 31, 2023, to direct the initiation of a proceeding to review and determine the appropriate protocols and standards applicable to implementing any such performance-based adjustments.

The bill provides that in any proceeding to establish base rates for Appalachian Electric Power or Dominion Energy Virginia conducted by the Commission, if the Commission determines in its sole discretion that the utility's existing base rates will, on a going-forward basis, either produce (1) revenues in excess of the utility's authorized rate of return or (2) revenues below the utility's authorized rate of return, then the Commission is required to order any reductions or increases, as applicable and necessary, to such base rates that it deems appropriate to ensure the resulting base rates (A) are just and reasonable and (B) provide the utility an opportunity to recover its costs of providing services over the rate period and earn a fair rate of return.

The bill requires Dominion Energy Virginia, in its 2023 biennial review, to combine certain rate adjustment clauses having a combined annual revenue requirement of at least \$350 million with the utility's base rates. The bill provides that the combination of such rate adjustment clauses is subject to audit by the Commission in the utility's 2023 biennial review filing. The bill authorizes the Commission to, in its discretion, direct the consolidation of any previously implemented rate adjustment clauses in the interest of judicial economy, customer transparency, or other factors the Commission determines to be appropriate.

The bill requires the Commission to include in its report to the Commission on Electric Utility Regulation and the Governor any information concerning the reliability impacts of generation unit additions and retirement determinations by Appalachian Power and Dominion Energy Virginia, along with the potential impact on the purchase of power from generation assets outside the Virginia jurisdiction used to serve the utility's native load.

The bill requires Dominion Energy Virginia, through December 31, 2024, to undertake reasonable efforts to maintain, subject to audit by the Commission, its common equity capitalization to total capitalization ratio at a level equal to 52.10 percent. This bill is identical to HB 1770. This bill received Governor's recommendations.

*Patron - Saslaw*

**P SB1321 Virginia Electric Utility Regulation Act; regulation of rates.** Provides, that in any proceeding to establish base rates for Appalachian Electric Power or Dominion Energy Virginia conducted by the State Corporation Commission (the Commission), if the Commission determines in its sole discretion that the utility's existing base rates will, on a going-forward basis, either produce (i) revenues in excess of the utility's authorized rate of return or (ii) revenues below the utility's authorized rate of return, then the Commission is required to order any reductions or increases, as applicable and necessary, to such base rates that it deems appropriate to ensure the resulting base rates (a) are just and reasonable and (b) provide the utility an opportunity to recover its costs of providing

services over the rate period and earn a fair rate of return. This bill is identical to HB 1604.

*Patron - McClellan*

**P SB1323 Electric utilities; energy efficiency savings targets.** Requires the State Corporation Commission to establish for Dominion Energy Virginia annual energy efficiency savings targets for customers who are low-income, elderly, disabled, or veterans of military service. The bill requires the Commission, in establishing such targets, to seek to optimize energy efficiency and the health and safety benefits of utility energy efficiency programs. The bill requires Dominion Energy Virginia to make best efforts to coordinate such energy efficiency programs with any health and safety upgrades provided through energy efficiency programs authorized by provisions of the Code of Virginia, when reasonably feasible to do so and at the utility's sole discretion. The bill has an expiration date of January 1, 2031.

*Patron - McClellan*

**P SB1370 Electric utilities; pilot program for underground transmission or distribution lines; additional projects.** Adds one project to the existing pilot program for underground transmission lines. The bill requires the State Corporation Commission to approve one additional application filed between January 1, 2023, and October 1, 2023, as a qualifying project to be constructed in whole or in part underground, as a part of the pilot program. The bill requires that the added qualifying project be a newly proposed 230-kilovolt underground line and that (i) an engineering analysis demonstrates that it is technically feasible to place the proposed line, in whole or in part, underground; (ii) the governing body of each locality in which a portion of the proposed line will be placed underground indicates, by resolution, general community support for the project and that the governing body supports the transmission line to be placed underground; (iii) a project has been filed with the Commission or is pending issuance of a certificate of public convenience and necessity by October 1, 2023; (iv) the estimated additional cost of placing the proposed line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the Commission agree, a proposed underground line whose cost exceeds 2.5 times the cost of placing the line overhead may also be accepted into the pilot program; (v) the public utility requests that the project be considered as a qualifying project under the pilot program; and (vi) the primary need of the project is for purposes of grid reliability or grid resiliency or to support economic development priorities of the Commonwealth, including the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed, and not to address aging assets that would have otherwise been replaced in due course.

Additionally, the bill adds one project to place underground an electric distribution mainline as part of a transportation infrastructure improvement project incorporating transit that has been initially accepted for partial funding of at least \$250 million pursuant to a federal program. The bill provides that such project is qualified to be placed underground if (a) the estimated additional cost of placing the proposed mainline, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the Commission agree, a proposed underground line whose cost exceeds 2.5 times the cost of placing the line overhead may

also be accepted into the pilot program and (b) the public utility requests that the project be considered as a qualifying project under this section. The provisions of the bill related to the underground distribution mainline expire on July 1, 2028. This bill is identical to HB 1637. This bill received Governor's recommendations.

*Patron - Vogel*

**P SB1420 Business park electric infrastructure program.** Makes permanent and amends certain provisions of the Code related to the business park electric infrastructure program conducted by the Virginia Economic Development Partnership. The bill requires that the program be conducted in the service territory or transmission zone of each Phase I and Phase II Utility and permits costs incurred by the utility in installing the business park electric infrastructure to be recovered pursuant to a rate adjustment clause approved by the State Corporation Commission. The bill also requires a utility to obtain a certificate from the Commission prior to constructing business park electric infrastructure and requires the Commission to institute a rulemaking proceeding by September 1, 2023, to establish requirements for the program. This bill is identical to HB 1776.

*Patron - Pillion*

**P SB1441 Development of offshore wind capacity; cost recovery.** Requires the State Corporation Commission, in conducting its review of requests for cost recovery by a Phase II Utility for costs associated with generating facilities utilizing energy derived from offshore wind, to give due consideration to the economic development benefits of the project for the Commonwealth, including capital investments and job creation, arising from project construction and operation and the manufacture of wind turbine generator components and subcomponents. The bill also accelerates the timeline from 2034 to 2032 for public utilities to construct or purchase one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth. This bill is identical to HB 2444. This bill received Governor's recommendations.

*Patron - Locke*

**P SB1477 Electric utility; offshore wind affiliate.** Authorizes Dominion Energy Virginia, in connection with certain offshore wind projects, to establish an offshore wind affiliate, defined in the bill, for the purpose of securing a noncontrolling equity financing partner for the project. Under the bill, such offshore wind affiliate is authorized to operate as a public utility in association with the utility. The bill requires the State Corporation Commission, in acting upon any request for associated cost recovery, to utilize the capital structure and cost of capital of the utility and to disregard the capital structure and cost of capital of any noncontrolling entity's interest in the offshore wind affiliate. If any ownership interest in the offshore wind affiliate is transferred to such a noncontrolling entity, the bill requires the Commission to ensure, in granting any approval for the transfer or for cost recovery, that any gain on the utility's basis is credited to the utility's customers through a rate adjustment clause credit mechanism. The bill provides that such an affiliate is considered an electric supplier for the purposes of tax provisions requiring certain electric suppliers to pay a minimum tax rather than the corporate income tax for any year their minimum tax liability is greater than their corporate income tax liability.

*Patron - Lewis*

**P SB1541 State Corporation Commission; certain electricity transmission projects.** Directs the State Corporation Commission to issue its final order for certificates of

public convenience and necessity regarding certain projects no later than 270 days after the filing date by a utility. For such projects filed by a utility prior to January 1, 2023, the bill requires the State Corporation Commission to issue its final order for certificates of public convenience and necessity within 90 days of the bill's effective date. This bill is identical to HB 2482.

*Patron - Lewis*

## Failed

**F HB1430 Virginia Clean Economy Act; non-bypassable charges; energy-intensive trade-exposed (EITE) industries; report.** Defines EITE industries as companies that are constrained in their ability to pass through carbon costs due to international competition, companies that engage in importation of products that cause emission leakage, and critical infrastructure facilities identified by certain federal agencies. The bill directs the State Corporation Commission to establish an EITE customer exemption pilot program for non-bypassable charges in certain provisions of the Virginia Clean Economy Act related to generation of electricity from renewable and zero-carbon sources and development of offshore wind capacity. The pilot program, to be designated as the EITE Pilot Program, shall commence no later than January 1, 2024, and shall have an initial aggregate customer load not to exceed 2,000 megawatts based on each participating customer's load during the previous calendar year. The bill requires the State Corporation Commission to report to the Governor and to the Chairmen of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor on the status of the EITE Pilot Program by March 31, 2025. The bill has an expiration date of July 1, 2029.

*Patron - Ware*

**F HB1480 Virginia Clean Economy Act; non-bypassable charges; energy-intensive trade-exposed (EITE) industries; report.** Directs the State Corporation Commission to establish an EITE customer exemption pilot program for non-bypassable charges in certain provisions of the Virginia Clean Economy Act related to generation of electricity from renewable and zero-carbon sources and development of offshore wind capacity. The bill defines EITE industries as companies that are constrained in their ability to pass through carbon costs due to international competition, companies that engage in importation of products that cause emission leakage, and critical infrastructure facilities identified by certain federal agencies. The bill requires the EITE Pilot Program to commence no later than January 1, 2024, and to have an initial aggregate customer load of 150 to 200 megawatts based on each participating customer's load during the previous calendar year. The State Corporation Commission shall also submit a report to the Governor, the House Committee on Commerce and Energy, and the Senate Committee on Commerce and Labor on the status of the EITE Pilot Program by March 31, 2025. The EITE Pilot Program terminates on January 1, 2028.

*Patron - Ware*

**F HB1520 Railroad safety.** Adds various requirements for railroad companies, including (i) prohibiting placing stationary cars or trains on its track within 1,500 feet on both sides of any crossing of a railroad with a highway; (ii) prohibiting trains that exceed 8,500 feet in length on any mainline or branch line; (iii) requiring a crew of at least two qualified individuals on all trains, locomotives, or light engines used in connection with moving freight; (iv) requiring warning signs or devices for certain track obstructions that could endanger a railroad company employee; and (v) requiring walkways adja-

cent to yard tracks where employees regularly perform switching service. The bill requires that fines for a violation of the train-length requirement be deposited in the Shortline Railway Preservation and Development Fund for railway safety projects.

*Patron - Simonds*

**F HB1533 Public utility regulation; Internet service providers; certificate to furnish broadband service.** Provides that Internet service providers are public utilities for the purposes of services and rates that are regulated by the State Corporation Commission. Under the bill, an Internet service provider does not include any agency, municipality, school board, or other political subdivision of the Commonwealth that provides broadband service. Beginning January 1, 2024, the bill requires an Internet service provider to seek a certificate of public convenience and necessity from the Commission for furnishing broadband service, extending its broadband service, or constructing, enlarging, or acquiring any new facilities for use in the provision of broadband service. The bill directs the Commission to promulgate rules and regulations to establish the requirements and process for an Internet service provider to seek such certificates by January 1, 2024.

*Patron - Jenkins*

**F HB1670 Electric utilities; schedule for rate review proceedings.** Provides that, in lieu of the triennial review proceedings required under current law, Dominion Energy Virginia and Appalachian Power will be subject to biennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services.

*Patron - Marshall*

**F HB1761 State Corporation Commission; Energy-Intensive Trade-Exposed Industries work group; report.** Directs the State Corporation Commission to convene a work group for the purposes of assessing the competitiveness of manufacturers in energy-intensive trade-exposed industries in the Commonwealth to foreign manufacturers that are not required to meet the same federal and state standards regarding labor, energy, intellectual property, and environmental factors. The bill defines "energy-intensive trade-exposed industry" and establishes the requirements for the membership of the work group. The work group is required to report its findings and recommendations to the Chairmen of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor no later than December 1, 2025.

*Patron - Reid*

**F HB1783 Natural gas utilities; retail supply choice.** Allows every person access to distribution service or retail natural gas from a natural gas company authorized to provide natural gas service to the area where the service will be received. The bill prohibits a public entity from adopting an ordinance, resolution, or any other requirement that limits or prohibits customers from acquiring natural gas service and supply from both utility and non-utility gas companies. The bill prohibits public entities from denying building permits solely based on a proposed utility provider and directs public entities to ensure that all applicable permits and fees are reasonable, as compared to other utility providers, and do not restrict an applicant's ability to use the services of an authorized utility provider.

*Patron - O'Quinn*

**F HB1797 Renewable energy; offshore wind development.** Provides that for the life of offshore wind facilities constructed by a Phase II Utility, customers shall be held harmless for any shortfall in energy production below an annual net capacity factor of 42 percent, as measured on a



three-year rolling average and as determined by the State Corporation Commission.

*Patron - Freitas*

**F HB1853 Public utilities; shared solar; minimum bill.** Provides that the minimum bill a subscriber to a shared solar program is required to pay, which under current law the State Corporation Commission is required to establish, may include the basic customer charge, non-bypassable charges, and administrative costs of the shared solar program. The bill prohibits the minimum bill from exceeding two times the basic customer charge. The bill removes the requirement that the minimum bill include the costs of all utility infrastructure and services used to provide service and the requirement that the Commission, in establishing the minimum bill, consider further costs the Commission deems relevant to ensure that subscribing customers pay a fair share of the costs of providing electric services and minimize the costs shifted to customers not in a shared solar program. The bill requires the Commission to approve a shared solar facility program of at least 10 percent of the peak load for customers of each utility with a minimum requirement of 30 percent low-income customers. Under current law, the Commission is required to approve a program of 150 megawatts with a requirement for an additional 50 megawatts if a certain condition is met. Additionally, the bill requires the Commission's regulations for the shared solar program to allow all jurisdictional and non-jurisdictional customer classes to participate in the program.

The bill requires the Commission to establish by regulation a shared solar program that allows customers of a Phase I Utility to purchase electric power through a subscription in a shared solar facility. Subscribers of such program are required to pay a minimum bill, established by the Commission, when the bill credit reduces the subscriber's bill below the minimum bill threshold, and low-income customers are exempt from the minimum bill. The bill provides that the Commission shall approve a shared solar program of 10 percent of the peak load for customers of a Phase I Utility, and a program facility shall allocate at least 30 percent of its capacity, or savings equivalent, to low-income customers or low-income service organizations.

*Patron - Subramanyam*

**F HB1854 State Corporation Commission; offshore wind energy development; report.** Requires the State Corporation Commission to submit a report regarding the status of offshore wind energy projects approved by the Commission no later than December 31, 2023, and annually thereafter to certain committees of the General Assembly, the Secretary of Natural and Historic Resources, and the Secretary of Commerce and Trade. The bill contains requirements and considerations for the initial report and subsequent annual reports and requires electric utilities proposing offshore wind development to consider and incorporate information from the Commission's annual reports and any recommendations contained therein.

*Patron - Subramanyam*

**F HB1875 Public utilities; delay of termination of service for certain residential customers; serious medical condition; report.** Requires the State Corporation Commission to establish by regulation exemptions to termination of service by a public utility that provides electric, gas, or water and wastewater services for certain residential customers. The bill requires such regulations to require a public utility to delay termination of service for any residential customer (i) who has not filed a serious medical condition form with the public utility, for 15 calendar days upon oral or written notification from the residential customer that such customer or a family mem-

ber residing with the customer has a serious medical condition; for such customer, the utility shall delay disconnection for at least 60 calendar days upon receiving a serious medical condition form during the 15-day period; (ii) who has filed a serious medical condition form with the public utility, for at least 60 days beyond the expiration of any required termination notice; or (iii) or who certifies to the utility that the customer's household includes primary residents who are not younger than 65 years of age, not older than 12 months of age, or have a disability, for a minimum of 60 calendar days beyond the expiration of any required termination notice. The bill requires that for any residential customer who is experiencing financial hardship and whose serious medical condition will last beyond the 60-calendar-delay period described in clause (ii), the utility shall work to establish a payment plan and make all due effort to avoid service termination; The bill requires such regulations to permit a residential customer to delay termination of service up to three times within a 12-month period. Each public utility subject to the provisions of the bill shall report monthly by the fifteenth day of each month information related to the filing of serious medical condition forms, exemptions from disconnections granted under the provisions of the bill, and payment plans entered into with residential customers.

*Patron - Helmer*

**F HB1974 Electric utilities; underground transmission lines.** Provides that construction and reconstruction of any underground, in whole or in part, electrical transmission lines of at least 69 kilovolts along a highway right-of-way under the jurisdiction of the Department of Transportation in Planning District 8 where a data center proposal is under construction in an area located within a half mile of a National Battlefield Park and within one mile of a state forest is in the public interest.

*Patron - Roem*

**F HB2130 State Corporation Commission; renewable energy portfolio standard requirements; report.** Provides that the State Corporation Commission may extend certain renewable energy portfolio standard (RPS) requirement timelines if it finds compliance with such requirements would threaten the reliability or security of electric service to customers. In any proceeding by an investor-owned utility in constructing or acquiring new generation resources, the bill requires the Commission to consider the ratepayer impact of such resources compared with alternatives that are not otherwise RPS-eligible. The bill requires the Commission to submit an annual report with recommendations to improve energy reliability, reduce electricity rates, meet forecasted energy needs, and incorporate available and emerging generation technologies.

*Patron - Wilt*

**F HB2197 Virginia Electric Utility Regulation Act; renewable energy; eligible sources for renewable energy portfolio standard program.** Provides that for the purpose of the Virginia Electric Utility Regulation Act, renewable energy includes energy from advanced nuclear technology or hydrogen. The bill classifies electric-generating resources that generate electric energy derived from advanced nuclear technology or hydrogen located in the Commonwealth or physically located within the PJM region as renewable energy portfolio standard program sources.

*Patron - Byron*

**F HB2213 Electric utilities; planned service outages; notice to customers.** Requires an electric utility to issue a notice of a planned service outage, defined in the bill, to each affected customer at least 24 hours in advance of the planned service outage. The bill requires the electric utility to make rea-

sonable attempts to minimize the inconvenience to affected customers, consistent with safety and security considerations. The provisions of the bill do not apply to unplanned or unscheduled interruptions in service, an interruption in service pursuant to a tariff or agreement approved by the Commission, or a curtailment or interruption of service to customers under an interruptible rate classification when the curtailment or interruption of service occurs pursuant to the affected customer's service agreement.

*Patron - Tran*

**F HB2267 Electric utilities; cost recovery; alternative to rate adjustment clause.** Provides that in any proceeding regarding petitions for a rate adjustment clause, the State Corporation Commission may, as an alternative to a rate adjustment clause, authorize recovery of any proposed cost through the utility's rates for generation and distribution services, if the Commission, in its discretion, determines that such cost recovery better serves ratepayers while still providing the utility the opportunity to recover its costs and earn a fair rate of return.

*Patron - Wilt*

**F HB2283 Disconnection suspensions for certain utilities; residential customers; report.** Suspends electric, gas, water, or wastewater utilities 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 bill suspends 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 high is at or above 95 degrees Fahrenheit within the 24 hours following the scheduled disconnection. The bill 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. Under the bill, certain utilities are required to report annually on residential utility disconnections beginning December 1, 2024. The bill requires the Broadband Advisory Council to convene a working group to study the feasibility and appropriateness of requiring broadband service providers to comply with the provisions of the bill. The State Corporation Commission is permitted to extend or modify the limitations created by the bill as necessary or in the public interest.

*Patron - Shin*

**F HB2311 Virginia Electric Utility Regulation Act; renewable energy; eligible sources for renewable energy portfolio standard program.** Provides that for the purpose of the Virginia Electric Utility Regulation Act, renewable energy includes energy from nuclear and hydrogen power. The bill provides electric-generating resources that generate electric energy derived from nuclear or hydrogen power located in the Commonwealth or physically located within the PJM region as a renewable energy portfolio standard program source.

*Patron - Kilgore*

**F HB2333 Electric utilities; small modular nuclear reactors; pilot program.** Provides that it is the policy of the Commonwealth to promote the development and operation of small modular nuclear reactors at the earliest reasonable time possible, with a goal of having the first small modular nuclear reactor operating by the end of 2032, and requires the State Corporation Commission to establish a small modular

nuclear reactor pilot program. Under the program, any entity that holds a license from the U.S. Nuclear Regulatory Commission to construct or operate one or more existing nuclear facilities at the time of the application may apply to the State Corporation Commission for a certificate of public convenience and necessity to complete site permitting and construct and operate one or more small modular nuclear reactors. Under the bill, the pilot program will be limited to three small modular nuclear reactor sites in the Commonwealth. The bill requires the State Corporation Commission to consider certain factors in considering an application for a certificate of public convenience and necessity for a small modular nuclear reactor under the pilot program.

*Patron - Marshall*

**F HB2355 Department of Energy; stakeholder work group; consumer protection regulations regarding solar energy generation facilities; report.** Directs the Department of Energy to convene a stakeholder work group to develop recommendations for consumer protection regulations regarding the sale or lease of solar energy generation facilities that are under 25 kilowatts in capacity. The Department shall submit a written report of the work group's recommendations to the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor by November 30, 2023.

*Patron - Glass*

**F SB849 Public utilities; customer consent to install smart meter.** Prohibits a public utility from installing a smart meter, defined in the bill, on the premises of a customer without first obtaining such customer's consent to such installation. The bill requires a public utility, for any smart meter installed by a public utility prior to July 1, 2023, to provide the customer an opportunity to consent to the previous installation. The bill requires a public utility to offer to remove a smart meter without cost to the customer that was installed without obtaining the customer's consent. The bill prohibits a public utility from (i) discontinuing service to a customer who does not consent to the installation of a smart meter; (ii) charging a fee, assessment, or higher rate to a customer who does not consent to the installation of a smart meter; or (iii) providing or offering to provide discounted rates to a customer in exchange for obtaining the customer's consent to install a smart meter.

*Patron - Chase*

**F SB984 Electric utilities; net metering.** Provides that a contract that provides for the ownership, maintenance, or operation of an electrical generating facility by a third party through a lease agreement with fixed monthly payments does not constitute the sale of electricity and does not cause an eligible customer-generator or the third party that owns, maintains, or operates the electrical generating facility through such a lease agreement to be considered an electric utility. The bill prohibits an eligible customer-generator or eligible agricultural customer-generator from being required to provide proof of liability insurance or to purchase additional liability insurance as a condition of interconnection. The bill exempts eligible customer-generators and eligible agricultural customer-generators that operate a battery storage device in conjunction with an electrical generating facility from standby charges. The bill provides that net metering provisions do not limit the ability of an eligible customer-generator or eligible agricultural customer-generator to participate in a distributed energy resource aggregation or other retail program involving demand response, energy efficiency, or peak reduction from dispatch of onsite battery service, provided that the compensation received is in exchange for a distinct service that is not already compen-

sated by net metering credits for electricity exported to the electric distribution system.

*Patron - Mason*

**F SB1083 Shared solar programs; Phase I Utility; report.** Requires the State Corporation Commission to establish by regulation a shared solar program that allows customers of a Phase I Utility to purchase electric power through a subscription in a shared solar facility, defined in the bill as a facility that, among other criteria, generates electricity by means of a solar photovoltaic device with a nameplate capacity that does not exceed 5,000 kilowatts. The bill provides that a customer's net bill for participation in the shared solar program shall not exceed the minimum bill that the Commission is required to establish, provides considerations for the Commission in establishing such minimum bill, such as minimizing the costs shifted to nonparticipating customers, and provides that the calculation of a customer's minimum bill each month shall be based on kilowatt hours billed by the utility rather than the subscriber's portion of shared solar utility generation. The bill provides that the Commission shall approve a shared solar program of 150 megawatts with a minimum requirement of 30 percent low-income customers and that an additional 50 megawatts shall be approved by the Commission upon determining that at least 45 megawatts of the aggregated shared solar capacity in the Commonwealth are subscribed to by low-income customers. The bill requires that any rule or utility implementation filings approved by the Commission shall allow all jurisdictional and nonjurisdictional customer classes to participate in the program, create a stakeholder work group to facilitate low-income customer and low-income service organization participation in the program, and encourage public-private partnerships to further the Commonwealth's clean energy and equity goals among other requirements.

*Patron - Edwards*

**F SB1125 Renewable energy portfolio standard requirements; State Corporation Commission authority; report.** Requires electric utilities to petition the State Corporation Commission for relief from the requirements of certain provisions of the Code that mandate the retirement of electric generating units that are coal-fired or emit carbon as a by-product of combusting fuel to generate electricity if such requirements would threaten the reliability or security of electric service to customers. Under current law, such electric utilities are permitted to petition the Commission for such relief if such requirements would threaten the reliability or security of electric service to customers. The bill requires investor-owned electric utilities to submit, by December 31, 2024, and annually thereafter, a report to the Governor and the General Assembly concerning the impact of potential power generation retirements on power generation infrastructure in the Commonwealth. The bill directs the State Corporation Commission to review, by December 1, 2025, and annually thereafter, provisions of the Code related to emissions trading programs, renewable energy generation requirements, and renewable energy portfolio standards and submit a report to the Governor and the General Assembly with recommendations for revisions to the Code to improve energy reliability, reduce electricity rates, and incorporate available and emerging electric energy generation technologies.

*Patron - Hackworth*

**F SB1266 Public utilities; shared solar; minimum bill.** Provides that a customer's net bill for participation in the shared solar program shall not exceed the minimum bill that the State Corporation Commission is required to establish, provides considerations for the Commission in establishing such minimum bill, such as minimizing the costs shifted to nonparticipating customers, and provides that the calculation

of a customer's minimum bill shall be based on the kilowatt hours billed by the utility rather than the subscriber's portion of shared solar facility generation. The bill increases the shared solar facility program capacity from 150 megawatts to 700 megawatts with an additional 300 megawatts of capacity to be approved by the Commission upon determining that at least 210 megawatts of the aggregated shared solar capacity in the Commonwealth are subscribed to by low-income customers. Under current law, the Commission is required to approve a program of 150 megawatts with an additional 50 megawatts. The bill requires the Commission's regulations for the shared solar program to allow all jurisdictional and nonjurisdictional customer classes to participate in the program. The bill also directs the Commission to implement through regulation the provisions of the bill within 180 days of enactment and require each utility to file any tariffs, agreements, or forms to implement the provisions of the bill within 60 days of the effective date of such regulations.

*Patron - Surovell*

**F SB1364 Electric utilities; control of smart thermostat prohibited.** Prohibits an electric utility from making either ad hoc or scheduled adjustments to a customer's smart thermostat, defined in the bill, regardless of whether such adjustment is part of a curtailment or demand response measure, is part of an energy efficiency program, or is otherwise designed to reduce current or anticipated demand.

*Patron - Vogel*

**F SB1417 Electric utilities; cost recovery; alternative to rate adjustment clause.** Provides that in any proceeding regarding petitions for a rate adjustment clause, the State Corporation Commission may, as an alternative to a rate adjustment clause, authorize recovery of any proposed cost through the utility's rates for generation and distribution services, if the Commission, in its discretion, determines that such cost recovery better serves ratepayers while still providing the utility the opportunity to recover its costs and earn a fair rate of return.

*Patron - Suetterlein*

**F SB1419 Electric utilities; retail competition; renewable energy.** Allows individual retail customers of an electric utility to purchase electric energy provided 100 percent from renewable energy from any licensed supplier. The measure eliminates (i) provisions that prohibit such a purchase from a licensed supplier that is an incumbent electric utility that is not the incumbent electric utility serving the exclusive service territory in which the customer is located and (ii) a condition that permits such purchases only if the electric utility serving the applicable exclusive service territory does not offer a tariff for 100 percent renewable energy.

*Patron - Suetterlein*

**F SB1447 State Corporation Commission; limitations on disconnection of utility service by certain utilities.** Directs the State Corporation Commission to conduct a proceeding for the purpose of establishing regulatory limitations on the authority of an investor-owned electric utility, natural gas utility, water utility, wastewater utility, or electric cooperative subject to regulation by the Commission to disconnect service to any customer for the nonpayment of bills or fees during a statewide emergency declared by the Governor in response to a widespread communicable disease of public health threat, during temperature weather extremes, or on a Friday, weekend, state holiday, or day immediately preceding a state holiday. The bill requires the Commission to ensure that such regulations are effective by November 1, 2023. The bill encourages certain utilities not subject to regulation by the Commission to adopt an internal operating policy to suspend

service disconnections for nonpayment of bills or fees for 30 days in the case of a statewide emergency declared by the Governor in response to a widespread communicable disease of public health threat and to avoid disconnecting service to residential customers for nonpayment of bills or fees on a Friday, weekend, state holiday, or day immediately preceding a state holiday or during temperature weather extremes.

*Patron - Edwards*

**F SB1454 State Corporation Commission; Energy-Intensive Trade-Exposed Industries work group; report.** Directs the State Corporation Commission to convene a work group for the purposes of assessing the competitiveness of manufacturers in energy-intensive trade-exposed industries in the Commonwealth to foreign manufacturers that are not required to meet the same federal and state standards regarding labor, energy, intellectual property, and environmental factors. The bill defines "energy-intensive trade-exposed industry" and establishes the requirements for the membership of the work group. The work group is required to report its findings and recommendations to the Chairmen of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor no later than December 1, 2025.

*Patron - McPike*

**F SB1485 Natural gas utilities; retail supply choice.** Allows every person access to distribution service or retail natural gas from a natural gas company authorized to provide natural gas service to the area where the service will be received. The bill prohibits a public entity from adopting an ordinance, resolution, or any other requirement that limits or prohibits customers from acquiring natural gas service and supply from both utility and non-utility gas companies. The bill prohibits public entities from denying building permits solely based on a proposed utility provider and directs public entities to ensure that all applicable permits and fees are reasonable, as compared to other utility providers, and do not restrict an applicant's ability to use the services of an authorized utility provider.

*Patron - Morrissey*

**F SB1496 Natural gas utility facility replacement projects; exemption from planning, subdivision of land, and zoning provisions.** Revises the definition of "natural gas utility facility replacement project" to specify that such projects are subject to the provisions that govern construction and repair permits within right-of-way lines of public roadways but are exempt from the provisions that govern planning, subdivision of land, and zoning.

*Patron - Petersen*

## Religious and Charitable Matters; Cemeteries

Passed

**P HB1748 Solicitation of contributions; professional solicitors; definition of "solicitation"; terms of contracts.** Expands the definition of "solicitation" with respect to requesting contributions to include requests made by email. The bill outlines specific terms to be included in any contract between a professional solicitor and a charitable or civic organization, including the requirement to specify the percentage of gross contributions that such organization will receive or the terms upon which a determination can be made as to the

amount of the gross revenue from the solicitation campaign that such organization will receive.

*Patron - Willett*

**P HB2171 Emergency Services and Disaster Law; religious freedom; executive orders.** Provides that no rule, regulation, or order issued by the Governor or other governmental entity pursuant to the Commonwealth of Virginia Emergency Services and Disaster Law shall impose restrictions on the operation of a place of worship that are more restrictive than the restrictions imposed on any other business, organization, or activity.

*Patron - Williams*

**P SB1341 Unincorporated bodies, societies, groups, associations, or posts; appointment of trustees.** Allows for the appointment of trustees for an unincorporated body, society, group, association, or post upon petition to the circuit court of the locality in which such unincorporated body, society, group, association, or post meets. The bill also contains technical amendments.

*Patron - Barker*

Failed

**F HB2011 Cemeteries; interment rights; proof of kinship.** Allows a family member or descendant of a deceased person buried in a cemetery that is located on private property to petition the circuit court of the county or city where the property is located for interment rights upon such property. The bill provides that such family member or descendant may prove kinship to the court through official documentation or nonofficial documentation, such as obituaries, family Bibles or other documents with family signatures, journals or letters of the deceased person interred on the private property, family photographs, or other documentation deemed by the court to be reliable. The bill requires, upon satisfactory showing of proof of kinship, a private property owner to allow such family member or descendant, within two generations of immediate family descent, reasonable access to the property for the purpose of interment.

*Patron - Roem*

## State Corporation Commission

Failed

**F HB1580 State Corporation Commission vacancy; extensions.** Provides that, in the event of a vacancy on the State Corporation Commission, certain provisions requiring the Commission to act on a filing by an electric utility within less than 12 months from the date of such filing shall be extended to 12 months from the date of such filing.

*Patron - Sullivan*

**F HB1935 Election of members to State Corporation Commission; notice; applicant interviews.** Requires the General Assembly if in session when a vacancy on the State Corporation Commission will occur or exist to elect a successor within 60 days of receiving notice of such vacancy. The bill requires the General Assembly if not in session when notice of such vacancy is given to elect a successor within 60 days of the commencement of the next regular session of the General Assembly. Additionally, the bill requires any notice of such vacancy to be posted on the official website of the Commission and provides that there shall be at least a 15-day period

following the posting of such notice for any interested person to submit an application to the General Assembly. The bill prohibits the Senate Committee on Commerce and Labor and House Committee on Commerce and Energy from interviewing candidates for such vacancy during the 15-day application period following such posting. Lastly, the bill provides that any interview conducted for such vacancy by more than one member of the Senate Committee on Commerce and Labor or House Committee on Commerce and Energy will be open to the public.

*Patron - Plum*

**F HB2463 State Corporation Commission; members.** Increases, until the next expiration of a member's term, the number of members of the State Corporation Commission from three to four. The bill provides that the newest member will serve a term of six years that begins July, 1, 2023. The bill provides that upon the next expiration of a term of a member of the Commission or upon the expiration of the remaining term of a vacancy, whichever occurs earlier, no member shall be elected to fill the expired seat, and the Commission shall consist of three members.

*Patron - Byron*

**F SB1482 State Corporation Commission; members.** Increases, until the next expiration of a member's term, the number of members of the State Corporation Commission from three to four. The bill provides that the newest member will serve a term of six years that begins July, 1, 2023. The bill provides that upon the next expiration of a term of a member of the Commission or upon the expiration of the remaining term of a vacancy, whichever occurs earlier, no member shall be elected to fill the expired seat, and the Commission shall consist of three members.

*Patron - Surovell*

## Taxation

### Passed

**P HB1369 Installment agreements for payment of taxes; report.** Requires the Tax Commissioner to offer to enter into an installment agreement with any individual taxpayer under which the taxpayer may satisfy his entire tax liability over a payment term of up to five years. The bill maintains the current law for corporate taxpayers whereby the Tax Commissioner may enter into a written agreement with any taxpayer under which such taxpayer is allowed to satisfy his entire tax liability in installment payments if the Tax Commissioner determines that such agreement will facilitate collection. The bill also removes the power under which the Tax Commissioner may alter, modify, or terminate an installment agreement if it is determined that the financial condition of the taxpayer has significantly changed or if the taxpayer fails to provide a financial condition update upon request. The bill directs the Department of Taxation to convene a working group to study current federal and state policies concerning installment agreements and to make recommendations by November 15, 2023, regarding how the Commonwealth's policies may better align with the installment agreement policies adopted by the Internal Revenue Service.

*Patron - Coyner*

**P HB1405 Corporate income tax returns; filing method for affiliated corporations.** Removes the requirement that, in order for a group of affiliated corporations to be granted permission from the Tax Commissioner to change their filing

status for corporate income tax purposes, for the previous tax year there would have been no decrease in tax liability computed under the proposed election as compared to the affiliated group's former filing method. The bill retains the current requirement that the affiliated group agree to file returns under both the new filing method and the former method and pay the greater of the two amounts for the taxable year in which the new election is effective and for the immediately succeeding taxable year. This bill is identical to SB 796.

*Patron - McNamara*

**P HB1438 Oyster Replenishment Fund.** Adds the recycling of oyster shells to the list of activities eligible to receive funds from the Oyster Replenishment Fund. The bill also allows the Fund to be used for the encouragement of oyster shell donations for oyster replenishment projects. This bill received Governor's recommendations.

*Patron - Anderson*

**P HB1442 Transient occupancy tax; administration.** Requires the Department of Taxation to annually publish on its website the current transient occupancy tax rates imposed in each locality. The bill also (i) requires the tax-assessing officer of a locality to administer and enforce the assessment and collection of transient occupancy taxes from accommodations intermediaries and (ii) specifies certain return filing requirements for accommodations intermediaries.

*Patron - McNamara*

**P HB1456 Income tax; pass-through entities.** Makes changes to the elective entity level tax on pass-through entities effective beginning with taxable year 2021. The bill would impose the tax only on the share of income, gain, loss, or deduction attributable to eligible owners as opposed to imposing the tax on the entire entity. The bill defines "eligible owner" as an owner of a pass-through entity that is a natural person, estate, or trust. The bill also removes the requirement that to qualify for the tax election a pass-through entity must be 100 percent owned by natural persons or persons eligible to be shareholders in an S corporation. This bill is identical to SB 1476.

*Patron - McNamara*

**P HB1481 Taxation of corporations; apportionment; Internet root infrastructure providers.** Provides that Internet root infrastructure providers, defined in the bill, that meet certain criteria and choose to enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority may use a hybrid sales factor in their income apportionment calculations when filing Virginia corporate income tax returns. The bill is effective for taxable years beginning on and after January 1, 2023, provided that the provider and the Authority enter into an MOU no later than December 1, 2023. This bill is identical to SB 1349.

*Patron - Ware*

**P HB1486 Personal property tax; farm machinery and farm implements.** Expands the list of certain farm machinery and farm implements that a locality may exempt from personal property taxes to include (i) motor vehicles used primarily for agricultural purposes, (ii) privately owned trailers primarily used by farmers in their farming operations, and (iii) season-extending vegetable hoop houses used for in-field production of produce. The bill states that a locality that exempts motor vehicles or privately owned trailers pursuant to these provisions shall not collect any unpaid tangible personal property taxes, including interest or penalties, that are owed to the locality as of July 1, 2023. Any such unpaid taxes shall be stricken from the books of the treasurer.

*Patron - Webert*

**P HB1510 Local incentives for urban green space.** Authorizes localities to establish programs to provide regulatory flexibility to encourage the preservation, restoration, or development of urban green space, defined in the bill. The regulatory flexibility may include (i) a reduction in permit fees or (ii) a streamlined process for the approval of permits.

*Patron - Adams, D.M.*

**P HB1563 Sales and use tax; agricultural exemptions.** Provides a sales and use tax exemption for property used to produce agricultural products for market in an indoor, closed, controlled-environment commercial agricultural facility. The property exempted includes (i) internal structural components required to create the necessary growing environment for plants, including watering systems, towers for growing plants, and lighting and air systems, and (ii) transparent elements of external structural components of such facilities, including windows, walls, and roofs, that allow sunlight in for the commercial production of agricultural products. The exemption shall not apply to property used in producing cannabis. The bill allows contractors working on behalf of owners of facilities exempt under these new provisions to use the exemption when purchasing materials that would otherwise qualify for the exemption. This bill is identical to SB 1240.

*Patron - Fowler*

**P HB1595 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, 2021, to December 31, 2022. The bill enacts Chapters 6 and 18 of the Acts of Assembly of 2022, Special Session I. The bill contains an emergency clause. This bill is identical to SB 882. This bill received Governor's recommendations.

*Patron - Robinson*

**P HB1617 Sports betting and casino gaming; Gaming Regulatory Fund established.** Establishes the Gaming Regulatory Fund for the purpose of offsetting Virginia Lottery Department costs associated with conducting investigations and enforcing its regulations. The bill requires the Department to deposit background check fees, licensing fees, renewal or transfer fees, and other permitting fees to the Fund for such purpose. The bill also provides that revenues remaining in the Gaming Proceeds Fund following allocation by the General Assembly shall be deposited into the School Construction Fund. Finally, the bill provides that Chapters 8 and 9 of the Acts of Assembly of 2022, Special Session I, shall become effective on July 1, 2023. This bill is identical to SB 1195.

*Patron - Fowler*

**P HB1625 Taxation; period of limitations on collection.** Provides that the period of limitations on tax collection shall be suspended for the period during which the assessment is the subject of certain proceedings related to the collection of taxes or correction of the assessment. The bill also removes the suspension of the period of limitations on tax collection for the period during which a taxpayer is outside of Virginia for a continuous period of at least six months.

*Patron - McNamara*

**P HB1645 Litter tax; penalty for failure to timely pay.** Prohibits the Department of Taxation from imposing any penalty or interest for failure to pay the litter tax without first notifying the taxpayer at least 30 days prior to the date that a return must be filed. This bill is identical to SB 996.

*Patron - Anderson*

**P HB1677 Retail sales and use tax; service exemptions; diagnostic work for automotive repair and emergency roadside service.** Exempts any amount charged for labor for diagnostic work for automotive repair and emergency roadside service for motor vehicles from retail sales and use tax, regardless of whether there is a sale of a repair or replacement part or a shop supply charge.

*Patron - Taylor*

**P HB1684 Worker misclassification; debarment procedures.** Revises the procedure under which a contractor may be debarred from public contracts for misclassification of workers. The bill requires the Department of Taxation to notify an employer of a determination that the employer failed to properly classify an individual and allows the employer to apply for judicial or administrative review. Upon a subsequent violation, and once the opportunity for appeals has been exhausted, the Department is required to provide notice to all public bodies that they shall not award a contract to firms associated with the offending employer for specified periods. Under current law, notice to all public bodies is required after the first violation determined by the Department, and debarment is required without reference to the timing of appeals. This bill is identical to SB 1354.

*Patron - Orrock*

**P HB1685 Local business taxes; penalties.** Requires license application forms to include the due date for the application and the amount of the penalty charged for late application filing, the underpayment of estimated tax, and the late payment of tax. The bill requires the assessing official, upon assessing any such penalty or any interest, to notify the affected taxpayer of the amount of such penalty, any interest assessed, and the total amount of tax owed. This bill is a recommendation of the Small Business Commission.

*Patron - Greenhalgh*

**P HB1834 Land preservation tax credits.** Provides that for conveyances made on or after January 1, 2017, the deadlines for filing a complete application for land preservation tax credit shall be extended for any number of days exceeding 90 during which the application is being reviewed for verification of conservation value by the Department of Conservation and Recreation, provided that the application is otherwise complete.

*Patron - Cherry*

**P HB1896 Bank franchise tax; report.** Provides for the electronic filing of bank franchise tax returns through a secure online portal maintained by the Department of Taxation and extends the time to file such tax return by 60 days. The bill also requires localities to provide banks access to real estate assessment records upon request. The bill has a delayed effective date of January 1, 2025, and directs the Department to convene a work group to assess potential alternative methods for the filing and allocation of bank franchise tax revenues. This bill is identical to SB 1182.

*Patron - Byron*

**P HB1927 Filing of tax returns or payment of taxes by mail.** Provides that a remittance of a tax return or a tax payment shall be deemed to have been timely received if, through no fault of the taxpayer, no postmark is affixed or the postmark affixed by the United States Postal Service is illegible or bears no date and such tax return or payment is received within five days of the due date. The bill also provides that no penalty or interest shall be imposed (i) if a taxpayer provides evidence that a tax return filing or a tax payment was timely by producing a United States Postal Service Certificate of Mail-

ing, or other proof of mailing, showing such return was filed or such payment was made on time or (ii) if a taxpayer's failure to file a return or to pay a tax to a locality was the fault of the United States Postal Service.

*Patron - Durant*

**P HB1942 Real property tax; notice of rate and assessment changes.** Requires certain information to be included in the notice that a locality is required to send to taxpayers after conducting a reassessment of real property. The bill provides that, in any county, city, or town that conducts an annual or biennial reassessment of real estate or in which reassessment of real estate is conducted primarily by employees of the county, city, or town under direction of the commissioner of the revenue and that has not yet established its real property tax rate when such notice is sent, the locality shall set out in the notice the effective tax rate increase.

*Patron - Durant*

**P HB1978 Taxable income apportionment; retail companies.** Provides that, beginning with taxable year 2023, affiliated corporations filing on a consolidated basis may elect to apportion the taxable income of all members of the affiliated group using sales factor alone even if one or more members of the affiliated group would be required to use different apportionment factors if filing separate returns. The election is valid only in taxable years for which 80 percent or more of the affiliated group's sales is derived from retail company activities. This bill is identical to SB 1346.

*Patron - Leftwich*

**P HB2099 Livable home tax credit.** Increases from \$1 million to \$2 million, beginning in fiscal year 2024, the aggregate cap of tax credits allowed by the livable home tax credit in a fiscal year. The bill increases from \$500,000 to \$1 million, beginning in fiscal year 2024, the amount of credits allocated by the Department of Housing and Community Development to each of (i) the purchase or construction of new residences and (ii) the retrofitting and renovation of existing residences. The bill also increases from \$5,000 to \$6,500, beginning in taxable year 2023, the maximum amount of livable home tax credits an individual may claim in a taxable year.

*Patron - Bulova*

**P HB2110 Delinquent tax lands.** Extends the maximum duration of an installment agreement between a locality and a landowner to pay delinquent taxes from 60 to 72 months.

*Patron - Bourne*

**P HB2178 Green and alternative energy job creation tax credit.** Adds methane extracted in Planning District 2 to the list of alternative sources of energy production that qualify an industry as a creator of green jobs for purposes of the green job creation tax credit, which is renamed the green and alternative energy job creation tax credit by the bill. The bill applies to taxable years beginning on and after January 1, 2023.

*Patron - Morefield*

**P HB2193 Income tax; rolling conformity; report.** Provides that Virginia shall generally conform to federal tax laws on a rolling basis, meaning that Virginia tax laws incorporate changes to federal income tax law as soon as Congress enacts them on or after January 1, 2023. However, the bill provides that Virginia shall not conform to (i) any changes in a single act of Congress with an impact of more than \$15 million on revenues in the year in which the amendment was enacted or any of the next four years and (ii) all amendments in a year with a cumulative projected impact of more than \$75

million in the year in which the amendments were enacted or any of the next four years. For any amendment enacted on or after January 1, 2024, the \$15 million per act impact threshold shall be adjusted annually by the change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous year. This bill is identical to SB 1405. This bill received Governor's recommendations.

*Patron - McNamara*

**P HB2200 License taxes; deductions; report.** Directs the Secretary of Health and Human Resources to convene a work group to analyze and review current reimbursement and operational challenges for medical practices that administer anti-cancer drugs in an in-office setting. The bill requires the Secretary to report his recommendations to the Chairmen of the House Committee on Finance, the House Committee on Appropriations, the House Committee on Health, Welfare and Institutions, the Senate Committee on Finance and Appropriations, and the Senate Committee on Education and Health by November 15, 2023.

*Patron - Robinson*

**P HB2296 Secretary of Finance; assess licensing scheme for liquid nicotine; report.** Directs the Secretary of Finance, in consultation with stakeholders, to assess (i) a potential licensing scheme for manufacturers, distributors, and retail dealers of liquid nicotine in the Commonwealth and (ii) the most appropriate manner and entity to enforce and administer licensing, age verification, product verification, and advertising restrictions related to the sale of liquid nicotine. The bill requires the Secretary to report his findings and any recommendations to the Chairmen of the Senate Committee on Finance and Appropriations, the House Committee on Finance, and the House Committee on Appropriations by November 1, 2023. This bill is identical to SB 1350. This bill received Governor's recommendations.

*Patron - Hope*

**P HB2334 Sales and use tax; exemption for oil and gas drilling equipment.** Extends from July 1, 2022, to July 1, 2024, the sunset date of the sales and use tax exemption for materials and equipment used in the drilling, extraction, or processing of natural gas or oil and the reclamation of a well area.

*Patron - Morefield*

**P HB2373 Income tax subtraction; Virginia National Guard.** Increases from \$3,000 to \$5,500 the income tax subtraction for wages or salaries of a member of the National Guard of the Commonwealth for taxable years beginning on or after January 1, 2023. The bill also expands the military ranks that qualify for the subtraction from O3 and below to O6 and below. This bill is identical to SB 1210.

*Patron - Wyatt*

**P HB2387 Firearm safety device tax credit.** Establishes a nonrefundable income tax credit for taxable years 2023 through 2027 for individuals who purchase one or more firearm safety devices, as defined in the bill, in an eligible transaction, as defined in the bill. An individual who properly claims this credit shall be allowed a credit in the amount of up to \$300 for the cost incurred in such purchase. The aggregate amount of credits allowable under the provisions of the bill shall not exceed \$5 million per taxable year.

*Patron - Lopez*

**P HB2401 Local gas road improvement and Virginia Coalfield Economic Development Authority tax; Coal and Gas Road Improvement Fund uses; sunset.** Provides that funds in the Coal and Gas Road Improvement Fund may



be used to construct flood mitigation measures that would reduce or prevent flooding of allowable infrastructure and extends from January 1, 2024, to January 1, 2026, the expiration of the local gas road improvement and Virginia Coalfield Economic Development Authority tax.

*Patron - Morefield*

**P HB2414 Real property tax exemption; disabled veterans.** Allows a disabled veteran or surviving spouse to apply for a real property tax exemption and receive a decision prior to purchasing a qualifying property. The bill provides that the commissioner of the revenue of the county, city, or town, or such other officer as may be designated by the governing body in which the property is located, shall, within 20 business days of receiving the application, process the application and send a letter to the disabled veteran or surviving spouse stating whether the application is approved or denied. If the application is approved, the bill requires the letter to include the amount of the tax exemption approved. The bill provides, however, that the exemption described in such letter shall become effective only after the disabled veteran or surviving spouse becomes the owner of the property.

*Patron - Scott, D.L.*

**P HB2445 Wholesome food donation tax credit.** Renews the wholesome food donation tax credit for taxable years beginning on or after January 1, 2023, but before January 1, 2028. The bill allows any person engaged in the business of farming that donates food crops or wholesome food, defined in the bill, produced by the person in the Commonwealth to a nonprofit food bank to claim a tax credit for the taxable year of the donation in the amount of 50 percent of the fair market value of such donation, not to exceed \$10,000 for all such donations made by the person during such year.

*Patron - Bennett-Parker*

**P HB2479 Data centers and cloud computing; sales tax exemption; grant fund.** Creates the Cloud Computing Cluster Infrastructure Grant Fund for the purpose of providing grants to qualified companies, defined in the bill as a company, including its affiliates, that enters into a memorandum of understanding with the Virginia Economic Development Partnership Authority and is expected to (i) make or cause to be made a capital investment of at least \$50 billion and (ii) create at least 1,500 new full-time jobs that pay an average annual wage of at least one and one-half times the prevailing average wage in the locality where the job is located. The bill requires that, in order to become a qualified company, a company successfully complete a qualification process that includes an endorsement from the MEI Commission and approval in the appropriation act for the amount of grants that are to be provided.

The bill also extends the data center sales and use tax exemption to 2040 for a data center operator that (a) makes a capital investment of at least \$35 billion in data centers in the Commonwealth and (b) creates at least 1,000 direct new jobs, of which at least 100 of such jobs pay at least one and one-half times the prevailing average wage in the Commonwealth. Such data center operator shall be eligible for further extension of the sales and use tax exemption to 2050 if the data center operator (1) makes a total capital investment of at least \$100 billion, inclusive of the initial \$35 billion investment, and (2) creates a total of at least 2,500 direct new jobs, of which at least 100 of such jobs pay at least one and one-half times the prevailing average wage in the Commonwealth, inclusive of the 1,000 jobs initially created. This bill is identical to SB 1522.

*Patron - Knight*

**P SB796 Corporate income tax returns; filing method for affiliated corporations.** Removes the requirement that, in order for a group of affiliated corporations to be granted permission from the Tax Commissioner to change their filing status for corporate income tax purposes, for the previous tax year there would have been no decrease in tax liability computed under the proposed election as compared to the affiliated group's former filing method. The bill retains the current requirement that the affiliated group agree to file returns under both the new filing method and the former method and pay the greater of the two amounts for the taxable year in which the new election is effective and for the immediately succeeding taxable year. This bill is identical to HB 1405.

*Patron - Surovell*

**P SB882 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, 2021, to December 31, 2022. The bill enacts Chapters 6 and 18 of the Acts of Assembly of 2022, Special Session I. The bill contains an emergency clause. This bill is identical to HB 1595.

*Patron - Howell*

**P SB996 Litter tax; penalty for failure to timely pay.** Prohibits the Department of Taxation from imposing any penalty or interest for failure to pay the litter tax without first notifying the taxpayer at least 30 days prior to the date that a return must be filed. This bill is identical to HB 1645.

*Patron - Ruff*

**P SB997 Oyster Shell Waste Diversion Fund; created.** Creates the Oyster Shell Waste Diversion Fund for the purpose of diverting oyster shells from landfills and promoting the beneficial reuse of such shells in oyster restoration activities. The Fund shall be administered by the Department of Conservation and Recreation, which shall be authorized to contract with an entity that is exempt from taxation pursuant to § 501(c)(3) of the Internal Revenue Code and is engaged in oyster restoration activities to manage Fund operations consistent with the purposes of the Fund. This bill received Governor's recommendations.

*Patron - Mason*

**P SB1182 Bank franchise tax; report.** Provides for the electronic filing of bank franchise tax returns through a secure online portal maintained by the Department of Taxation and extends the time to file such tax return by 60 days. The bill also requires localities to provide banks access to real estate assessment records upon request. The bill has a delayed effective date of January 1, 2025, and directs the Department to convene a work group to assess potential alternative methods for the filing and allocation of bank franchise tax revenues. This bill is identical to HB 1896.

*Patron - Ruff*

**P SB1195 Sports betting and casino gaming; Gaming Regulatory Fund established.** Establishes the Gaming Regulatory Fund for the purpose of offsetting Virginia Lottery Department costs associated with conducting investigations and enforcing its regulations. The bill requires the Department to deposit background check fees, licensing fees, renewal or transfer fees, and other permitting fees to the Fund for such purpose. The bill also provides that revenues remaining in the Gaming Proceeds Fund following allocation by the General Assembly shall be deposited into the School Construction Fund. Finally, the bill provides that Chapters 8 and 9 of the Acts of Assembly of 2022, Special Session I, shall

become effective on July 1, 2023. This bill is identical to HB 1617.

*Patron - Reeves*

**P SB1210 Income tax subtraction; Virginia National Guard.** Increases from \$3,000 to \$5,500 the income tax subtraction for wages or salaries of a member of the National Guard of the Commonwealth for taxable years beginning on or after January 1, 2023. The bill also expands the military ranks that qualify for the subtraction from O3 and below to O6 and below. This bill is identical to HB 2373.

*Patron - Mason*

**P SB1240 Sales and use tax; agricultural exemptions.** Provides a sales and use tax exemption for property used to produce agricultural products for market in an indoor, closed, controlled-environment commercial agricultural facility. The property exempted includes (i) internal structural components required to create the necessary growing environment for plants, including watering systems, towers for growing plants, and lighting and air systems, and (ii) transparent elements of external structural components of such facilities, including windows, walls, and roofs, that allow sunlight in for the commercial production of agricultural products. The exemption shall not apply to property used in producing cannabis. The bill allows contractors working on behalf of owners of facilities exempt under these new provisions to use the exemption when purchasing materials that would otherwise qualify for the exemption. This bill is identical to HB 1563.

*Patron - Obenshain*

**P SB1258 Sales tax revenues; entertainment arena.** Adds entertainment arena to the definition of public facility for the purpose of allowing a locality to collect all sales tax revenues generated by transactions at such a facility, provided that a locality owns the facility, wholly or partly, and contributes to financing its construction. The bill also allows a municipality to issue bonds to finance a public facility on or after July 1, 2023, but prior to July 1, 2026. The provisions of the bill do not become effective unless reenacted by the 2024 Session of the General Assembly.

*Patron - Lucas*

**P SB1346 Taxable income apportionment; retail companies.** Provides that, beginning with taxable year 2023, affiliated corporations filing on a consolidated basis may elect to apportion the taxable income of all members of the affiliated group using sales factor alone even if one or more members of the affiliated group would be required to use different apportionment factors if filing separate returns. The election is valid only in taxable years for which 80 percent or more of the affiliated group's sales is derived from retail company activities. This bill is identical to HB 1978.

*Patron - Barker*

**P SB1349 Taxation of corporations; apportionment; Internet root infrastructure providers.** Provides that Internet root infrastructure providers, defined in the bill, that meet certain criteria and choose to enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority may use a hybrid sales factor in their income apportionment calculations when filing Virginia corporate income tax returns. The bill is effective for taxable years beginning on and after January 1, 2023, provided that the provider and the Authority enter into an MOU no later than December 1, 2023. This bill is identical to HB 1481.

*Patron - Barker*

**P SB1350 Secretary of Finance; assess licensing scheme for liquid nicotine; report.** Directs the Secretary of

Finance, in consultation with stakeholders, to assess (i) a potential licensing scheme for manufacturers, distributors, and retail dealers of liquid nicotine in the Commonwealth and (ii) the most appropriate manner and entity to enforce and administer licensing, age verification, product verification, and advertising restrictions related to the sale of liquid nicotine. The bill requires the Secretary to report his findings and any recommendations to the Chairmen of the Senate Committee on Finance and Appropriations, the House Committee on Finance, and the House Committee on Appropriations by November 1, 2023. This bill is identical to HB 2296. This bill received Governor's recommendations.

*Patron - Ebbin*

**P SB1354 Worker misclassification; debarment procedures.** Revises the procedure under which a contractor may be debarred from public contracts for misclassification of workers. The bill requires the Department of Taxation to notify an employer of a determination that the employer failed to properly classify an individual and allows the employer to apply for judicial or administrative review. Upon a subsequent violation, and once the opportunity for appeals has been exhausted, the Department is required to provide notice to all public bodies that they shall not award a contract to firms associated with the offending employer for specified periods. Under current law, notice to all public bodies is required after the first violation determined by the Department, and debarment is required without reference to the timing of appeals. This bill is identical to HB 1684.

*Patron - Marsden*

**P SB1405 Income tax; rolling conformity; report.** Provides that Virginia shall generally conform to federal tax laws on a rolling basis, meaning that Virginia tax laws incorporate changes to federal income tax law as soon as Congress enacts them on or after January 1, 2023. However, the bill provides that Virginia shall not conform to (i) any changes in a single act of Congress with an impact of more than \$15 million on revenues in the year in which the amendment was enacted or any of the next four years and (ii) all amendments in a year with a cumulative projected impact of more than \$75 million in the year in which the amendments were enacted or any of the next four years. For any amendment enacted on or after January 1, 2024, the \$15 million per act impact threshold shall be adjusted annually by the change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous year. This bill is identical to HB 2193. This bill received Governor's recommendations.

*Patron - Barker*

**P SB1468 Local gas road improvement and Virginia Coalfield Economic Development Authority tax; Coal and Gas Road Improvement Fund uses; sunset.** Provides that funds in the Coal and Gas Road Improvement Fund may be used to construct flood mitigation measures that would reduce or prevent flooding of allowable infrastructure and extends from January 1, 2024, to January 1, 2026, the expiration of the local gas road improvement and Virginia Coalfield Economic Development Authority tax.

*Patron - Hackworth*

**P SB1476 Income tax; pass-through entities.** Makes changes to the elective entity level tax on pass-through entities effective beginning with taxable year 2021. The bill would impose the tax only on the share of income, gain, loss, or deduction attributable to eligible owners as opposed to imposing the tax on the entire entity. The bill defines "eligible owner" as an owner of a pass-through entity that is a natural person, estate, or trust. The bill also removes the requirement that to qualify for the tax election a pass-through entity must be

100 percent owned by natural persons or persons eligible to be shareholders in an S corporation. This bill is identical to HB 1456.

*Patron - Petersen*

**P SB1511 Land use classifications; property qualifications.** Allows a property that formerly participated in and continues to meet the qualifications of a state or federal soil and water conservation program but is no longer receiving payments or other compensation as a result of such program to continue to be eligible for designation as real estate devoted to agricultural use and real estate devoted to horticultural use. The bill further states that the presence of noxious weeds or woody growth shall not be the sole basis for denial of a property's designation as real estate devoted to agricultural use. Further, the bill requires that the application form for taxation on the basis of a use assessment allow a landowner who received payments or compensation as a result of the former participation of his property in a state or federal soil and water conservation program, and whose property continues to meet the qualifications of such program but is no longer receiving such payments or compensation, to certify that the land continues to meet the requirements of such program for the purposes of classification.

*Patron - Hanger*

**P SB1522 Data centers and cloud computing; sales tax exemption; grant fund.** Creates the Cloud Computing Cluster Infrastructure Grant Fund for the purpose of providing grants to qualified companies, defined in the bill as a company, including its affiliates, that enters into a memorandum of understanding with the Virginia Economic Development Partnership Authority and is expected to (i) make or cause to be made a capital investment of at least \$50 billion and (ii) create at least 1,500 new full-time jobs that pay an average annual wage of at least one and one-half times the prevailing average wage in the locality where the job is located. The bill requires that, in order to become a qualified company, a company successfully complete a qualification process that includes an endorsement from the MEI Commission and approval in the appropriation act for the amount of grants that are to be provided.

The bill also extends the data center sales and use tax exemption to 2040 for a data center operator that (a) makes a capital investment of at least \$35 billion in data centers in the Commonwealth and (b) creates at least 1,000 direct new jobs, of which at least 100 of such jobs pay at least one and one-half times the prevailing average wage in the Commonwealth. Such data center operator shall be eligible for further extension of the sales and use tax exemption to 2050 if the data center operator (1) makes a total capital investment of at least \$100 billion, inclusive of the initial \$35 billion investment, and (2) creates a total of at least 2,500 direct new jobs, of which at least 100 of such jobs pay at least one and one-half times the prevailing average wage in the Commonwealth, inclusive of the 1,000 jobs initially created. This bill is identical to HB 2479.

*Patron - Barker*

**P SB1525 Wholesome food donation tax credit.** Renews the wholesome food donation tax credit for taxable years beginning on or after January 1, 2023, but before January 1, 2028. The bill allows any person engaged in the business of farming that donates food crops or wholesome food, defined in the bill, produced by the person in the Commonwealth to a nonprofit food bank to claim a tax credit for the taxable year of the donation in the amount of 50 percent of the fair market value of such donation, not to exceed \$10,000 for all such

donations made by the person during such year. This bill is identical to HB 2445.

*Patron - Rouse*

## Failed

**F HB1367 Income tax credit; employer contributions to Virginia College Savings Plan accounts.** Provides a nonrefundable income tax credit for taxable years 2023 through 2027 for 35 percent of expenses incurred by a business during the taxable year for contributions into a Virginia College Savings Plan account owned by an employee of the business. If the employee receiving the contribution is a qualified employee, as defined in the bill, the bill specifies that the credit shall not exceed \$500 annually for each such employee. If the employee receiving the contribution is a qualified employee who is not highly compensated, as defined in the bill, the bill specifies that the credit shall not exceed \$1,000 annually for each such employee. The bill provides that the total amount of tax credits available for a calendar year shall not exceed \$5 million and that any unused tax credit may be carried over for three years.

*Patron - Coyner*

**F HB1373 Casino gaming; eligible host cities; limitation on local referendums.** Adds Petersburg to the list of cities eligible to host a casino in the Commonwealth. The bill also provides that when an eligible host city is located within 25 miles of another eligible host city, the governing body of any such city that holds a local referendum on the question of whether casino gaming should be permitted in such city that subsequently fails shall be prohibited from holding another local referendum on the same question until the other eligible host city has had a reasonable opportunity, not to exceed the date of the 2023 regular general election unless a court of competent jurisdiction sets an alternative date, to hold a local referendum on the same question.

*Patron - Taylor*

**F HB1378 State Air Pollution Control Board; motor vehicle emissions standards.** Repeals the requirement that the State Air Pollution Control Board implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. The bill prohibits the Board from adopting or enforcing any model year standards related to control of emissions from new motor vehicles or new motor vehicle engines, including low-emission vehicle and zero-emission vehicle standards pursuant to the federal Clean Air Act and prohibits the Commonwealth from requiring any new motor vehicle or new motor vehicle engine to be certified as compliant with model year standards related to the control of emissions adopted by California for which a waiver has been granted pursuant to the federal Clean Air Act.

*Patron - Wilt*

**F HB1402 Personal property taxes; valuation.** Requires, for taxable years beginning on and after January 1, 2024, that tangible personal property employed in a trade or business be valued for taxation using the federal Modified Accelerated Cost Recovery System (MACRS) of depreciation in place of the valuation methods currently in effect. The MACRS is also required to be used for machinery and tools taxes.

*Patron - March*

**F HB1417 Tax on cigars.** Modifies the statutory tax rate imposed on selling or distributing cigars by a distributor or remote retail seller by setting such rate at 10 percent of the manufacturer's sales price or \$0.30 per cigar, whichever is

less. Under current law, the effective rate is 20 percent of the manufacturer's sales price due to language in the Appropriation Act which doubles the statutory rate.

*Patron - Ware*

**F HB1436 Income tax; military benefits subtraction; age restriction.** Removes the age 55 or older restriction on those individuals allowed a military benefits income tax subtraction beginning with taxable year 2023.

*Patron - McGuire*

**F HB1460 Income tax; subtraction for low-income military veterans with a permanent service-connected disability.** Provides an income tax subtraction for the military retirement income received by a veteran who has been rated with a 100 percent service-connected, permanent, and total disability for taxable years on and after January 1, 2023. The bill provides that the subtraction is available only to those taxpayers whose federal adjusted gross income is not greater than 150 percent of the federal poverty level for a four-person household.

*Patron - Wiley*

**F HB1470 Real property tax; exemption for disabled veterans and surviving spouses.** Provides that a person who is eligible for the real property tax exemption for certain disabled veterans and surviving spouses is entitled to a refund, retroactive to his date of eligibility, of taxes paid during the period of exemption, excluding interest or penalties. Under the bill, the refund is exempt from the statute of limitations for applications for correction of an assessment.

*Patron - Watts*

**F HB1479 Employer-provided childcare tax credit.** Creates a tax credit for taxable years 2023 through 2027 for qualified childcare expenses, as defined by the bill, incurred by a small business, as defined by the bill, in the amount of 20 percent of such business's aggregate monthly payments made for such expenses in the preceding taxable year. The amount of the credit allowed to a taxpayer shall not exceed \$300,000 per taxable year.

*Patron - Anderson*

**F HB1484 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products.** Provides an exemption from local sales and use tax beginning July 1, 2023, for food purchased for human consumption and essential personal hygiene products. The bill also provides an allocation of state revenues to fund the distribution to localities for funding that would have been distributed to them absent the exemption created by the bill. Under current law, such products are exempt from state sales and use tax but are subject to the standard local rate of one percent.

*Patron - McNamara*

**F HB1500 Adoption Tax Credit.** Establishes a nonrefundable income tax credit for taxable years 2023 through 2027 for the amount of qualified adoption expenses, as defined by the bill, paid or incurred by an individual or married couple who finalize a legal adoption. The aggregate amount of qualified adoption expenses that may be claimed shall not exceed \$10,000. In the case of an adoption of a child with special needs, as defined by the bill, the taxpayer will be treated as though he incurred \$10,000 in qualified adoption expenses.

*Patron - Runion*

**F HB1522 Virginia taxable income; subtractions; volunteer firefighters and volunteer emergency medical services personnel.** Provides a state income tax subtraction of \$20 per hour, up to a maximum of 325 hours per

taxable year, for bona fide volunteers, as defined by the bill, who perform qualifying services. Qualifying services are defined in the bill as volunteer firefighting and fire prevention services, emergency medical services, auxiliary police services, ambulance services, emergency rescue services, and all training and training-related activities required by law for the performance of such services.

*Patron - Fowler*

**F HB1531 Hampton Roads Interstate Highway Corridor Improvement Program and Fund; sales and use tax; Planning District 23.** Creates the Hampton Roads Interstate Highway Corridor Improvement Program for the purpose of making infrastructure and safety improvements to highway corridors surrounding and paralleling interstate highways in Planning District 23. The program is funded by an additional 0.30 percent retail sales and use tax levied and imposed in Planning District 23. The bill provides that moneys generated by such tax shall be deposited in the Hampton Roads Interstate Highway Corridor Improvement Fund, created by the bill.

*Patron - Jenkins*

**F HB1547 Conformity with the Internal Revenue Code; cannabis licensees.** Deconforms from federal law, as it applies to Virginia medical and recreational cannabis licensees, the prohibition on a deduction for any amount paid or incurred during the taxable year in carrying on any trade or business if such trade or business consists of trafficking in a controlled substance prohibited by federal law.

*Patron - Campbell, J.L.*

**F HB1553 Tax credit; nonfamily adoptions.** Creates a \$4,000 nonrefundable tax credit for taxable years 2023 through 2027 for an individual or married persons who, during the taxable year, finalize a legal nonfamily adoption as defined in the bill.

*Patron - Brewer*

**F HB1571 Virginia Retirement System; enhanced retirement benefits for 911 dispatchers.** Adds 911 dispatchers to the list of local employees eligible to receive enhanced retirement benefits for hazardous duty service under the Virginia Retirement System.

*Patron - Walker*

**F HB1578 Income tax subtraction; manufactured home park sale.** Exempts income earned from the sale of a manufactured home park, as defined in relevant law, to either (i) an entity that is owned by at least 25 percent of the residents of such manufactured home park or (ii) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, provided that such sale terms require the guaranteed maintenance of the property as a manufactured home park for a period of at least 30 years following the sale.

*Patron - Krizek*

**F HB1601 Retail sales and use tax; agricultural exemptions; structural construction materials; definition.** Clarifies that for the purpose of agricultural exemptions from the retail sales and use tax the definition of "structural construction materials" does not include structural construction materials and environmental control systems that will be affixed to or integrated into a commercial greenhouse structure that is 50,000 square feet or more in size, provided that such materials and equipment have been ordered to meet the specifications of the commercial greenhouse operator and are necessary for use in the greenhouse structure and growing system.

*Patron - Robinson*

**F HB1605 Local sales and use tax; construction or renovation of schools; Prince Edward County.** Adds Prince Edward County to the list of localities that are authorized to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools.

*Patron - Edmunds*

**F HB1621 State taxes; notice before penalty and interest.** Provides that, for taxes administered by the Department of Taxation or other state agencies or bodies, no penalty or interest may be imposed upon a taxpayer for failure to pay a state tax or file a return without first notifying the taxpayer that a return is required to be made or that a tax assessment bill is due and providing a second notice to such taxpayer prior to the date any penalty will be imposed, any interest will begin to accrue, or both, as applicable.

*Patron - Wright*

**F HB1653 Earned income tax credit.** Allows eligible low-income taxpayers to claim a refundable income tax credit equal to 20 percent of the federal earned income tax credit claimed that year by the taxpayer for the same taxable year.

*Patron - Price*

**F HB1668 Historic rehabilitation tax credit; increase.** Increases from \$5 million to \$10 million, beginning in taxable year 2023, 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. In addition, should the taxpayer incur expenses toward the rehabilitation of a certified historic structure in a locality that has a designated enterprise zone, as defined in the Code, the taxpayer may claim up to an additional \$10 million in any taxable year.

*Patron - Marshall*

**F HB1686 Local sales and use tax; exemptions.** Authorizes the governing board of a city or county to, by ordinance, exempt food purchased for human consumption and essential personal hygiene products from local sales and use tax.

*Patron - Greenhalgh*

**F HB1690 Income tax; military benefits subtraction; age restriction.** Removes the age 55 or older restriction on those individuals allowed a military benefits income tax subtraction beginning with taxable year 2023.

*Patron - Greenhalgh*

**F HB1710 Additional real property tax on commercial and industrial property in certain localities.** Authorizes counties and cities in Planning District 3, 4, 5, 6, or 7 to impose an additional real estate tax on commercial and industrial property at a rate of up to \$0.10 per \$100 of assessed value. Any revenue raised from such tax would be required to be used to pay for transportation costs. Under current law, only localities within the Northern Virginia Transportation Authority or the Hampton Roads metropolitan planning area are authorized to impose such tax. The bill contains technical amendments.

*Patron - LaRock*

**F HB1740 Income taxation; contributions to Virginia College Savings Plan accounts.** Increases the maximum individual income tax deduction for amounts paid or contributed to a prepaid tuition contract or college savings trust account entered into with the Virginia College Savings Plan

from \$4,000 to \$7,500 in taxable year 2023, \$11,000 in taxable year 2024, and \$15,000 for taxable year 2025 and thereafter. Such amounts shall be adjusted for changes in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U). The deduction is limited to \$4,000 for taxpayers with federal adjusted gross income that is greater than \$100,000 for an individual or \$200,000 for married persons filing a joint return.

The bill also creates an individual or corporate deduction, as applicable, of up to \$4,000 for the amount a child day center or child day program paid or contributed to a customer's or client's prepaid tuition contract or college savings trust account entered into with the Virginia College Savings Plan.

The bill also provides a nonrefundable income tax credit for taxable years 2023 through 2027 for 35 percent of expenses incurred by a business during the taxable year for contributions into a Virginia College Savings Plan account owned by an employee of the business. If the employee receiving the contribution is a qualified employee, as defined in the bill, the bill specifies that the credit shall not exceed \$500 annually for each such employee. If the employee receiving the contribution is a qualified employee who is not highly compensated, as defined in the bill, the bill specifies that the credit shall not exceed \$1,000 annually for each such employee. The bill provides that the total amount of tax credits available for a calendar year shall not exceed \$5 million and that any unused tax credit may be carried over for three years.

*Patron - McQuinn*

**F HB1741 Sales tax revenues; entertainment arena.** Adds entertainment arena to the definition of public facility for the purpose of allowing a locality to collect all sales tax revenues generated by transactions at such a facility, provided that a locality owns the facility, wholly or partly, and contributes to financing its construction. The bill also allows a municipality to issue bonds to finance a public facility on or after July 1, 2023, but prior to July 1, 2026, and provides that a municipality is entitled to all sales tax revenues generated by transactions generating revenues in connection with the development and construction of such public facility, in addition to transactions taking place in such public facility.

*Patron - Williams Graves*

**F HB1749 Real property taxes; rate of increase procedure.** Provides that a governing body of a locality may increase the real property tax rate (i) by an amount lower than three percent through a public hearing and a majority vote of the governing body; (ii) by an amount of three percent or more, but lower than five percent, through a public hearing and a two-thirds majority vote of the governing body; and (iii) by an amount of five percent or more through holding a referendum. The bill provides that the governing body of a locality may not hold a public hearing for a proposed rate increase on the same day as the annual budget hearing. Under current law, the governing body of a locality is required to limit the real property tax rate to a rate that would collect no more than 101 percent of the amount of real property taxes collected for the previous year, and increases above this rate may only be imposed if the locality holds a public hearing.

*Patron - Walker*

**F HB1767 Motion picture production tax credit.** Increases the cap on the total amount of motion picture production tax credits that may be issued per fiscal year from \$6.5 million to \$10 million beginning with fiscal year 2024.

*Patron - Reid*

**F HB1771 Tax credit for participating landlords.** Increases from \$250,000 to \$1 million the maximum amount of tax credits that may be issued to participating landlords, as defined in relevant law, each fiscal year beginning

with fiscal year 2024 and provides that, in the event that the amount of the qualified requests for tax credits for such participating landlords in the fiscal year exceeds \$1 million, the Department of Housing and Community Development will prorate the tax credits among the qualified applicants.

*Patron - Willett*

**F HB1790 Tax credit for electric vehicle charging equipment.** Creates a tax credit for taxable years 2023 through 2027 for expenses incurred in connection with installing qualified electric vehicle charging equipment in the Commonwealth in an amount equal to 30 percent of the cost of purchasing and installing such equipment during the taxable year. The bill provides that the tax credit shall not exceed \$1,000 for such equipment purchased for nonfarm use and \$3,000 for such equipment purchased for use on a farm or ranch. The bill specifies that in order to qualify for the credit, a taxpayer must be (i) an owner and operator of a farm or ranch, as defined by § 3.2-6400, that is engaged in the commercial production of agricultural products or (ii) an individual.

*Patron - Reid*

**F HB1821 Education improvement scholarships tax credits.** Expands the education improvement scholarships tax credit program for taxable years 2023 through 2027 by (i) increasing from 65 percent to 100 percent the credit amount for the value of the monetary or marketable securities donation made by the person to an included scholarship foundation, (ii) removing the requirement that eligible pre-kindergarten children be at-risk four-year-olds unable to obtain services through Head Start or Virginia Preschool Initiative programs, (iii) requiring that nonpublic pre-kindergarten programs participate in the Unified Virginia Quality Birth to Five System (VQB5), rather than the Virginia Quality rating system, and (iv) expanding eligible students to include any school-aged child living in Virginia whose family income does not exceed 300 percent of federal poverty guidelines, regardless of prior public school enrollment or a recent move to Virginia.

*Patron - Avoli*

**F HB1863 Taxation in the Commonwealth.** Makes numerous changes to the Commonwealth's tax structure with the intention of eliminating the personal income tax. The bill provides that beginning January 1, 2025, all income tax rates shall be reduced by 1.15 percent each year that a tax reduction condition, defined in the bill, is met. Under the bill, tax rate reductions shall occur each year and shall be cumulative until reaching zero. The tax reduction condition would be met and the tax rate reduction would occur in any fiscal year that the amount of general fund revenues collected plus the amount of additional general fund revenues, defined in the bill, is greater than or equal to the amount of general fund appropriations made for such fiscal year plus the amount of revenue reduction that would result from a 1.15 percent reduction in the individual income tax rate.

Additional general fund revenues are defined in the bill as general fund revenues that would be generated as a result of the tax policy changes resulting from the bill. The bill would increase the sales and use tax rate to 5.3 percent beginning July 1, 2024, and would increase this rate by one percent each year until reaching 9.3 percent beginning July 1, 2028. The bill would increase the tax on cigarettes by three cents per cigarette and would double the statutory tax rate on tobacco products, with the revenues from such taxes to be deposited in the general fund. The motor vehicle sales and use tax rate would be increased by one percent beginning July 1, 2024, and would increase by one percent each year until reaching an additional five percent over current rates beginning July 1, 2028. The motor fuels tax would also be increased by five cents per gallon beginning July 1, 2024, with additional five cents per gal-

lon increases until reaching an additional 25 cents per gallon beginning July 1, 2028. The bill requires all additional revenue generated by such tax increases to be deposited in the general fund.

Finally, the bill directs the Secretary of Finance to convene a workgroup to recommend additional tax policy changes that would be needed to eliminate personal income tax liability.

*Patron - Scott, P.A.*

**F HB1915 Tax credit for loss of a stillborn child.** Establishes a refundable income tax credit for individual filers or married persons filing jointly for taxable years 2023 through 2027 in an amount equal to \$2,000 for the loss of delivering a stillborn child, defined in the bill. The credit may be claimed only in the taxable year in which the stillbirth occurred and only if the child would have become a dependent of the taxpayer.

*Patron - Williams Graves*

**F HB1920 Local license taxes and fees; exemptions; blog or online website.** Prohibits a county, city, or town from imposing a license fee or levying a license tax on the privilege or right of publishing any blog or online website containing daily or regularly updated news, feature articles, advertisements, or correspondence, provided that such blog or online website employs full time at least one journalist who has a Virginia taxable income.

*Patron - Hope*

**F HB1933 High school equivalency and employment tax credit.** Creates a tax credit for taxable years 2023 through 2027 in the amount of \$1,000 per year for eligible taxpayers who have successfully earned a high school equivalency certificate. The bill specifies that the eligible taxpayer shall, within one year of earning such certificate, be employed full time within the Commonwealth in order to claim the credit and that the credit may be claimed for up to three years following the taxpayer's eligibility, provided that such taxpayer remains employed full time within the Commonwealth. The bill provides that such credit will be limited to 250 eligible individuals per fiscal year.

*Patron - Runion*

**F HB1975 Income tax; Foreign Service retirement benefits subtraction.** Establishes for certain individuals receiving Foreign Service retirement benefits an income tax subtraction of such benefits up to \$5,000 in taxable year 2023, up to \$10,000 in taxable year 2024, up to \$15,000 in taxable year 2025, and up to \$20,000 in taxable year 2026 and each taxable year thereafter. The bill defines Foreign Service retirement benefits as any retirement income received by an individual for employment in the Foreign Service of the United States and as an eligible member of the Foreign Service Retirement and Disability System or the Foreign Service Pension System and provides that such subtraction is allowed only for recipients of Foreign Service retirement benefits who are age 60 or older.

*Patron - Krizek*

**F HB2043 Tax credit; research and development expenses; aggregate increase.** Increases from \$7.77 million to \$10 million the aggregate amount of credits available for certain research and development expenses beginning with fiscal year 2024.

*Patron - Shin*

**F HB2061 Virginia local journalism sustainability credits.** Creates a nonrefundable income tax credit for eligible local newspaper publishers, defined in the bill, for compensation paid to local news journalists. The credit is equal

to: (i) for the first taxable year in which the credit is claimed, the lesser of 10 percent of the actual amounts paid in wages to local news journalists during such taxable year or \$5,000 and (ii) in subsequent taxable years, the lesser of five percent of the actual amounts paid in wages to local news journalists during such taxable year or \$2,500. The credit includes an aggregate cap of \$5 million per taxable year. The bill also creates a non-refundable income tax credit for eligible small businesses with fewer than 50 employees for certain expenses incurred for local media advertising in a local newspaper or in a broadcast of a local radio or television station. The credit is equal to: (a) for the first taxable year in which the credit is claimed, the lesser of 80 percent of the actual amounts paid or incurred for qualified local media advertising expenses or \$4,000 and (b) in subsequent taxable years, the lesser of 50 percent of the actual amounts paid or incurred for qualified local media advertising expenses during such taxable year or \$2,000. The credit includes an aggregate cap of \$10 million per taxable year. Each of the credits may be claimed in taxable years beginning on and after January 1, 2023, but before January 1, 2028.

*Patron - Lopez*

**F HB2064 Historic rehabilitation tax credit.** Increases from \$5 million to \$10 million the maximum amount of the historic rehabilitation tax credit, including amounts carried over from prior taxable years, that may be claimed by a taxpayer in any taxable year beginning in taxable year 2023.

*Patron - Lopez*

**F HB2065 Income tax deduction; teaching materials.** Creates a tax deduction beginning taxable year 2023 for up to \$500 of teaching materials purchased by a licensed teacher and used to teach Virginia students enrolled in a public institution of higher education as defined in the Code.

*Patron - Lopez*

**F HB2109 Historic rehabilitation tax credit; use for historic school buildings.** Extends the historic rehabilitation tax credit to include improvements to or reconstruction of a historic school building. Historic school building is defined in the bill as a certified historic structure or a structure that is at least 50 years old that is a public school or is to be used as a public school. Such historic rehabilitation projects shall be consistent with the Secretary of the Interior's Standards for Rehabilitation. Repairs or renovations to windows, doors, structural features, or other projects that are consistent with such standards shall qualify for the credit.

*Patron - Bourne*

**F HB2112 Real property taxation; land and improvement classifications.** Allows the City of Charlottesville to levy a tax on improvements to real property at a different rate than the tax imposed upon the land on which the improvement is located, provided that the tax rate is not zero and does not exceed the tax rate imposed on the land. Currently, only the Cities of Fairfax, Poquoson, Richmond, and Roanoke are allowed to tax an improvement to real property independently from the land on which it is situated.

*Patron - Hudson*

**F HB2138 Income tax; business interest; qualified business income deduction; corporate rate reduction.** Increases from 30 percent to 50 percent the Virginia individual and corporate income tax deduction for business interest disallowed as a deduction under §§ 163(j) of the Internal Revenue Code beginning in taxable year 2024. The bill allows an individual income tax deduction in an amount equal to 50 percent of certain federal qualified business income deductions, excluding qualified real estate investment trust dividends. The

bill also reduces from six percent to five percent the corporate income tax rate beginning in taxable year 2023.

*Patron - McNamara*

**F HB2162 Tax exemptions; Confederacy organizations.** Eliminates the exemption from state recordation taxes for the Virginia Division of the United Daughters of the Confederacy and eliminates the tax-exempt designation for property owned by the Virginia Division of the United Daughters of the Confederacy and the General Organization of the United Daughters of the Confederacy.

*Patron - Scott, D.L.*

**F HB2176 Individual income tax; distribution of revenues; local school construction.** Requires distribution of five percent of the individual income tax revenues collected from residents of a locality to be distributed to that locality. The bill requires such funds to be used for school construction or renovation purposes and to be repaid to the state if used for any other purpose. The bill provides that a locality shall be required to maintain its level of expenditure for public school purposes as a condition of receiving the income tax revenues; however, a locality may reduce its level of expenditure to account for a loss of revenues resulting from a reduction in machinery and tools taxes.

*Patron - Sickles*

**F HB2196 Local sales and use tax; exemption for essential personal hygiene products and infant formula.** Exempts essential personal hygiene products and infant formula from the local sales and use tax. Under current law, such products are exempt from state sales and use tax but are subject to the local one percent option.

*Patron - Byron*

**F HB2202 Sports betting; adjusted gross revenue.** Gradually reduces the exclusion from a sports betting permit holder's adjusted gross revenue, on which it is taxed, all cash and the cash value of merchandise paid out as winnings to bettors, and the value of all bonuses or promotions provided to bettors as an incentive to place or as a result of their having placed Internet sports betting wagers, by limiting such exclusion from adjusted gross revenue to no more than 2.5 percent of the total amount of all sports betting wagers placed with that permit holder each month between July 1, 2023, and July 1, 2024; no more than 2.25 percent of the total amount of all sports betting wagers placed with that permit holder each month between July 1, 2024, and July 1, 2025; no more than two percent of the total amount of all sports betting wagers placed with that permit holder each month between July 1, 2025, and July 1, 2026; and no more than 1.75 percent of the total amount of all sports betting wagers placed with that permit holder each month on and after July 1, 2026. The bill also provides that a permit holder, through the first 12 months of sports betting activity, may exclude from adjusted gross revenue the value of allowable bonuses or promotions provided to bettors as an incentive to place or as a result of their having placed Internet sports betting wagers. After the first 12 months of sports betting activity, a permit holder's adjusted gross revenue is subject to the aforementioned determination.

*Patron - Robinson*

**F HB2205 Child tax credit.** Creates a refundable tax credit for taxable years 2023 through 2027 for individuals whose households include dependents younger than the age of 18. The bill provides that the amount of the credit will be equal to \$500 for an individual or married persons filing a joint return whose family Virginia adjusted gross income, as defined in the Code, does not exceed \$100,000. The bill provides that if the amount of such credit exceeds the taxpayer's liability for



the taxable year, the excess shall be refunded by the Tax Commissioner within 90 days after the filing date of the income tax return on which the taxpayer applies for such refund.

*Patron - Tran*

**F HB2245 Department of Taxation; free tax filing.** Directs the Tax Commissioner to terminate the Virginia Free File Program and related agreement with the Consortium of Virginia. The bill also requires the Tax Commissioner to reinstate the iFile program or to develop and offer a substantially similar program that offers electronic filing services directly to Virginia individual taxpayers without monetary charge beginning in taxable year 2024. The bill contains technical amendments that remove obsolete language regarding fillable forms.

*Patron - Tran*

**F HB2261 Income tax; deduction for elderly and disabled individuals.** Provides, for taxable years beginning on and after January 1, 2023, an income tax deduction for individuals who are both 65 years of age or older and permanently and totally disabled.

*Patron - Cordoza*

**F HB2268 Individual income tax; brackets, deductions, and exemptions.** Makes numerous changes to individual income tax brackets, deductions, and exemptions for individuals. The bill increases the standard deduction to \$9,650 for individuals and \$19,300 for married persons for taxable years beginning on and after January 1, 2023, but before January 1, 2026. The bill creates a seven percent income tax bracket for taxable years beginning on and after January 1, 2023, for income in excess of \$600,000. The bill adjusts the amount of the standard deduction, personal and other individual exemptions and deductions, the filing threshold, and income tax brackets to the annual change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U).

*Patron - Watts*

**F HB2316 Additional local sales and use tax to support schools; referendum.** Authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax. This bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - Bourne*

**F HB2319 Income tax; rates and deductions.** Lowers the top income tax rate from 5.75 percent to 5.5 percent for taxable years beginning on and after January 1, 2024. The bill also raises the standard deduction to \$9,000 for single individuals and \$18,000 for married persons for taxable years beginning on and after January 1, 2024, but before January 1, 2026.

*Patron - McNamara*

**F HB2351 Virginia Lottery Board; compensation to licensed sales agents.** Provides that the amount of compensation paid to licensed sales agents of Virginia lottery tickets or shares shall be no less than six percent of sales and no more than one percent of the cash value of all prizes paid.

*Patron - Subramanyam*

**F HB2353 Income tax subtraction; professional firefighter pension.**

*Patron - Wiley*

**F HB2361 Real property tax; exemption for disabled veterans and surviving spouses.** Provides that a person who is eligible for the real property tax exemption for certain disabled veterans and surviving spouses is entitled to a refund, retroactive to his date of eligibility, of taxes paid during the period of exemption, excluding interest or penalties. Under the bill, the refund is exempt from the statute of limitations for applications for correction of an assessment.

*Patron - Wiley*

**F HB2406 Individual income tax; deductions for businesses.** Provides an individual income tax deduction for 50 percent of the amount of qualified business income deductible for federal income tax purposes, but excluding the amount of qualified REIT dividends deductible under the same provision of the Internal Revenue Code.

*Patron - McNamara*

**F HB2416 Sales tax exemption; child restraint device.** Creates an exemption from the retail sales and use tax for a child restraint device beginning July 1, 2023. This exemption is available only for a child restraint device purchased for personal use by an individual.

*Patron - Seibold*

**F HB2431 Income tax credits; Neighborhood Assistance Act; Education Improvement Scholarships.** Makes several amendments to expand the availability of the Neighborhood Assistance Act Tax Credit and Education Improvement Scholarships Tax Credits (EISTC). The bill makes subject to judicial appeal the decisions of the Department of Education and the Department of Social Services regarding the qualification of a scholarship foundation or the awarding of tax credits; currently, such decisions are final. The bill provides that the annual allocation of tax credits among neighborhood organizations shall not rely solely on the amount of credits awarded in the previous year. For the EISTC, the bill allows certified public accountants to receive tax credits for donations of accounting services to scholarship organizations. The bill also authorizes scholarship foundations, which are the sole recipient of funding from the issuance of EISTC, to receive funding for scholastic assistance, defined in the bill as counseling or supportive services. Under current law, scholarship foundations may receive EISTC funding only for the purpose of providing scholarships.

*Patron - Morefield*

**F HB2442 Sales tax; additional local tax for schools.** Adds the City of Newport News to the list of localities that, under current law, are authorized to impose an extra one percent local sales tax to provide revenue for constructing or renovating schools.

*Patron - Price*

**F HB2480 Home instruction and private school tax credit.** Creates a nonrefundable tax credit for taxable years 2023 through 2027 for parents or legal guardians of a child who is homeschooled or attends a private school in Virginia. The bill provides that the credit is equal to the lesser of (i) half of the average state Standards of Quality funding per student per year or (ii) the costs incurred for instruction-related materials, courses or programs used in home instruction, or private school tuition and is limited to 1,000 children selected by an application and lottery process developed by the Department of Education. Any savings resulting from the credit of less than a

student's full state Standards of Quality funding to an individual or married couple shall be deposited into the School Construction Fund.

*Patron - LaRock*

**F HB2493 Plastic bag tax; fee usage.** Allows the revenue from the disposable plastic bag tax to be used for illegal roadside sign cleanup and litter pickup.

*Patron - Kory*

**F HB2496 Virginia Recycling Development Center; established; report.**

*Patron - Runion*

**F HB2499 Casino gaming; eligible host localities.**

*Patron - Williams*

**F SB780 Casino gaming; eligible host cities; limitation on local referendums.** Adds Petersburg to the list of cities eligible to host a casino in the Commonwealth. The bill also provides that when an eligible host city is located within 25 miles of another eligible host city, the governing body of any such city that holds a local referendum on the question of whether casino gaming should be permitted in such city that subsequently fails shall be prohibited from holding another local referendum on the same question until the other eligible host city has had a reasonable opportunity, not to exceed the date of the 2023 regular general election unless a court of competent jurisdiction sets an alternative date, to hold a local referendum on the same question.

*Patron - Morrissey*

**F SB850 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products.** Provides an exemption from local sales and use tax beginning July 1, 2023, for food purchased for human consumption and essential personal hygiene products. The bill also provides an allocation of state revenues to fund the distribution to localities for funding that would have been distributed to them absent the exemption created by the bill. Under current law, such products are exempt from state sales and use tax but are subject to the standard local rate of one percent.

*Patron - Suetterlein*

**F SB851 Income tax; standard deduction.** Increases the standard deduction, starting with taxable year 2023, from \$8,000 to \$12,500 for single filers and from \$16,000 to \$25,000 for married filers (one-half of such amount in the case of a married individual filing a separate return). The increase would remain in effect until taxable year 2026, when the standard deduction is scheduled to be reduced to \$3,000 for single filers and to \$6,000 for married filers.

*Patron - Suetterlein*

**F SB892 Education improvement scholarships tax credits; student definition.** Provides that beginning in taxable year 2024, students eligible for a scholarship from an approved scholarship foundation shall include any school-aged child living in Virginia whose family income does not exceed 300 percent of federal poverty guidelines, regardless of prior public school enrollment or a recent move to Virginia. Under current law, a student must be a resident of Virginia who (i) in the current school year has enrolled and attended a public school in the Commonwealth for at least one-half of the year, (ii) for the school year that immediately preceded his receipt of a scholarship foundation scholarship was enrolled and attended a public school in the Commonwealth for at least one-half of the year, (iii) is a prior recipient of a scholarship foundation scholarship, (iv) is eligible to enter kindergarten or eligible to

enter first grade, or (v) for the school year that immediately preceded his receipt of a scholarship foundation scholarship was domiciled in a state other than the Commonwealth and did not attend a nonpublic school in the Commonwealth for more than one-half of the school year.

*Patron - Newman*

**F SB893 Education improvement scholarships tax credits; transferability.** Allows a taxpayer entitled to an education improvement scholarships tax credit to transfer such credit to any other taxpayer.

*Patron - Newman*

**F SB908 Tax credit for loss of a stillborn child.**

Establishes a refundable income tax credit for individual filers or married persons filing jointly for taxable years 2023 through 2027 in an amount equal to \$2,000 for the loss of delivering a stillborn child, defined in the bill. The credit may be claimed only in the taxable year in which the stillbirth occurred and only if the child would have become a dependent of the taxpayer.

*Patron - Locke*

**F SB922 Income tax subtraction; manufactured home park sale.** Exempts income earned from the sale of a manufactured home park, as defined in relevant law, to either (i) an entity that is owned by at least 25 percent of the residents of such manufactured home park or (ii) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, provided that such sale terms require the guaranteed maintenance of the property as a manufactured home park for a period of at least 30 years following the sale.

*Patron - Hashmi*

**F SB950 Taxable income; Paycheck Protection Program loans.** Allows an individual and corporate income tax deduction or subtraction, as applicable, for any amount of business expenses funded by forgiven Paycheck Protection Program (PPP) loan proceeds that are paid or incurred prior to taxable year 2023. Under current law, the allowable amount that may be deducted or subtracted is limited to \$100,000 of business expenses funded by forgiven PPP loan proceeds paid or incurred prior to taxable year 2021.

*Patron - Petersen*

**F SB985 Virginia Retail Sales and Use Tax Act; agricultural exemptions; structural construction materials.** Exempts from certain retail sales and use taxes structural construction materials that are an integral part of a commercial greenhouse structure and growing system, ordered to meet the specifications of an operator of such system, and intended to be affixed to or integrated into a commercial greenhouse structure that is at least 50,000 square feet in size. Current law specifies that structural construction materials to be affixed to real property owned or leased by a farmer, necessary for use in agricultural production for market, and sold to or purchased by a farmer or contractor are not exempt from such taxation.

*Patron - Peake*

**F SB992 Tax on cigars.** Modifies the statutory tax rate imposed on selling or distributing cigars by a distributor or remote retail seller by setting such rate at 10 percent of the manufacturer's sales price or \$0.30 per cigar, whichever is less. Under current law, the effective rate is 20 percent of the manufacturer's sales price due to language in the Appropriation Act which doubles the statutory rate.

*Patron - Ruff*

**F SB1008 Local sales and use tax; exemptions.** Authorizes the governing board of a city or county to, by ordi-

nance, exempt food purchased for human consumption and essential personal hygiene products from local sales and use tax.

*Patron - DeSteph*

**F SB1032 State subsidy of property tax exemptions for disabled veterans and surviving spouses of military members killed in action.** Requires the Commonwealth to subsidize local real estate tax relief for disabled veterans and surviving spouses of members of the United States Armed Forces killed in action when more than one percent of a locality's real estate tax base is lost due to such state-mandated tax relief programs. The bill provides that the Commonwealth will subsidize only that portion of tax-exempt real estate that exceeds the one percent threshold and requires the Auditor of Public Accounts to establish an application process whereby a locality demonstrates that more than one percent of its real estate tax base was lost. Under the bill, the Auditor certifies to the Governor and the General Assembly those localities that are eligible for a subsidy and the Governor includes in the Budget Bill a proposed appropriation of the amount of the state subsidy to be provided to localities certified as eligible localities.

*Patron - Stuart*

**F SB1048 Research and development expenses tax credits.** Creates a step-rate reimbursement structure for the major research and development expenses tax credit in an amount equal to (i) ten percent, up to the first \$1 million, of the difference between (a) Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (b) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined and (ii) five percent of such difference in excess of \$1 million. Beginning in taxable year 2023, the bill also (a) imposes an annual per taxpayer major research and development expenses tax credit cap of \$300,000, except that such cap increases to \$400,000 if the Virginia qualified research was conducted in conjunction with a public or private institution of higher education in the Commonwealth, (b) reduces from \$24 million to \$16 million the aggregate cap on the major research and development expenses tax credit granted for each fiscal year, and (c) increases from \$7.77 million to \$15.77 million the aggregate cap on the research and development expenses tax credit granted for each fiscal year beginning in taxable year 2023.

*Patron - McPike*

**F SB1066 Historic rehabilitation tax credit; increase.** Increases from \$5 million to \$10 million, beginning in taxable year 2023, 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. In addition, should the taxpayer incur expenses toward the rehabilitation of a certified historic structure in a locality that has a designated enterprise zone, as defined in the Code, the taxpayer may claim up to an additional \$10 million in any taxable year. The provisions of the bill are contingent on the anticipated revenue change from implementing the act being accounted for in the general appropriation act.

*Patron - Surovell*

**F SB1095 Conformity with the Internal Revenue Code; cannabis licensees.** Deconforms from federal law, as it applies to Virginia medical cannabis licensees, the prohibition on a deduction for any amount paid or incurred during the taxable year in carrying on any trade or business if such

trade or business consists of trafficking in a controlled substance prohibited by federal law.

*Patron - Ebbin*

**F SB1142 Sports betting; adjusted gross revenue.** Reduces the exclusion from a sports betting permit holder's adjusted gross revenue, on which it is taxed, all cash and the cash value of merchandise paid out as winnings to bettors, and the value of all bonuses or promotions provided to bettors as an incentive to place or as a result of their having placed Internet sports betting wagers, by eliminating such exclusion for the first 12 months of sports betting activity for a permit holder, and subsequently limiting such exclusion to no more than 1.75 percent of the total amount of all sports betting wagers placed with that permit holder each month after the first 12 months of sports betting activity for a permit holder. Under current law, pursuant to the 2022 Special Session I appropriation act, after the first 12 months of sports betting activity, a permit holder is prohibited from excluding from adjusted gross revenue any bonuses or promotions provided to bettors as an incentive to place or as a result of their having placed Internet sports betting wagers.

*Patron - McPike*

**F SB1143 Regulation of charitable gaming and historical horse racing.** Transfers regulatory control of charitable gaming and historical horse racing from the Department of Agriculture and Consumer Services and the Virginia Racing Commission, respectively, to the Virginia Lottery, renamed in the bill as the Virginia Lottery and Gaming Department. The bill directs the Virginia Lottery Board, renamed as the Virginia Lottery and Gaming Oversight Board, to promulgate regulations necessary for the conduct of (i) historical horse racing, with the assistance of the Virginia Racing Commission, by December 1, 2023, and (ii) charitable gaming, with the assistance of the Department of Agriculture and Consumer Services, by July 1, 2024. All relevant regulations of the Department of Agriculture and Consumer Services and the Virginia Racing Commission shall remain in full force and effect until the effective transfer of such regulations to the Virginia Lottery and Gaming Oversight Board.

*Patron - McPike*

**F SB1161 Distribution of recordation tax to counties and cities.** Increases the annual distribution of recordation tax revenues to cities and counties from \$20 million to \$60 million.

*Patron - Stuart*

**F SB1179 Education improvement scholarships tax credits; eligible student with a disability.** Removes, beginning in taxable year 2024, the requirement that an eligible student with a disability also qualify as a student under the education improvement scholarships tax credit program and expands eligibility of students with disabilities to include those who are residents of Virginia and for whom an Individualized Education Plan has been written and finalized. The bill also provides that beginning in taxable year 2024 the aggregate amount of scholarships provided to each eligible student with a disability for a single school year from eligible donations shall not exceed the lesser of (i) the actual qualified educational expenses of the eligible student with a disability or (ii) 300 percent of the per pupil amount distributed to the local school division (in which the eligible student with a disability resides) for the state's share of the standards of quality costs using the composite index of local ability-to-pay. Such scholarships may only be provided to an eligible student with a disability who is attending a school licensed by the Department of Education to serve students with disabilities that complies with nonpublic school accreditation requirements, is exempt from taxation as a

§ 501(c)(3) organization, and does not receive public funds to supplement the cost of the education of the eligible student with a disability who is receiving the scholarship.

*Patron - DeSteph*

**F SB1194 Income tax; military benefits subtraction; age restriction.** Removes the age 55 or older restriction on those individuals allowed a military benefits income tax subtraction beginning with taxable year 2023.

*Patron - Reeves*

**F SB1250 Regulating video gaming terminals; Virginia Video Gaming Terminal Education Support Fund established; penalties.** Authorizes and specifies the licensing requirements for the manufacture, distribution, operation, servicing, hosting, and playing of video gaming terminals (VGTs). The bill provides that VGTs are regulated by the Virginia Lottery Board, which the bill renames as the Virginia Lottery and Gaming Oversight Board. The bill requires employees of such licensees to be registered with the Virginia Lottery, which the bill renames as the Virginia Lottery and Gaming Department. The bill imposes criminal and civil penalties for violations of the law and regulations related to VGTs. The bill imposes a 34 percent tax on all gross profits from the play of VGTs and provides for how the tax proceeds are used; most are deposited into the Virginia Video Gaming Terminal Education Support Fund, created by the bill.

*Patron - Bell*

**F SB1287 Additional local sales and use tax to support schools.** Adds Albemarle County and the City of Charlottesville to the list of qualifying 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 from such tax used only for capital projects for the construction or renovation of schools.

*Patron - Deeds*

**F SB1294 Retail sales and use tax; exemptions; data centers.** Removes the June 30, 2035, sunset on the local sales and use tax exemption for data centers.

*Patron - DeSteph*

**F SB1324 Joint Subcommittee on Tax Policy; to analyze tax credits and economic security payments.** Directs the Joint Subcommittee on Tax Policy to review and analyze options for a state-level grant program, tax credit, or refund for families, including the expansion of the earned income tax credit, the creation of a state-level child tax credit or child and dependent care tax credit, and the creation of a grant program to provide grants to local social services departments for the provision of monthly economic security payments to families with children.

*Patron - McClellan*

**F SB1355 Income tax; business interest; qualified business income deduction; corporate rate reduction.** Increases from 30 percent to 50 percent the Virginia individual and corporate income tax deduction for business interest disallowed as a deduction under § 163(j) of the Internal Revenue Code beginning in taxable year 2024. The bill allows an individual income tax deduction in an amount equal to 50 percent of certain federal qualified business income deductions, excluding qualified real estate investment trust dividends. The bill also reduces from six percent to five percent the corporate income tax rate beginning in taxable year 2023.

*Patron - Newman*

**F SB1360 Education improvement scholarships tax credits.** Expands the education improvement scholarships

tax credit program for taxable years 2023 through 2027 by (i) increasing from 65 percent to 100 percent the credit amount for the value of the monetary or marketable securities donation made by the person to an included scholarship foundation, (ii) removing the requirement that eligible pre-kindergarten children be at-risk four-year-olds unable to obtain services through Head Start or Virginia Preschool Initiative programs, (iii) requiring that nonpublic pre-kindergarten programs participate in the Unified Virginia Quality Birth to Five System (VQB5), rather than the Virginia Quality rating system, and (iv) expanding eligible students to include any school-aged child living in Virginia whose family income does not exceed 300 percent of federal poverty guidelines, regardless of prior public school enrollment or a recent move to Virginia.

*Patron - Norment*

**F SB1403 Income tax subtraction; professional firefighter pension.** Establishes an income tax subtraction for up to \$20,000 of firefighter benefits in taxable year 2023, up to \$30,000 in taxable year 2024, and up to \$40,000 in taxable year 2025 and each year thereafter. The bill defines firefighter benefits to include retirement income related to firefighting services and benefits paid to the surviving spouse of a firefighter whose death occurred in the line of duty.

*Patron - Barker*

**F SB1408 Additional local sales and use tax to support schools; referendum.** Authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax. This bill is a recommendation of the Commission on School Construction and Modernization.

*Patron - McClellan*

**F SB1423 Income tax; rates and deductions for businesses.** Provides an individual income tax deduction for 50 percent of the amount of qualified business income deductible for federal income tax purposes, but excluding the amount of qualified REIT dividends deductible under the same provision of the Internal Revenue Code. The bill also reduces the corporate income tax rate from six percent to five percent for taxable years beginning on or after January 1, 2023.

*Patron - Suetterlein*

**F SB1445 Virginia Retirement System; certain law-enforcement officers; part time.** Provides that an employee of a political subdivision or of the Commonwealth who (i) is compensated on a salaried or hourly basis; (ii) works at least 20 hours per week; and (iii) is employed as a law-enforcement officer shall be considered a full-time employee for purposes of participation in the Virginia Retirement System.

*Patron - Boysko*

**F SB1451 Income tax; rates and deductions.** Lowers the top income tax rate from 5.75 percent to 5.5 percent for taxable years beginning on and after January 1, 2024. The bill also raises the standard deduction to \$9,000 for single individuals and \$18,000 for married persons for taxable years beginning on and after January 1, 2024, but before January 1, 2026.

*Patron - Norment*

**F SB1462 Income tax; military benefits subtraction; age restriction.** Removes the age 55 or older restric-

tion on those individuals allowed a military benefits income tax subtraction beginning with taxable year 2023.

*Patron - Chase*

**F SB1502 State taxes; reassessment and refund upon filing of amended return or payment of assessment.** Allows a refund or credit on either an actual or projected basis for erroneous tax payments made during the identical period during which any sales or use tax assessment is outstanding on or that is assessed on and after July 1, 2023.

*Patron - Petersen*

**F SB1506 Income tax credits; neighborhood assistance act and education improvement scholarships.** Makes several amendments to the neighborhood assistance act and education improvement scholarships tax credits. The bill increases from \$9 million to \$25 million beginning in fiscal year 2023 the limit on neighborhood assistance act tax credits approved by the Commissioner of Social Services. When added to the current limit of \$8 million on such tax credits approved by the Commissioner of Social Services, the overall limit on such tax credits would be \$33 million. The bill provides that the annual allocation of such tax credits among neighborhood organizations shall not rely solely on the amount of credits awarded in the previous year.

The bill authorizes scholarship foundations, which are the sole recipient of funding from the issuance of education improvement scholarships tax credits, to receive funding for scholastic assistance, defined in the bill as counseling or supportive services to elementary or secondary school students or their parents in developing a postsecondary academic or vocational education plan, including college financing options for such students or their parents, provided by a scholarship foundation at a public school with which the foundation is under contract. Under current law, scholarship foundations may receive funding from such tax credits only for the purpose of providing scholarships. The bill allows certified public accountants to receive tax credits for donations of accounting services to scholarship organizations and makes decisions of the Department of Education and Superintendent of Public Instruction regarding the qualification of a scholarship foundation or the awarding of such tax credits subject to judicial appeal; currently, such decisions are final.

*Patron - Ruff*

**F SB1529 Right to life tax credit.** Allows a refundable income tax credit of \$250 for each birth of a dependent member of a taxpayer's household that occurs in taxable years 2023 through 2027. The credit is only available to a family with an annual household income that is not in excess of 400 percent of the current poverty guidelines and is subject to an aggregate cap of \$25 million per taxable year. Credits shall be allocated on a pro rata basis if applications exceed such aggregate cap.

*Patron - Dunnivant*

**F SB1543 Casino gaming; eligible host localities.**

*Patron - Marsden*

## Trade and Commerce

### Passed

**P HB1421 Virginia Breeders Fund; disbursements to certain breeders and owners of horses.** Provides that the Virginia Breeders Fund shall disburse amounts to

breeders of Virginia-bred horses and to the owners of Virginia sires of Virginia-bred horses that finish first, second, or third in races at designated race meetings. Under current law, the disbursements only go to the winners of such races.

*Patron - Webert*

**P HB1504 Joint Commission on Technology and Science; telephone solicitation calls and text messages; report.** Directs the Joint Commission on Technology and Science to consider the practice of unwanted telephone solicitation calls and telephone solicitation calls via text message and develop recommendations related to requiring a telephone solicitor to permit any person to opt out of receiving such calls or messages. The bill requires the Joint Commission on Technology and Science to report its findings and recommendations by November 1, 2023, to the Chairs of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor.

*Patron - Orrock*

**P HB1517 Virginia Consumer Protection Act; automatic renewal or continuous service offers; cancellation reminders; prohibited practices.** Requires suppliers of automatic renewals or continuous service offers that include a free trial that lasts more than 30 days to, within 30 days of the end of any such free trial, notify the consumer of his option to cancel the free trial before the end of the trial period to avoid an obligation to pay for the goods or services. The bill provides that failure to notify a consumer of such option is a violation of the Virginia Consumer Protection Act. The bill also makes it a violation of the Virginia Consumer Protection Act for a supplier to fail to disclose the total cost of a good or continuous service to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such service.

*Patron - Adams, D.M.*

**P HB1544 Virginia Credit Services Businesses Act; definitions; credit reports.** Amends the definitions of "consumer reporting agency" and "credit services business" as they are used in the Virginia Credit Services Businesses Act and requires that the information statement provided to a consumer by a credit services business under the Act include a complete and accurate statement of a customer's right to receive a free copy of the consumer's credit report annually from each of the three nationwide consumer reporting agencies. The bill contains technical amendments.

*Patron - Campbell, J.L.*

**P HB1546 Virginia Antitrust Act; disgorgement and other forms of equitable monetary relief.** Provides that (i) any person threatened with injury or damage to his business or property by reason of a violation of the Virginia Antitrust Act or (ii) the Attorney General on behalf of the Commonwealth, the attorney for the Commonwealth or county attorney on behalf of a county, the city attorney on behalf of a city, or the town attorney on behalf of a town may institute actions and proceedings for injunctive relief, disgorgement, and other forms of equitable monetary relief as the court deems appropriate. The bill contains technical amendments.

*Patron - Campbell, J.L.*

**P HB1857 Internet ticketing platforms and resellers; deceptive trade practices.** Prohibits an Internet ticketing platform or reseller, as defined in the bill, from using or displaying any trademarked or copyrighted URL or other mark or symbol of an operator, a rights holder, or a primary ticket provider without the consent of such operator, rights holder, or ticket provider and prohibits the use or display of text, images, website graphics, website display, or website

addresses substantially similar to an operator's website in a manner that could reasonably be expected to mislead a potential purchaser. A violation of the provisions of the bill constitutes a prohibited practice under the Virginia Consumer Protection Act. This bill is identical to SB 1249.

*Patron - Bennett-Parker*

**P HB1997 Virginia Racing Commission; powers and duties; ratio of live racing days to number of historical horse racing terminals.** Provides that the Virginia Racing Commission (the Commission) shall promulgate regulations requiring, for each calendar year, any significant infrastructure limited licensee that offers pari-mutuel wagering on historical horse racing to hold at least one live Thoroughbred horse racing day, consisting of not less than eight races per day, for every 100 historical horse racing terminals installed at its significant infrastructure facility together with any satellite facility owned, operated, controlled, managed, or otherwise directly or indirectly affiliated with such licensee. The bill also gives the Commission the authority to alter the required number of live racing days in the event of force majeure. The bill has a delayed effective date of July 1, 2024. This bill is identical to SB 1212.

*Patron - Krizek*

**P HB2238 Precision Plastic Manufacturing Grant Fund; established.** Establishes the Precision Plastic Manufacturing Grant Fund to provide up to \$56 million in grants between July 1, 2027, and July 1, 2035, to a qualified company that engages in the manufacture and distribution of precision plastic products in an eligible county and that between June 1, 2022, and December 31, 2035, is expected to make a capital investment of at least \$1 billion and create at least 1,761 new full-time jobs related to or supportive of its business. This bill is identical to SB 1134.

*Patron - Cherry*

**P HB2422 Home solicitation sale; definition.** Clarifies that the definition of a "home solicitation sale" includes a solicitation of the sale or lease of goods or services in which the seller engages in a solicitation without prior invitation or appointment. The bill excludes from the definition of "home solicitation sale" (i) consumer sales made by an entity regulated by the Bureau of Insurance, an affiliate of any such entity, or a dealer licensed by the Motor Vehicle Dealer Board and (ii) sales made entirely by telephone or electronic means at the initiation of the buyer without any other contact between the buyer and the seller. This bill is identical to SB 1509.

*Patron - Batten*

**P SB988 Virginia Consumer Protection Act; exclusions; residential home sales between natural persons.** Excludes residential home sales between natural persons involving the seller's private residence from the provisions of the Virginia Consumer Protection Act.

*Patron - Peake*

**P SB1087 Genetic data privacy; civil penalty.** Establishes requirements for direct-to-consumer genetic testing companies, defined in the bill, including requirements related to information to be provided to consumers, express consent requirements, requirements related to security of and consumer access to genetic data, requirements for contracts between direct-to-consumer genetic testing companies and service providers, and prohibitions on disclosure of genetic data by direct-to-consumer genetic testing companies. The bill also prohibits discrimination against a consumer based on exercise of rights related to genetic data privacy and imposes civil penalties for violations of the provisions of the bill.

*Patron - Ebbin*

**P SB1108 Virginia Consumer Protection Act; prohibited practices; kratom products.** Provides that it is a prohibited practice under the Virginia Consumer Protection Act to sell or offer for sale (i) any kratom product, defined in the bill, to a person younger than 21 years of age or (ii) any kratom product that does not provide a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease."

*Patron - Ruff*

**P SB1134 Precision Plastic Manufacturing Grant Fund; established.** Establishes the Precision Plastic Manufacturing Grant Fund to provide up to \$56 million in grants between July 1, 2027, and July 1, 2035, to a qualified company that engages in the manufacture and distribution of precision plastic products in an eligible county and that between June 1, 2022, and December 31, 2035, is expected to make a capital investment of at least \$1 billion and create at least 1,761 new full-time jobs related to or supportive of its business. This bill is identical to HB 2238.

*Patron - Ruff*

**P SB1212 Virginia Racing Commission; powers and duties; ratio of live racing days to number of historical horse racing terminals.** Provides that the Virginia Racing Commission (the Commission) shall promulgate regulations requiring, for each calendar year, any significant infrastructure limited licensee that offers pari-mutuel wagering on historical horse racing to hold at least one live Thoroughbred horse racing day, consisting of not less than eight races per day, for every 100 historical horse racing terminals installed at its significant infrastructure facility together with any satellite facility owned, operated, controlled, managed, or otherwise directly or indirectly affiliated with such licensee. The bill also gives the Commission the authority to alter the required number of live racing days in the event of force majeure. The bill has a delayed effective date of July 1, 2024. This bill is identical to HB 1997.

*Patron - Reeves*

**P SB1249 Internet ticketing platforms and resellers; deceptive trade practices.** Prohibits an Internet ticketing platform or reseller, as defined in the bill, from using or displaying any trademarked or copyrighted URL or other mark or symbol of an operator, a rights holder, or a primary ticket provider without the consent of such operator, rights holder, or ticket provider and prohibits the use or display of text, images, website graphics, website display, or website addresses substantially similar to an operator's website in a manner that could reasonably be expected to mislead a potential purchaser. A violation of the provisions of the bill constitutes a prohibited practice under the Virginia Consumer Protection Act. This bill is identical to HB 1857.

*Patron - Bell*

**P SB1433 Purchase of handguns or other weapons of certain officers; Department of State Police.** Provides that the Department of State Police may allow any law-enforcement officer formerly employed by the Department who had at least 10 years of service with the Department and has been elected to a constitutional office to purchase his service handgun, with the approval of the Superintendent of State Police, at a fair market price.

*Patron - Suetterlein*

**P SB1509 Home solicitation sale; definition.** Clarifies that the definition of a "home solicitation sale" includes a solicitation of the sale or lease of goods or services

in which the seller engages in a solicitation without prior invitation or appointment. The bill excludes from the definition of "home solicitation sale" (i) consumer sales made by an entity regulated by the Bureau of Insurance, an affiliate of any such entity, or a dealer licensed by the Motor Vehicle Dealer Board and (ii) sales made entirely by telephone or electronic means at the initiation of the buyer without any other contact between the buyer and the seller. This bill is identical to HB 2422.

*Patron - Mason*

**P SB1540 Consumer protection; automatic renewal or continuous service offer to consumer; exemptions.** Exempts extended service contract providers, and their affiliates, regulated by the Department of Agriculture and Consumer Services and insurers or entities regulated by Title 38.2 (Insurance) from provisions of law governing automatic renewal and continuous service offers to consumers. The bill also amends the definition of "automatic renewal" to mean a plan or arrangement in which a paid subscription or purchasing agreement is automatically renewed at the end of a definite term for a subsequent term of more than one month. Current law does not specify the length of the subsequent renewal term.

*Patron - Pillion*

## Failed

**F HB1543 Virginia Credit Services Businesses Act; contents of required information statement.** Updates the contents of the information statement that a credit services business is required to provide to consumers to reflect changes to federal law. The bill also removes an obsolete provision related to private detectives.

*Patron - Campbell, J.L.*

**F HB1688 Consumer Data Protection Act; protections for children.** Requires a controller or processor to obtain verifiable parental consent, defined in the bill, prior to registering any child with the operator's product or service or before collecting, using, or disclosing such child's personal data and prohibits a controller from knowingly processing the personal data of a child for purposes of (i) targeted advertising, (ii) the sale of such personal data, or (iii) profiling in furtherance of decisions that produce legal or similarly significant effects concerning a consumer. The bill also amends the definition of child for purposes of the Consumer Data Protection Act to include any natural person younger than 18 years of age.

*Patron - Brewer*

**F HB1855 Consumer Protection Act; PFAS chemicals in children's products.** Prohibits the sale, offering for sale, or manufacturing for sale of a children's product that the supplier knows or has reason to know contains perfluoroalkyl and polyfluoroalkyl substances (PFAS). PFAS is defined in the bill as substances that include any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom. The bill exempts children's products that are used, secondhand, or "seconds" from the prohibition.

*Patron - Subramanyam*

**F HB2309 Virginia Motor Vehicle Warranty Enforcement Act; definitions.** Expands the definition of "motor vehicle" in the Virginia Motor Vehicle Warranty Enforcement Act to include a vehicle with a gross vehicle weight under 10,000 pounds that is bought or used primarily for business purposes by a person or certain legal business entities to which not more than five motor vehicles are registered. The bill also adds electronic mail communications to the definition of "notify" or "notification" in the Act.

*Patron - Campbell, J.L.*

**F HB2363 Virginia Petroleum Products Franchise Act; definition of refiner.** Provides that for the purposes of the Virginia Petroleum Products Franchise Act, "refiner" includes a supplier of motor fuel or any affiliate of such supplier.

*Patron - Maldonado*

**F HB2382 Virginia Consumer Protection Act; personal reproductive or sexual health information.** Adds obtaining, disclosing, selling, or disseminating certain enumerated personal reproductive or sexual health information without the consent of the consumer as a prohibited practice under the Virginia Consumer Protection Act.

*Patron - Simon*

**F HB2447 Virginia Consumer Protection Act; prohibited practices.** Prohibits a seller from imposing any fee or charge as a banking fee or supply chain fee in connection with the sale of a good or service if such fee or charge is not communicated or otherwise disclosed to the consumer prior to providing or entering into an agreement to provide such good or service.

*Patron - Fariss*

**F HB2486 Soft drink companies and bottlers; transfer of business; remedies.** Prohibits soft drink companies from unreasonably withholding or delaying consent to any transfer of a bottler's business or the transfer of the stock or other interest in the bottler's business when a proposed transferee bottler meets the soft drink company's material and reasonable qualification requirements. The bill also prohibits soft drink companies from withholding consent to, or in any manner retaining a right of prior approval of, the transfer of a bottler's business to a principal owner of the bottler or a family member. Cases or controversies arising under the requirements of the bill have jurisdiction in the circuit court of the city or county where the bottler has its principal place of business, and the court may grant equitable relief as necessary to remedy the effects of conduct prohibited under the bill. A contract or agreement between a soft drink company and a bottler that purports to waive the requirements of the bill shall be considered void and unenforceable to the extent of such waiver.

*Patron - Kilgore*

**F SB815 Virginia Motor Vehicle Warranty Enforcement Act; definitions.** Expands the definition of "motor vehicle" in the Virginia Motor Vehicle Warranty Enforcement Act to include a vehicle with a gross vehicle weight under 10,000 pounds that is bought or used primarily for business purposes by a person or certain legal business entities to which not more than five motor vehicles are registered. The bill expands the definition of "consumer" to include the purchaser, other than for purposes of resale, or the lessee, of a motor vehicle used primarily for business purposes if the purchaser or lessee is a person, partnership, limited liability company, corporation, association, or other legal entity to which not more than five motor vehicles are registered. The bill also adds electronic mail communications to the definition of "notify" or "notification" in the Act.

*Patron - Surovell*

**F SB1026 Consumer Data Protection Act; protections for children.** Requires an operator, defined in the bill, to obtain verifiable parental consent prior to registering any child with the operator's product or service or before collecting, using, or disclosing such child's personal data and prohibits a controller from knowingly processing the personal data of a child for purposes of (i) targeted advertising, (ii) the sale of such personal data, or (iii) profiling in furtherance of decisions



that produce legal or similarly significant effects concerning a consumer. The bill also amends the definition of child for purposes of the Consumer Data Protection Act to include any natural person younger than 18 years of age.

*Patron - Suetterlein*

**F SB1047 Virginia Petroleum Products Franchise Act; definition of refiner.** Provides that for the purposes of the Virginia Petroleum Products Franchise Act, "franchisor" includes a supplier, as defined in the bill, who authorizes or permits, under a franchise, a dealer to use a trademark in connection with the sale, consignment, or distribution of motor fuel.

*Patron - McPike*

**F SB1167 Firearm industry members; standards of responsible conduct; civil liability.** Creates standards of responsible conduct for firearm industry members, as that term is defined in the bill. The bill requires any firearm industry member that sells, manufactures, distributes, markets, or intends to sell, manufacture, distribute, or market firearm industry products, as that term is defined in the bill, within the Commonwealth, or that sells, manufactures, distributes, markets, or intends to sell, manufacture, distribute, or market firearm industry products to be used or possessed within the Commonwealth to comply with such standards of responsible conduct. Such standards include establishing and implementing reasonable controls regarding the manufacture, distribution, importation, marketing, and wholesale or retail sale of firearm industry products and taking reasonable precautions to ensure that such firearm industry products are not sold or distributed to a distributor or retailer that fails to establish and implement such reasonable controls. The bill also creates a civil cause of action for any person who suffers harm as a result of a firearm industry member's violation of the provisions of the bill.

*Patron - Petersen*

## Unemployment Compensation

### Passed

**P HB2009 Unemployment compensation; venue for prosecution of certain criminal cases.** Provides that the venue for criminal cases involving false statements, representations, or nondisclosures by an employing unit or an individual with regard to an unemployment claim lies in the county or city wherein the statement, representation, or nondisclosure originates or, alternatively, is received by the Virginia Employment Commission. Under current law, the venue for such cases lies solely in the county or city wherein such statement, representation, or nondisclosure is received by the Commission. This bill is identical to SB 1123.

*Patron - Adams, L.R.*

**P HB2010 Virginia Employment Commission; attorney authorization; powers.** Provides that the Commissioner of the Virginia Employment Commission may authorize any attorney employed by the Commission to issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the investigation or adjudication of any disputed claim or the administration of the Virginia Unemployment Compensation Act. The bill permits any party to file a motion to quash any such sub-

poena prior to the date production is required in a miscellaneous action in circuit court. This bill is identical to SB 1120.

*Patron - Adams, L.R.*

**P SB1120 Virginia Employment Commission; attorney authorization; powers.** Provides that the Commissioner of the Virginia Employment Commission may authorize any attorney employed by the Commission to issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the investigation or adjudication of any disputed claim or the administration of the Virginia Unemployment Compensation Act. The bill permits any party to file a motion to quash any such subpoena prior to the date production is required in a miscellaneous action in circuit court. This bill is identical to HB 2010.

*Patron - Stanley*

**P SB1123 Unemployment compensation; venue for prosecution of certain criminal cases.** Provides that the venue for criminal cases involving false statements, representations, or nondisclosures by an employing unit or an individual with regard to an unemployment claim lies in the county or city wherein the statement, representation, or nondisclosure originates or, alternatively, is received by the Virginia Employment Commission. Under current law, the venue for such cases lies solely in the county or city wherein such statement, representation, or nondisclosure is received by the Commission. This bill is identical to HB 2009.

*Patron - Stanley*

### Failed

**F HB1639 Unemployment compensation; time to file appeal.** Reduces from 30 days to 15 days (i) the time after notice of the determination of a claim within which a claimant is required to file an appeal before such determination becomes final and (ii) the time after the date of notification or mailing of an appeal tribunal's decision on an unemployment compensation claim within which a party is required to file a subsequent appeal before such decision becomes final.

*Patron - Walker*

**F HB2035 Paid family and medical leave program.** Requires the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2026. Under the program, benefits are paid to eligible employees for family and medical leave. Funding for the program is provided through premiums assessed to employers and employees beginning in 2025. The amount of a benefit is 80 percent of the employee's average weekly wage, not to exceed 80 percent of the state weekly wage, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The measure caps the duration of paid leave at 12 weeks in any application year. The bill provides self-employed individuals the option of participating in the program.

*Patron - Sewell*

**F HB2115 Unemployment compensation; continuation of benefits; repayment of overpayments.** Makes permanent provisions of the Code that expired on July 1, 2022, relating to unemployment compensation. The bill provides that when a claimant has had a determination of initial eligibility for unemployment benefits, as determined by the issuance of compensation or waiting-week credit, payments shall continue, subject to a presumption of continued eligibility, until a determination is made that provides the claimant notice and an opportunity to be heard. The bill requires the Virginia Employ-

ment Commission to waive the obligation to repay any overpayment if (i) the overpayment was made without fault on the part of the individual receiving benefits and (ii) requiring repayment would be contrary to equity and good conscience. Conditions for when overpayments are considered "without fault on the part of the individual" are outlined in the bill.

The bill further provides that the Commission shall notify each person with an unpaid overpayment of benefits that he may be entitled to a waiver of repayment and provide 30 days to request such a waiver. This applies to outstanding overpayments established for claim weeks commencing on or after March 15, 2020. The bill allows the Commission to suspend or forgo referring any unpaid overpayment of benefits established since March 15, 2020, to the collections process indefinitely. The bill specifies that all costs that result from implementing provisions of this bill shall be incurred by federal administrative grants and the general fund.

Additionally, the bill 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.

*Patron - Hudson*

**F SB1101 Paid family and medical leave program.** Requires the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2026. Under the program, benefits are paid to eligible employees for family and medical leave. Funding for the program is provided through premiums assessed to employers and employees beginning in 2025. The amount of a benefit is 80 percent of the employee's average weekly wage, not to exceed 80 percent of the state weekly wage, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The measure caps the duration of paid leave at 12 weeks in any application year. The bill provides self-employed individuals the option of participating in the program.

*Patron - Boysko*

**F SB1435 Unemployment compensation; time to file appeal.** Reduces from 30 days to 15 days (i) the time after notice of the determination of a claim within which a claimant is required to file an appeal before such determination becomes final and (ii) the time after the date of notification or mailing of an appeal tribunal's decision on an unemployment compensation claim within which a party is required to file a subsequent appeal before such decision becomes final.

*Patron - Bell*

## Waters of the State, Ports and Harbors

### Passed

**P HB1485 Chesapeake Bay Watershed Implementation Plan; effective date.** Changes the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan to allow consideration of a combination of point or nonpoint source pollution reduction commitments other than agricultural best management conservation practices when determining whether the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load (TMDL) Phase III Watershed Implementation Plan have been satisfied. The bill advances from July 1, 2026, to July 1, 2028, the contingency effective date of the Chesapeake Bay Watershed Implementation Plan and requires the Secretary of Natural and

Historic Resources and the Secretary of Agriculture and Forestry to convene a stakeholder advisory group to review annual progress and make recommendations toward the implementation of the Commonwealth's agricultural commitments in the Chesapeake Bay TMDL Phase III Watershed Implementation Plan. The group is required to submit its first annual report by July 1, 2024, and the Secretaries of Agriculture and Forestry and Natural and Historic Resources are required to jointly review such report by July 1, 2025. The bill also requires soil and water conservation districts to report to the Department of Conservation and Recreation recommendations for improving the disbursement of funding and for program efficiencies that would expedite disbursement of funds provided through the Virginia Natural Resources Commitment Fund and prohibits certain regulatory actions from being imposed on agricultural practices prior to July 1, 2028, provided that reasonable progress is being achieved and a detailed plan has been developed for reaching the needed number of voluntary incentivized practices. This bill is identical to SB 1129.

*Patron - Webert*

**P HB1628 Wetland and Stream Replacement Fund; availability of credits; use of funds.** Permits the Department of Environmental Quality to use the Wetland and Stream Replacement Fund for purposes other than the purchase of mitigation bank credits, as set out in the bill, if the Department makes a determination within two years after the collection of moneys for a specific impact that mitigation bank credits for such impact will not be available within three years. Currently, the Department can use such funds for other specified purposes if after three years no mitigation bank credits are available for purchase.

*Patron - Coyner*

**P HB1804 Tidal wetland mitigation bank credits.** Authorizes certain entities to purchase or use credits from a tidal wetland mitigation bank located in an adjacent river watershed when such bank contains the same plant community type and salinity regime as the impacted wetlands, which shall be the preferred form of compensation. The provisions of the bill apply only to tidal wetland mitigation banks with a polyhaline salinity regime located in certain subbasins when a tidal wetland mitigation bank with the same plant community type and salinity regime as the impacted wetlands is not available in the same river watershed as the impacted wetland.

*Patron - Bloxom*

**P HB1805 Virginia Resources Authority; purpose; community development and housing projects.** Adds community development projects related to the production and preservation of housing, including housing for persons and families of low and moderate income, to those projects that the Virginia Resources Authority may finance. The bill directs the Department of Housing and Community Development to assist the Authority with determining which local governments are to receive grants from the Authority for such projects. This bill is identical to SB 1401.

*Patron - Bloxom*

**P HB1832 Virginia Port Authority; tax credits and grants.** Creates grant programs to replace the barge and rail usage tax credit and the Virginia port volume increase tax credit when those credits expire on January 1, 2025. The bill also creates a new Port of Virginia Economic Development Grant Program consisting of two component programs: the Economic and Infrastructure Development Grant Program and the International Trade Facility Grant Program. The bill also moves the sunset date of the existing Port of Virginia Economic and Infrastructure Development Grant Fund and Pro-

gram from June 30, 2025, to December 31, 2024. This bill is identical to SB 1345.

*Patron - Wyatt*

**P HB1839 South Central Wastewater Authority; watershed general permit for nutrients.** Directs the South Central Wastewater Authority (SCWWA) to submit a phased construction program to the Department of Environmental Quality (the Department) by August 1, 2023, which the Department shall approve by September 1, 2023, or as soon as possible thereafter. Such phased upgrade construction program for the SCWWA shall be completed as soon as possible on a schedule approved by the Department but no later than January 1, 2030. The bill requires the SCWWA to begin the initial phase of construction by December 31, 2023, or within 150 days of approval by the Department of the phased construction program, whichever is later. The bill requires the SCWWA to comply with certain requirements regarding its progress toward completing the phased construction program. The bill also directs the Department to amend certain water quality improvement agreements and the Virginia Pollutant Discharge Elimination System permit for the SCWWA wastewater treatment facility to conform to the provisions of the bill. This bill is identical to SB 963.

*Patron - Taylor*

**P HB1848 Stormwater management and erosion and sediment control; agreement in lieu of plan; farm buildings and agritourism activities; small construction activity.** Includes farm buildings, any building or structure used for agritourism activity, and any related impervious surface, including roads, driveways, and parking areas, in the respective definitions of an agreement in lieu of a plan in the stormwater management and erosion and sediment control laws. Current laws define an agreement in lieu of a plan to cover only single-family residences. The bill also requires the State Water Control Board to establish by regulation a procedure by which a registration statement shall not be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for a small construction activity, defined in the bill, involving a single-family detached residential structure. This bill is identical to SB 1376.

*Patron - Wachsmann*

**P HB1941 Loans to local governments; repair or upgrade to onsite sewage disposal systems.** Authorizes the State Water Control Board to provide loans from the Virginia Water Facilities Revolving Fund to a local government for the purpose of correcting onsite sewage disposal problems (small water facility projects) to protect or improve water quality and prevent the pollution of state waters. The bill allows loan funding for repairs or upgrades to onsite sewage disposal systems that are owned by eligible businesses, defined in relevant law, where public health or water quality concerns are present and connection to a public sewer system is not feasible because of location or cost.

*Patron - Hodges*

**P HB2095 Plans and programs; drought evaluation and response plans; Potomac River.** Requires the State Water Control Board to recognize service areas for water utilities in the Commonwealth that use the Potomac River as a water supply source as a distinct drought evaluation region. The bill requires the Board to incorporate certain provisions from the Metropolitan Washington Water Supply and Drought Awareness Response Plan: Potomac River System (the Metropolitan Washington Plan) into the existing drought evaluation and response plans that are applicable to the Potomac River drought evaluation region. The bill directs the Board to adopt regulations that further recognize the localities that include any

portion of the service area of a water supply utility in the Commonwealth that uses the Potomac River as a water supply source as a distinct regional planning area. The bill requires such regulations to incorporate certain provisions from the Metropolitan Washington Plan. The bill provides that the incorporation of such provisions shall not be construed to limit the authority of the Governor during a declared drought emergency. This bill is identical to SB 1149.

*Patron - Bulova*

**P HB2126 Department of Environmental Quality; stormwater management and erosion and sediment control plans; gravel access roads; electric utilities.** Directs the Department of Environmental Quality to include specifications regarding certain activities for stormwater management and erosion and sediment control related to the installation of permanent gravel access roads by an electric utility in the next publication of the Department's Virginia Stormwater Management Handbook (the Handbook). The bill permits any electric utility that complies with such specifications to be deemed to satisfy the water quantity technical criteria in the Stormwater Management Act. The bill further allows, until the effective date of the next publication of the Handbook, any new permanent gravel access road associated with the construction and maintenance of electric transmission lines by an electric utility to be deemed to have satisfied the required water quantity technical criteria if certain requirements are met. This bill is identical to SB 1178.

*Patron - Wilt*

**P HB2189 Requirements to test for PFAS; publicly owned treatment works; discharges into state waters.** Directs the State Water Control Board to adopt regulations that require any industrial user of publicly owned treatment works that receive and clean, repair, refurbish, or process items that the industrial user knows or reasonably should know use PFAS chemicals, defined in the bill, to test wastestreams for PFAS prior to and after cleaning, repairing, refurbishing, or processing such items. The bill requires the results of such tests to be transmitted to the receiving publicly owned treatment works within three days of receipt of the test results by the industrial user of the publicly owned treatment works.

*Patron - Rasoul*

**P HB2390 Virginia Erosion and Stormwater Management Act; regulations; effective date.** Directs the State Water Control Board to adopt regulations to implement before July 1, 2024, the requirements of amendments to the Virginia Erosion and Stormwater Management Act enacted by the 2016 Session and amended by the 2017 Session and delays from July 1, 2018, to July 1, 2024, the effective date of the amendments made by the 2016 Session and regulations required to be adopted pursuant thereto. The bill also directs such adopted regulations to include the reduction of regulations through consolidation of duplicative requirements. This bill is identical to SB 1168.

*Patron - Runion*

**P SB959 Nutrient credit calculations outside the Chesapeake Bay watershed.** Establishes that nutrient credits generated through stream restoration projects that are certified or recertified by the Department of Environmental Quality and located in tributaries outside of the Chesapeake Bay watershed may be calculated using a delivery factor deemed by the Director of the Department of Environmental Quality to be based on the best available scientific and technical information appropriate for the tributaries outside of the Chesapeake Bay watershed.

*Patron - Hanger*

**P SB963 South Central Wastewater Authority; watershed general permit for nutrients.** Directs the South Central Wastewater Authority (SCWWA) to submit a phased construction program to the Department of Environmental Quality (the Department) by August 1, 2023, which the Department shall approve by September 1, 2023, or as soon as possible thereafter. Such phased upgrade construction program for the SCWWA shall be completed as soon as possible on a schedule approved by the Department but no later than January 1, 2030. The bill requires the SCWWA to begin the initial phase of construction by December 31, 2023, or within 150 days of approval by the Department of the phased construction program, whichever is later. The bill requires the SCWWA to comply with certain requirements regarding its progress toward completing the phased construction program. The bill also directs the Department to amend certain water quality improvement agreements and the Virginia Pollutant Discharge Elimination System permit for the SCWWA wastewater treatment facility to conform to the provisions of the bill. This bill is identical to HB 1839.

*Patron - Morrissey*

**P SB1129 Chesapeake Bay Watershed Implementation Plan; effective date.** Changes the contingency for the effective date of the Chesapeake Bay Watershed Implementation Plan to allow consideration of a combination of point or nonpoint source pollution reduction commitments other than agricultural best management conservation practices when determining whether the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load (TMDL) Phase III Watershed Implementation Plan have been satisfied. The bill advances from July 1, 2026, to July 1, 2028, the contingency effective date of the Chesapeake Bay Watershed Implementation Plan and requires the Secretary of Natural and Historic Resources and the Secretary of Agriculture and Forestry to convene a stakeholder advisory group to review annual progress and make recommendations toward the implementation of the Commonwealth's agricultural commitments in the Chesapeake Bay TMDL Phase III Watershed Implementation Plan. The group is required to submit its first annual report by July 1, 2024, and the Secretaries of Agriculture and Forestry and Natural and Historic Resources are required to jointly review such report by July 1, 2025. The bill also requires soil and water conservation districts to report to the Department of Conservation and Recreation recommendations for improving the disbursement of funding and for program efficiencies that would expedite disbursement of funds provided through the Virginia Natural Resources Commitment Fund and prohibits certain regulatory actions from being imposed on agricultural practices prior to July 1, 2028, provided that reasonable progress is being achieved and a detailed plan has been developed for reaching the needed number of voluntary incentivized practices. This bill is identical to HB 1485.

*Patron - Hanger*

**P SB1149 Plans and programs; drought evaluation and response plans; Potomac River.** Requires the State Water Control Board to recognize service areas for water utilities in the Commonwealth that use the Potomac River as a water supply source as a distinct drought evaluation region. The bill requires the Board to incorporate certain provisions from the Metropolitan Washington Water Supply and Drought Awareness Response Plan: Potomac River System (the Metropolitan Washington Plan) into the existing drought evaluation and response plans that are applicable to the Potomac River drought evaluation region. The bill directs the Board to adopt regulations that further recognize the localities that include any portion of the service area of a water supply utility in the Commonwealth that uses the Potomac River as a water supply

source as a distinct regional planning area. The bill requires such regulations to incorporate certain provisions from the Metropolitan Washington Plan. The bill provides that the incorporation of such provisions shall not be construed to limit the authority of the Governor during a declared drought emergency. This bill is identical to HB 2095.

*Patron - Marsden*

**P SB1168 Virginia Erosion and Stormwater Management Act; regulations; effective date.** Directs the State Water Control Board to adopt regulations to implement before July 1, 2024, the requirements of amendments to the Virginia Erosion and Stormwater Management Act enacted by the 2016 Session and amended by the 2017 Session and delays from July 1, 2018, to July 1, 2024, the effective date of the amendments made by the 2016 Session and regulations required to be adopted pursuant thereto. The bill also directs such adopted regulations to include the reduction of regulations through consolidation of duplicative requirements. This bill is identical to HB 2390.

*Patron - DeSteph*

**P SB1178 Department of Environmental Quality; stormwater management and erosion and sediment control plans; gravel access roads; electric utilities.** Directs the Department of Environmental Quality to include specifications regarding certain activities for stormwater management and erosion and sediment control related to the installation of permanent gravel access roads by an electric utility in the next publication of the Department's Virginia Stormwater Management Handbook (the Handbook). The bill permits any electric utility that complies with such specifications to be deemed to satisfy the water quantity technical criteria in the Stormwater Management Act. The bill further allows, until the effective date of the next publication of the Handbook, any new permanent gravel access road associated with the construction and maintenance of electric transmission lines by an electric utility to be deemed to have satisfied the required water quantity technical criteria if certain requirements are met. This bill is identical to HB 2126.

*Patron - Lewis*

**P SB1262 Rappahannock River Basin Commission; membership.** Updates the legislative membership for the Rappahannock River Basin Commission to reflect changes to state legislative districts following redistricting in 2021, which includes (i) removing two members of the Senate to reflect the changed number of Senatorial Districts eligible for representation on the Commission, thus reducing the total membership from 32 members to 30 members and (ii) decreasing a quorum from 11 members to nine members. The bill has a delayed effective date of January 1, 2024.

*Patron - McDougle*

**P SB1345 Virginia Port Authority; tax credits and grants.** Creates grant programs to replace the barge and rail usage tax credit and the Virginia port volume increase tax credit when those credits expire on January 1, 2025. The bill also creates a new Port of Virginia Economic Development Grant Program consisting of two component programs: the Economic and Infrastructure Development Grant Program and the International Trade Facility Grant Program. The bill also moves the sunset date of the existing Port of Virginia Economic and Infrastructure Development Grant Fund and Program from June 30, 2025, to December 31, 2024. This bill is identical to HB 1832.

*Patron - Barker*

**P SB1376 Stormwater management and erosion and sediment control; agreement in lieu of plan; farm**

**buildings and agritourism activities; small construction activity.** Includes farm buildings, any building or structure used for agritourism activity, and any related impervious surface, including roads, driveways, and parking areas, in the respective definitions of an agreement in lieu of a plan in the stormwater management and erosion and sediment control laws. Current laws define an agreement in lieu of a plan to cover only single-family residences. The bill also requires the State Water Control Board to establish by regulation a procedure by which a registration statement shall not be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for a small construction activity, defined in the bill, involving a single-family detached residential structure. This bill is identical to HB 1848.

*Patron - Vogel*

**P SB1401 Virginia Resources Authority; purpose; community development and housing projects.** Adds community development projects related to the production and preservation of housing, including housing for persons and families of low and moderate income, to those projects that the Virginia Resources Authority may finance. The bill directs the Department of Housing and Community Development to assist the Authority with determining which local governments are to receive grants from the Authority for such projects. This bill is identical to HB 1805.

*Patron - Lewis*

## Failed

**F HB1623 Reporting requirements; elimination.** Eliminates the requirements that the Department of Environmental Quality (the Department) report annually the results of the Eastern Virginia Groundwater Management Advisory Committee's examinations and related recommendations to the State Water Commission, the Governor, and the General Assembly. The bill also repeals existing requirements that the Department report annually on its pollution prevention activities and that the chairman of the Virginia Roanoke River Basin Advisory Committee submit an annual executive summary of the interim activity and work of the committee.

*Patron - Wright*

**F HB1632 Virginia Erosion and Stormwater Management Act; regulations; effective date.** Directs the State Water Control Board to adopt regulations to implement before July 1, 2024, the requirements of amendments to the Virginia Erosion and Stormwater Management Act enacted by the 2016 Session and amended by the 2017 Session and delays from July 1, 2018, to July 1, 2024, the effective date of the amendments made by the 2016 Session and regulations required to be adopted pursuant thereto.

*Patron - Bulova*

**F HB1977 Eastern Virginia Groundwater Management Area; continued withdrawal permit for residential well.** Directs the State Water Control Board to waive the expiration of any ground water withdrawal permit for a well that serves exclusively residential users, is located in the Eastern Virginia Groundwater Management Area north of the Occoquan River, and is located within five miles of any commercial or industrial permitted ground water withdrawal. The bill provides that such waiver shall continue in force until the commercial or industrial permitted ground water withdrawals have been halted for five years. The Department of Environmental Quality shall then assess whether the termination of the commercial or industrial permitted ground water withdrawals has substantially mitigated the stress upon the aquifer and redeter-

mine whether the permit for the residential well shall be renewed.

*Patron - Krizek*

**F HB1986 Stormwater management regulations; enterprise data center operations.** Directs the State Water Control Board to adopt regulations that require certain stormwater management techniques for land disturbances related to the construction, expansion, or operation of enterprise data center operations, as defined in the bill, that are located within one mile of any land owned or operated as a unit of the National Park Service or designated as a Virginia State Park or state forest.

*Patron - Roem*

**F HB2060 Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund; civil penalties.** Directs the State Water Control Board to regulate aboveground storage tanks that measure more than 250 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, and other requirements of tank owners, and that establish a schedule of registration and renewal fees. The bill authorizes the Board to undertake corrective action in the event of a discharge of a hazardous substance. The bill requires tank owners to notify certain parties in the event of a release of a regulated substance. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund, with moneys from the Fund to be used solely for the administration of the bill, and provides for civil penalties for violations of requirements of the bill, with such moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund.

*Patron - Lopez*

**F HB2282 Virginia Stormwater Management Program; Virginia Erosion and Sediment Control Program; exemptions for the harvesting of forest crops.** Clarifies that the provisions of the Virginia Stormwater Management Program and the Erosion and Sediment Control Program do not apply to the clearing of lands for the harvesting of forest crops when the areas on which harvesting occurs are not intended to be reforested artificially or naturally or converted to bona fide agricultural or improved pasture use, provided that the land-disturbing activity is the minimum land disturbance necessary, including clearing, grading, excavating, or removal of stumps, for the harvesting of timber and the construction of roads and trails for forest management purposes.

*Patron - Edmunds*

**F SB844 Virginia Stormwater Management Program; Virginia Erosion and Sediment Control Program; exemptions for the harvesting of forest crops.** Clarifies that the exemptions for the harvesting of forest crops from the provisions of the Virginia Stormwater Management Program and the Erosion and Sediment Control Program apply only to land-disturbing activity that is silvicultural activity related to forest management or related to a conversion to bona fide agricultural or improved pasture use.

*Patron - Petersen*

**F SB1374 Water control; agricultural exemptions; terracing.** Establishes a definition for "terrace" as used in the agricultural exemptions to the prohibition on land-disturbing activities in the Stormwater Management Act and the Erosion and Sediment Control Law. The bill provides that such exemptions do not apply to any activity that involves bringing onto the property more than 5,000 cubic yards of fill material

in any 12-month period or raising the ground surface more than three feet above the existing ground surface.

*Patron - Vogel*

## Welfare (Social Services)

### Passed

**P HB1550 Child abuse or neglect; findings of local department of social services; appeal.** Provides that in cases in which a teacher licensed by the Board of Education or through an alternative pathway and employed by a local school board is found by a local department of social services to have committed child abuse or neglect, the teacher may, after exhausting all options for review by the local department and Commissioner of Social Services, petition the circuit court for a de novo review of such finding. Under current law, such persons may obtain review of the decision only in accordance with the Administrative Process Act. This bill received Governor's recommendations.

*Patron - Campbell, J.L.*

**P HB1744 Adoption and foster care; home study reciprocity.** Provides that home studies conducted by a local board of social services or licensed child-placing agency for the purpose of placing a child in a foster home or with an adoptive family shall, on and after January 1, 2024, be transferable between all localities, local boards, and licensed child-placing agencies within the Commonwealth at the request of the prospective foster parent or the prospective adoptive parent, subject to any time limitations or other requirements imposed by law or regulation. The bill requires all home studies to be conducted in accordance with the Mutual Family Assessment home study template and any addenda thereto developed by the Department of Social Services. The bill directs the State Board of Social Services to promulgate regulations that establish market rates for such home studies.

*Patron - Carr*

**P HB1768 Child-protective services; investigations; interview by child advocacy center.** Requires that if a local multidisciplinary team has determined during an investigation of a report of child abuse or neglect that an interview of the child by a child advocacy center recognized by the National Children's Alliance is needed and an interview with a recognized child advocacy center within the jurisdiction cannot be completed within 14 days, the local department of social services may facilitate the interview with a recognized child advocacy center located in another jurisdiction.

*Patron - Head*

**P HB2344 Adult protective services; referrals to local law enforcement.** Removes the requirement that the adult protective services hotline immediately refer certain reports of alleged adult abuse, neglect, or exploitation to the appropriate local law-enforcement agency and removes the duty of local law-enforcement agencies to provide the adult protective services hotline with a preferred point of contact for such referrals. The bill retains the requirement for the local department of social services to immediately refer such reports to the appropriate local law-enforcement agency and the duty of local law-enforcement agencies to provide local departments of social services with a preferred point of contact for such referrals. This bill is identical to SB 1421.

*Patron - Head*

**P HB2380 Department of Social Services; SNAP applications; information.** Directs the Department of Social Services to provide information, resources, and education to food banks regarding providing assistance to individuals completing a SNAP application, including the process for organizations to enter into a contract with the Department to provide this assistance.

*Patron - Roem*

**P SB1221 Assisted living facilities; minimum liability insurance.** Requires the Board of Social Services to adopt regulations requiring each assisted living facility to maintain a minimum amount of liability insurance, as determined by the Board on the basis of the number of residents for which an assisted living facility is licensed, and provide notice of such insurance, upon request, to any resident or prospective resident. Under current law, assisted living facilities must provide a statement disclosing whether the facility maintains liability insurance but can only state that it does if it meets a minimum amount of coverage established by the Board. The bill directs the Board to adopt emergency regulations to implement provisions of the bill.

*Patron - Obenshain*

**P SB1367 Child abuse or neglect; definition; independent activities.** Clarifies that no child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (i) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (ii) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. The bill provides that such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time.

*Patron - Vogel*

**P SB1421 Adult protective services; referrals to local law enforcement.** Removes the requirement that the adult protective services hotline immediately refer certain reports of alleged adult abuse, neglect, or exploitation to the appropriate local law-enforcement agency and removes the duty of local law-enforcement agencies to provide the adult protective services hotline with a preferred point of contact for such referrals. The bill retains the requirement for the local department of social services to immediately refer such reports to the appropriate local law-enforcement agency and the duty of local law-enforcement agencies to provide local departments of social services with a preferred point of contact for such referrals. This bill is identical to HB 2344.

*Patron - Pillion*

**P SB1508 Assisted living facilities, adult day care centers, and child welfare agencies; provisional license.** Increases from six months to 12 months the maximum period of time during which a person may operate an assisted living facility, adult day care center, or child welfare agency under a provisional license issued by the Commissioner of Social Services.

*Patron - Mason*

### Failed

**F HB1786 Child abuse or neglect; definition; independent activities.** Clarifies that no child whose parent or other person responsible for his care allows the child to engage in reasonable independent activities without adult supervision

shall for that reason alone be considered to be an abused or neglected child, provided that such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities. The bill provides that such independent activities may include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, remaining at home for a reasonable period of time, or remaining in a vehicle if such vehicle is parked in a safe location and the temperature is not and will not become dangerously hot or cold.

*Patron - Gooditis*

**F HB1874 Supplemental Nutrition Assistance Program; Special Supplemental Nutrition Program for Women, Infants, and Children; applications.** 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 bill 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, and prohibits the Department of Health from requiring persons applying to participate or renewing their participation in the WIC program to appear in person.

*Patron - Helmer*

**F HB1969 Adult adoptee access to original birth certificate.** Grants adoptees 18 years of age or older access to their original birth certificate.

*Patron - Walker*

**F HB2057 Public benefits; eligibility of certain aliens.** Repeals provisions prohibiting persons other than United States citizens or persons who are legally present in the United States from receiving certain public benefits.

*Patron - Lopez*

**F HB2430 Produce Rx Program established; report.** Directs the Department of Social Services to establish a Produce Rx Program as a three-year pilot program to incentivize consumption of qualifying fruits and vegetables by eligible individuals for whom increased consumption of fruits and vegetables is recommended by a qualified care provider, as such terms are defined in the bill, and to report to the Governor and the General Assembly by December 1 of each year on the operation of the Program.

*Patron - McQuinn*

**F HB2489 Responsible Fatherhood Initiative; fatherhood needs assessment; Fatherhood Support Grants Program and Fund established.** Requires the Virginia Department of Social Services to contract for the development and implementation of the Responsible Fatherhood Initiative for the purpose of providing an opportunity for every father in the Commonwealth to be able to obtain information and inspiration that will motivate and enable him to enhance his abilities as a father and establishes requirements for the entities contracting with the Department to implement the initiative. Under the bill, each local board of social services shall undertake certain actions to ensure that the local department of social services is addressing the unique needs of the fathers of children served by the local department. The bill also establishes the Fatherhood Supports Grant Fund, which awards grants to not-for-profit community-based organizations to address the needs of fathers.

*Patron - LaRock*

**F SB923 Kinship as Foster Care Prevention Program.** Establishes the Kinship as Foster Care Prevention Program (the Program) to promote and support placements of children with relatives by local boards of social services (local

boards) in order to avoid foster care. The bill provides that a child is eligible to participate in the Program if the local board determines that (i) the child is at imminent risk of being removed from his home and a preliminary protective order is insufficient to address the child's immediate safety concerns and (ii) the child's parent or guardian consents to the placement of the child with a relative pursuant to an agreement with the local board developed in accordance with the provisions of the bill.

*Patron - Favola*

**F SB1214 Child abuse and neglect; custody and visitation; possession or use of marijuana.** Provides that a child shall not be considered an abused or neglected child, and no person shall be denied custody or visitation of a child, based solely on the fact that the child's parent or other person responsible for his care, or the person petitioning for custody or visitation of the child, possessed or consumed marijuana in accordance with applicable law. The bill directs the Board of Social Services to amend its regulations, guidance documents, and other instructional materials to ensure that such regulations, documents, and materials comply with, and that investigations and family assessments are conducted by local departments of social services in accordance with, the provisions of the bill.

*Patron - Lucas*

**F SB1219 Kinship foster care; barrier crimes; exception.** Allows local boards of social services and child-placing agencies to approve as a kinship foster parent an applicant who has been convicted of possessing a Schedule I or Schedule II controlled substance, provided that (i) the offense did not involve possession of heroin, fentanyl, or methylenedioxy-methamphetamine, (ii) five years have elapsed from the date of the conviction, and (iii) the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. Under current law, such applicants may be approved as a kinship foster parent if 10 years have elapsed from the date of conviction.

*Patron - Mason*

**F SB1407 Department of Social Services; assisted living facility regulations; facilities with fewer than 25 residents.** Requires the Department of Social Services to amend regulations affecting assisted living facilities with fewer than 25 residents to meet adjusted requirements for staff training and for the minimum age for staff employment.

*Patron - Vogel*

**F SB1458 Secretary of Labor; Department of Health Professions; work group to study regulation of temporary staffing agencies; temporary health care staff; report.** Directs the Secretary of Labor, in collaboration with the Department of Health Professions, to convene a work group to study the use of and potential to regulate temporary staffing agencies providing temporary health care staff in assisted living facilities, adult day care centers, nursing homes, and hospices.

*Patron - Ebbin*



## Wildlife, Inland Fisheries and Boating

### Failed

**F HB1811 Hunting deer; establish continuous open season.** Establishes a continuous open season for hunting deer with any weapon permitted by law. In current law, the Board of Wildlife Resources adopts regulations that prescribe regular open and closed seasons for hunting deer. The bill retains the power granted to the Board to close or shorten a season for hunting (i) whenever extreme weather threatens the welfare of wild birds, wild animals, or fish; (ii) whenever such wild birds, wild animals, or fish have been seriously affected by adverse weather conditions; (iii) when investigation of the Board shows that there is an unusual scarcity of any species; or (iv) when there is substantial demand from any county or city.

*Patron - March*

**F HB1989 Prohibition of killing contests.** Prohibits contests and competitions that offer cash or prizes for the capture or killing of coyotes or fur-bearing animals.

*Patron - Kory*

## Wills, Trusts, and Fiduciaries

### Passed

**P HB1860 Guardianship or conservatorship; primary health care provider of respondent.** Requires the name, location, and post office address of a respondent's primary health care provider, if any, to be included in the petition for guardianship or conservatorship. Under current law, a copy of the notice of a hearing to appoint a guardian or conservator, together with a copy of the accompanying appointment petition, must be mailed by the petitioner before such hearing to all individuals and to all entities whose names and post office addresses appear in the petition. The bill further requires the guardian ad litem appointed to represent the interests of the respondent in a guardianship or conservatorship case to make a good faith effort to consult directly with such respondent's primary health care provider.

*Patron - Bell*

**P HB2027 Guardianship; procedures for restriction of communication, visitation, or interaction.** Provides that a guardian shall not restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship, unless such restriction is reasonable to prevent physical, mental, or emotional harm to or financial exploitation of such incapacitated person. Under current law, guardians are directed to not unreasonably restrict any such communication, visitation, or interaction. The bill further requires that the guardian provide written notice to any restricted person stating (i) the nature and terms of the restriction, (ii) the reasons why the guardian believes the restriction is necessary, and (iii) how the restricted person may challenge such restriction in court. The bill provides a procedure by which an incapacitated person or a person whose communication, visits, or interaction with an incapacitated person has been restricted may challenge such restriction in court.

*Patron - Roem*

**P HB2028 Guardianship; duties of guardian; visitation requirements.** Requires a guardian to visit an incapacitated person at least three times per year and at least once every 120 days. The bill requires that at least two of the visits be conducted by the guardian and directs that at least one of such visits be in-person. The bill allows the second visit by the guardian to be conducted by the guardian via virtual conference or video call. The bill allows the remaining visit to be conducted (i) by the guardian; (ii) by a person other than the guardian, including (a) a family member monitored by the guardian or (b) a skilled professional retained by the guardian to perform guardianship duties on behalf of the guardian and who is experienced in the care of individuals, including older adults or adults with disabilities; or (iii) via virtual conference or video call between either the guardian or such family member monitored by the guardian or skilled professional and the incapacitated person, provided that the technological means by which such conference or call can take place are readily available. The bill requires a person who visits the incapacitated person in lieu of the guardian to provide a written report to the guardian regarding any such visit.

*Patron - Roem*

**P HB2029 Public Guardian and Conservator Advisory Board member terms; local or regional public guardian and conservator programs; staff to client ratio.** Extends to four years the terms of all members of the Public Guardian and Conservator Advisory Board currently appointed by the Governor to three-year terms. The bill also eliminates the requirement that each local or regional public guardian and conservator program develop a plan, in consultation with the local circuit court and sheriffs, where appropriate, to provide advance notice to the court when the program falls below or exceeds the ideal range of staff to client ratios in order to assure continuity of services.

*Patron - Roem*

**P HB2063 Appointment of guardian ad litem; requested information, records, or reports from individual or entity.** Requires any individual or entity with information, records, or reports relevant to a guardianship or conservatorship proceeding, including any (i) health care provider, local school division, or local department of social services; (ii) criminal justice agency, unless such disclosure would impede an ongoing criminal investigation or proceeding; and (iii) financial institution, investment advisor, or other financial services provider, to provide, upon request from the appointed guardian ad litem, such information, records, or reports to the appointed guardian ad litem. The bill also requires certain financial institutions, in cooperation with an investigation of alleged abuse, neglect, or exploitation of an adult, to make available any financial records or information relevant to such investigation upon request from any court-appointed guardian ad litem who has been appointed by the court to represent such adult. The bill immunizes such financial institutions from civil or criminal liability for providing such financial records or information, provided that such financial institutions did not engage in gross negligence or willful misconduct. This bill is identical to SB 1144.

*Patron - Glass*

**P HB2128 Virginia Small Estate Act; payment or delivery of small asset; disposition and funeral expenses.** Requires any person having possession of a small asset belonging to a decedent, upon presentation of an affidavit by the funeral service establishment handling the disposition of the decedent and any related funeral service, to pay or deliver to such funeral service establishment so much of the small asset as does not exceed the amount given priority and has not

already been paid. Under current law, such payment is discretionary and made to the undertaker or mortuary. The bill also provides for the discharge and release of a person paying or delivering a small asset in accordance with the provisions of the bill to the same extent as if such person dealt with the personal representative of the decedent. The bill provides that if any person to whom an affidavit is presented refuses to pay or deliver any small asset, such small asset may be recovered, payment or delivery compelled, and damages recovered, on proof of rightful claim, unless such refusal was made in good faith. This bill is identical to SB 870.

*Patron - Wilt*

**P HB2383 Guardianship and conservatorship; identifying information and evaluation report; separate confidential addendum.** Requires that any petition, pleading, motion, order, or report filed pursuant to a guardianship or conservatorship proceeding not contain any financial information of a respondent to such a proceeding but such information shall be included in a separate confidential addendum. The bill provides that such confidential addendum shall be made available only to the parties, their attorneys, a guardian ad litem appointed to represent the respondent, the commissioner of accounts or assistant commissioner of accounts for the circuit court that has jurisdiction over the guardianship or conservatorship, and such other persons as the court in its discretion may allow for good cause shown. The bill provides that an evaluation report shall also be filed with the court in a separate confidential addendum.

*Patron - Hope*

**P SB870 Virginia Small Estate Act; payment or delivery of small asset; disposition and funeral expenses.** Requires any person having possession of a small asset belonging to a decedent, upon presentation of an affidavit by the funeral service establishment handling the disposition of the decedent and any related funeral service, to pay or deliver to such funeral service establishment so much of the small asset as does not exceed the amount given priority and has not already been paid. Under current law, such payment is discretionary and made to the undertaker or mortuary. The bill also provides for the discharge and release of a person paying or delivering a small asset in accordance with the provisions of the bill to the same extent as if such person dealt with the personal representative of the decedent. The bill provides that if any person to whom an affidavit is presented refuses to pay or deliver any small asset, such small asset may be recovered, payment or delivery compelled, and damages recovered, on proof of rightful claim, unless such refusal was made in good faith. This bill is identical to HB 2128.

*Patron - Cosgrove*

**P SB987 Guardianship and conservatorship; periodic review hearings.** Requires the court to set up a schedule for periodic review hearings in the order of appointment of a guardian or conservator, unless the court makes a determination that such hearings are unnecessary or impracticable. The bill further provides that any periodic review hearing shall include the following assessments by the court: (i) the likelihood that the respondent's condition will improve or the respondent will regain capacity, (ii) whether concerns or questions were raised about the suitability of the person appointed as a guardian or conservator at the time of the initial appointment, and (iii) whether the appointment of a guardian or conservator or the appointment of the specifically appointed guardian or conservator was contested by the respondent or another party.

*Patron - Mason*

**P SB1144 Appointment of guardian ad litem; requested information, records, or reports from individual or entity.** Requires any individual or entity with information, records, or reports relevant to a guardianship or conservatorship proceeding, including any (i) health care provider, local school division, or local department of social services; (ii) criminal justice agency, unless such disclosure would impede an ongoing criminal investigation or proceeding; and (iii) financial institution, investment advisor, or other financial services provider, to provide, upon request from the appointed guardian ad litem, such information, records, or reports to the appointed guardian ad litem. The bill also requires certain financial institutions, in cooperation with an investigation of alleged abuse, neglect, or exploitation of an adult, to make available any financial records or information relevant to such investigation upon request from any court-appointed guardian ad litem who has been appointed by the court to represent such adult. The bill immunizes such financial institutions from civil or criminal liability for providing such financial records or information, provided that such financial institutions did not engage in gross negligence or willful misconduct. This bill is identical to HB 2063.

*Patron - McPike*

## Failed

**F SB1140 Department for Aging and Rehabilitative Services; training; powers and duties of guardian; annual reports by guardians; information required.** Directs the Department for Aging and Rehabilitative Services to develop and provide training for court-appointed guardians by July 1, 2024. The bill requires an appointed guardian, except a guardian who is licensed to practice law in the Commonwealth, and any staff employed by such guardian to perform guardianship duties to complete the initial training developed by the Department within four months of the date of the initial court order of appointment and guardians and such staff appointed prior to July 1, 2024, shall complete such training by January 1, 2026. The bill further requires a guardian to include in his annual report to the local department of social services a statement as to whether such training has been completed.

*Patron - McPike*

## Workers' Compensation

### Passed

**P HB1408 Workers' compensation; presumption of compensability for certain cancers.** Expands the workers' compensation presumption of compensability for certain cancers causing the death or disability of certain employees who have completed five years of service in their position to include bladder and thyroid cancer. The presumption for these cancers does not apply for any individual diagnosed with such a condition before July 1, 2023. This bill is identical to SB 906.

*Patron - Brewer*

**P HB1410 Workers' compensation; Department of State Police; State Police Officers' Retirement System; presumption for arson, bomb, and hazardous materials investigators.** Expands the workers' compensation presumption of compensability for certain cancers causing the death or disability of certain employees who have completed five years of service in their position to include (i) arson investigators or bomb investigators employed by the Department of State

Police and (ii) members of the State Police Officers' Retirement System who collect, analyze, or handle hazardous materials, infectious biological substances and radiological agents, fentanyl, or methamphetamine. This bill is identical to SB 1038.

*Patron - Marshall*

**P HB1775 Workers' compensation; post-traumatic stress disorder, anxiety disorder, or depressive disorder; law-enforcement officers and firefighters.** Provides that an anxiety disorder or depressive disorder, as both are defined in the bill, incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act on the same basis as post-traumatic stress disorder, except in the case of responding to crime scenes for investigation. The bill provides that a mental health professional must diagnose the covered individual as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, defined in the bill as an incident or exposure occurring in the line of duty on or after July 1, 2023, and includes other conditions for compensability. This bill is identical to SB 904.

*Patron - O'Quinn*

**P HB2418 Workers' compensation; group self-insurance associations.** Provides that, subject to approval of the State Corporation Commission, two or more workers' compensation group self-insurance associations may merge if the resulting group self-insurance association assumes in full all obligations of the merged group self-insurance associations.

*Patron - Wampler*

**P SB904 Workers' compensation; post-traumatic stress disorder, anxiety disorder, or depressive disorder; law-enforcement officers and firefighters.** Provides that an anxiety disorder or depressive disorder, as both are defined in the bill, incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act on the same basis as post-traumatic stress disorder, except in the case of responding to crime scenes for investigation. The bill provides that a mental health professional must diagnose the covered individual as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, defined in the bill as an incident or exposure occurring in the line of duty on or after July 1, 2023, and includes other conditions for compensability. This bill is identical to HB 1775.

*Patron - DeSteph*

**P SB906 Workers' compensation; presumption of compensability for certain cancers.** Expands the workers' compensation presumption of compensability for certain cancers causing the death or disability of certain employees who have completed five years of service in their position to include bladder and thyroid cancer. The presumption for these cancers does not apply for any individual diagnosed with such a condition before July 1, 2023. This bill is identical to HB 1408.

*Patron - Saslaw*

**P SB1038 Workers' compensation; Department of State Police; State Police Officers' Retirement System; presumption for arson, bomb, and hazardous materials investigators.** Expands the workers' compensation presumption of compensability for certain cancers causing the death or disability of certain employees who have completed five years of service in their position to include (i) arson investigators or bomb investigators employed by the Department of State Police and (ii) members of the State Police Officers' Retirement System who collect, analyze, or handle hazardous materials, infectious biological substances and radiological agents,

fentanyl, or methamphetamine. This bill is identical to HB 1410.

*Patron - McPike*

## Failed

**F HB1631 Workers' compensation; post-traumatic stress disorder incurred by dispatchers.** Allows dispatchers, as defined in the bill, to claim workers' compensation benefits relating to post-traumatic stress disorder under the Virginia Workers' Compensation Act. Currently, only law-enforcement officers and firefighters may claim such benefits.

*Patron - Bulova*

**F HB1763 Workers' compensation; injuries caused by repetitive and sustained physical stressors.** Provides that, for the purposes of the Virginia Workers' Compensation Act, "occupational disease" includes injuries or diseases from conditions resulting from repetitive and sustained physical stressors, including repetitive and sustained motions, exertions, posture stresses, contact stresses, vibrations, or noises. The bill provides that such injuries or diseases are covered under the Act and that such coverage does not require that the injuries or diseases occurred over a particular time period, provided that such time period can be reasonably identified.

*Patron - Guzman*

**F HB1905 Workers' compensation; law-enforcement officers; back, hip, knee, and neck injuries.** Establishes a workers' compensation presumption for back, hip, knee, and neck injuries that cause the death or disability of law-enforcement officers, as defined in the bill, who have completed five years of service and are required to wear a duty belt, as defined in the bill, as a condition of employment.

*Patron - Batten*

**F HB1966 Workers' compensation; failure to timely pay compensation.** Requires, after the first occurrence of a failure to timely pay compensation under the Virginia Workers' Compensation Act and upon the occurrence of any subsequent or successive failure to pay compensation, that an additional penalty be added to the unpaid compensation amount in an amount that increases from \$100 for the first subsequent failure to pay compensation to \$500 for the fifth and any subsequent failures to pay compensation. Current law requires a penalty of 20 percent of such unpaid compensation amount for failure to timely pay compensation.

*Patron - Mullin*

**F HB2002 Workers' compensation; premium discounts for employers providing high-quality work-based learning experiences.** Provides that an insurer providing workers' compensation coverage may provide a premium discount of up to five percent to every employer certified by the Department of Education (the Department) as a high-quality work-based learning employer. The bill requires the Department to certify to the Workers' Compensation Commission (the Commission) each employer that provides high-quality work-based learning experiences and meets the requirements of the Department and the bill as a high-quality work-based learning employer. To be certified, the bill requires an employer to (i) enter into a training agreement with one or more work-based learning students who are 16 years of age or older and attend school in the Commonwealth, the student's parent or guardian, and the school; (ii) develop, in conjunction with the school, a detailed training plan for the work-based learning student that focuses on development of technical skills and employability skills; (iii) assign a mentor to the work-based learning student and assist in monitoring the prog-

ress of such student; (iv) provide workers' compensation insurance coverage for the work-based learning student; (v) comply with all federal, state, and local laws and regulations regarding the employment of students; and (vi) meet any other requirements established by the Department. The bill requires an employer to be certified in each year it receives a premium discount. The bill provides that if it is determined that an employer misrepresented its qualifications for certification, the employer may be subject to an additional premium for the purposes of reimbursement of a previously granted premium discount and to cancellation in accordance with the provisions of the policy. The bill requires each insurer that grants a premium discount to make an annual report to the Commission regarding the total dollar amount of such premium discounts applied. The bill requires the Commission to maintain a list of employers certified as high-quality work-based learning employers and a list of insurers that provide premium discounts section on its website.

*Patron - Filler-Corn*

**F HB2322 Workers' compensation; post-traumatic stress disorder, anxiety disorder, or depressive disorder; law-enforcement officers, firefighters, and dispatchers.** Provides that an anxiety disorder or depressive disorder, as both are defined in the bill, incurred by a law-enforcement officer, correctional officer, firefighter, or dispatcher is compensable under the Virginia Workers' Compensation Act on the same basis as post-traumatic stress disorder. The bill adds dispatchers and correctional officers to the list of individuals for whom the workers' compensation presumption for post-traumatic stress disorder applies. The bill provides that a mental health professional must diagnose the covered individual as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, defined in the bill as an incident or exposure occurring in the line of duty on or after July 1, 2020, for post-traumatic stress disorder and on or after July 1, 2023, for anxiety disorder or depressive disorder, and includes other conditions for compensability. The bill requires employers of law-enforcement officers and dispatchers to provide resilience and self-care technique training beginning July 1, 2023. The bill also adds mental health professionals to certain provisions that currently apply to physicians and surgeons.

*Patron - Campbell, E.H.*

**F SB1037 Workers' compensation; notice to employees.** Requires each employer subject to the Virginia Workers' Compensation Act to provide notice to covered employees of the employees' right to dispute the denial of a claim through the Virginia Workers' Compensation Commission. The bill specifies the language of such notice. The bill also provides that an employer that fails to provide such notice may be subject to the civil penalty provisions of the Virginia Workers' Compensation Act.

*Patron - McPike*

**F SB1088 Workers' compensation; post-traumatic stress disorder incurred by dispatchers.** Allows dispatchers, as defined in the bill, to claim workers' compensation benefits relating to post-traumatic stress disorder under the Virginia Workers' Compensation Act. Currently, only law-enforcement officers and firefighters may claim such benefits.

*Patron - Ebbin*

## Constitutional Amendments

### Passed

**P SJ231 Constitutional amendment (first reference); real property tax exemption; surviving spouses of soldiers who died in the line of duty.** Expands the current tax exemption for real property available to the surviving spouses of soldiers killed in action 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.

*Patron - McPike*

### Failed

**F HJ458 Constitutional amendments (first reference); General Assembly and local elected officials; term limits.** Limits members of the Senate to three consecutive terms and members of the House of Delegates to six consecutive terms. The amendments provide that the limits apply to terms of service beginning on and after the start of the 2026 Regular Session of the General Assembly. The amendments also limit officials elected to any county, city, town, or constitutional office to three consecutive terms, except for persons elected to the office of the clerk of the court, who are limited to two consecutive terms. These limits apply to terms of service in county, city, town, and constitutional offices beginning on and after January 1, 2026. Both amendments provide that service for a partial term does not preclude serving the allowed number of full terms.

*Patron - Anderson*

**F HJ459 Constitutional amendment (first reference); qualifications of voters; 16-year-olds permitted to vote.** Provides that, notwithstanding the requirement that a voter shall be 18 years of age, any person who is 16 years of age or older and is otherwise qualified to vote shall be permitted to register to vote and to vote in local elections.

*Patron - Rasoul*

**F HJ460 Constitutional amendment (first reference); repeal of same-sex marriage prohibition.** 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).

*Patron - Anderson*

**F HJ462 Constitutional amendment (first reference); personal property tax; exemption for motor vehicles owned for personal, noncommercial use.** Requires the General Assembly to exempt from personal property taxes motor vehicles owned by an individual for personal, noncommercial use. For purposes of the exemption, "motor vehicle" includes only automobiles, pickup trucks, and motorcycles. The amendment provides that the exemption shall be applicable on the date the motor vehicle is acquired or the effective date of the amendment, whichever is later, but shall not be applicable for any period of time prior to the effective date.

*Patron - Anderson*

**F HJ473 Constitutional amendment (first reference); right to farm.** Provides that all individuals have a right to save and exchange seeds and a right to grow, raise, harvest, produce, exchange, barter, and consume the food of their own

choosing for their own nourishment, sustenance, bodily health, and well-being.

*Patron - March*

**F HJ474** Constitutional amendment (first reference); **Board of Education; repeal; transfer powers and duties to the Superintendent of Public Instruction.** Repeals the Board of Education and transfers its constitutional powers and duties to the Superintendent of Public Instruction.

*Patron - March*

**F HJ476** Constitutional amendment (first reference); **marriage.** Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015).

*Patron - Convors-Fowler*

**F HJ485** Constitutional amendment (first reference); **local property tax exemption; property owned by low-income households.** Provides that the General Assembly may authorize a county, city, or town to provide for an exemption from local property taxation of property owned by a low-income taxpayer, as defined by law.

*Patron - Price*

**F HJ497** Constitutional amendment (first reference); **real property tax exemption; surviving spouses of certain members of the armed forces.** Provides that the General Assembly may by general law exempt from taxation the real property of a surviving spouse of a member of the armed forces of the United States who died in the attack on the Pentagon on September 11, 2001. Under a current constitutional provision, only the surviving spouse of a member of the armed forces who was killed in action is eligible for the real property tax exemption.

*Patron - Reid*

**F HJ498** Constitutional amendment (first reference); **tax and finance; exempt property; affordable housing tax exemption.** Amends the Constitution of Virginia by providing that the General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local real property taxation, or a portion thereof, within such restrictions and upon such conditions as may be prescribed, of real estate owned and occupied by persons of low income or low financial worth.

*Patron - Carr*

**F HJ505** Constitutional amendment (first reference); **rights of parents.** Provides that parents have the right to direct the upbringing, education, and care of their children and that the Commonwealth shall not infringe these rights without demonstrating that its governmental interest is of the highest order and not otherwise served.

*Patron - Freitas*

**F HJ509** Constitutional amendment (first reference); **public schools of high quality; right to access a school-based licensed mental health professional.** Provides that each child attending public school has a right to access a school-based mental health professional licensed by the Commonwealth as a licensed clinical social worker or licensed professional counselor, including the right to choose a mental health professional who will not utilize applied behavioral analysis.

*Patron - Bennett-Parker*

**F HJ517** Constitutional amendment (first reference); **real property tax exemption for new construction of housing.** Allows the General Assembly to authorize the governing body of any county, city, or town to provide for the exemption from local real property taxation, or a portion thereof, of real estate on which housing is to be constructed.

*Patron - Leftwich*

**F HJ519** Constitutional amendment (first reference); **fundamental right to reproductive freedom.** Provides that every individual has the fundamental right to reproductive freedom and that the right to make and effectuate one's own decisions about all matters related to one's pregnancy cannot be denied, burdened, or otherwise infringed upon by the Commonwealth, unless justified by a compelling state interest and achieved by the least restrictive means. The amendment prohibits the Commonwealth from penalizing, prosecuting, or otherwise taking adverse action against an individual for exercising the individual's right to reproductive freedom or for aiding another individual in the exercise of such right, unless justified by a compelling state interest.

*Patron - Herring*

**F HJ520** Constitutional amendment (first reference); **qualifications of voters; right to vote; persons not entitled to vote.** Provides that every person who meets the qualifications of voters set forth in the Constitution of Virginia shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release from incarceration for that felony conviction and without further action required of him, such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law. Currently, the Constitution of Virginia provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished.

*Patron - Herring*

**F HJ524** Constitutional amendment (first reference); **environmental justice.** Establishes that it is the policy of the Commonwealth to follow the principles of environmental justice in the development, implementation, and enforcement of environmental laws, regulations, and policies and to ensure that no population, especially minority, low-income, or historically economically disadvantaged communities, faces

higher levels or greater impacts of pollution and climate change than other populations.

*Patron - Lopez*

**F HJ531 Constitutional amendment (first reference); personal property tax; exemption.** Provides that property owned by a chartered organization and used solely for the purpose of supporting one or more scouting units holding a charter issued by the Boy Scouts of America or Girl Scouts of the United States of America shall be exempt from state and local taxation.

*Patron - Hope*

**F HJ532 Constitutional amendment (first reference); marriage.** Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015).

*Patron - Sickles*

**F HJ533 Constitutional amendment (first reference); real property tax exemption; surviving spouses of soldiers who died in the line of duty.** Expands the current tax exemption for real property available to the surviving spouses of soldiers killed in action 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.

*Patron - Tran*

**F HJ553 Constitutional amendment (first reference); marriage between two individuals; 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 between two individuals, recognize marriages between two individuals, and treat all marriages between two individuals equally under the law, regardless of the sex or gender of the parties to the marriage. The amendment provides that religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage.

*Patron - Sickles*

**F HJ555 Constitutional amendment (first reference); qualifications of voters; felon disenfranchisement; automatic restoration of voting rights.** Provides that the General Assembly shall provide by general law an exemption to the prohibition that disqualifies a convicted felon from being qualified to vote. The amendment allows the exemption to be created for a person who has been convicted of a nonviolent felony and who has completed his sentence of imprisonment, including any period of probation or postrelease supervision, and has made payment in full of any restitution, fines, or fees assessed against him as a result of his conviction, at which time

his voting rights shall be restored. The amendment retains the Governor's authority to restore the civil rights of persons convicted of any felony.

*Patron - Cherry*

**F SJ223 Constitutional amendment (first reference); qualifications of voters; right to vote; persons not entitled to vote.** Provides that every person who meets the qualifications of voters set forth in the Constitution of Virginia shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release from incarceration for that felony conviction and without further action required of him, such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law. Currently, the Constitution of Virginia provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished.

*Patron - Locke*

**F SJ224 Constitutional amendment (first reference); General Assembly; term limits.** Limits members of the Senate to three full terms (12 years) and members of the House of Delegates to six full terms (12 years). The limitations apply to service for both consecutive and nonconsecutive terms. Service for a partial term does not preclude serving the allowed number of full terms. The limits apply to terms of service beginning on and after the start of the 2024 Regular Session of the General Assembly.

*Patron - Chase*

**F SJ226 Constitutional amendment (first reference); local government; sale of property; authority to grant perpetual easements to units of government.** Allows easements on public property to be granted in perpetuity to a public body, political subdivision, or authority of the Commonwealth or to the United States or any of its departments or agencies. The requirement to advertise and publicly receive bids does not apply to easements conveyed to any such governmental entity.

*Patron - Locke*

**F SJ242 Constitutional amendment (first reference); marriage.** Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015).

*Patron - Ebbin*

**F SJ247 Constitutional amendment (first reference); tax and finance; exempt property; affordable housing tax exemption.** Amends the Constitution of Virginia by providing that the General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local real property taxation, or a portion thereof, within such restrictions and upon such conditions as may be prescribed, of real estate owned and occupied by persons of low income or low financial worth.

*Patron - Hashmi*

**F SJ254 Constitutional amendment (first reference); charter schools.** Grants to the Board of Education the authority, subject to criteria and conditions as the General Assembly may prescribe, to establish charter schools within the school divisions of the Commonwealth.

*Patron - Obenshain*

**F SJ255 Constitutional amendment (first reference); fundamental right to reproductive freedom.** Provides that every individual has the fundamental right to reproductive freedom and that the right to make and effectuate one's own decisions about all matters related to one's pregnancy cannot be denied, burdened, or otherwise infringed upon by the Commonwealth, unless justified by a compelling state interest and achieved by the least restrictive means. The amendment prohibits the Commonwealth from penalizing, prosecuting, or otherwise taking adverse action against an individual for exercising the individual's right to reproductive freedom or for aiding another individual in the exercise of such right, unless justified by a compelling state interest.

*Patron - McClellan*

## Other Resolutions

### Passed

**P HJ469 School Security Officer Day.** Designates the first Monday in October, in 2023 and in each succeeding year, as School Security Officer Day in Virginia.

*Patron - Taylor*

**P HJ470 Henrietta Lacks Day.** Designates October 4, in 2023 and in each succeeding year, as Henrietta Lacks Day in Virginia.

*Patron - Ward*

**P HJ475 Career and Technical Education Letter of Intent Signing Day.** Designates the fourth Wednesday in April, in 2023 and in each succeeding year, as Career and Technical Education Letter of Intent Signing Day.

*Patron - McGuire*

**P HJ488 Dyslexia Awareness Month.** Designates October, in 2023 and in each succeeding year, as Dyslexia Awareness Month in Virginia.

*Patron - Simon*

**P HJ510 Trisomy Awareness Month.** Designates March, in 2023 and in each succeeding year, as Trisomy Awareness Month.

*Patron - Scott, P.A.*

**P HJ543 Jewish American Heritage Month.** Designates May, in 2023 and in each succeeding year, as Jewish American Heritage Month in Virginia.

*Patron - Filler-Corn*

**P HJ565 Lymphedema Awareness Day.** Designates March 6, in 2023 and in each succeeding year, as Lymphedema Awareness Day in Virginia.

*Patron - Guzman*

**P SJ232 Problem Gambling Awareness Month.** Designates March, in 2023 and in each succeeding year, as Problem Gambling Awareness Month in Virginia.

*Patron - Reeves*

**P SJ336 Virginia Women's Monument; commission.** Establishes a commission for the continuing preservation and development of the Virginia Women's Monument.

*Patron - Locke*

**P SJ337 Earl Hamner, Jr., Day.** Designates July 10, in 2023 and in each succeeding year, as Earl Hamner, Jr., Day in Virginia.

*Patron - Obenshain*

### Failed

**F HJ457 United States Constitution; application for a convention of the states.** Makes application to Congress to call a convention of the states to propose amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

*Patron - Greenhalgh*

**F HJ507 Study; Virginia Housing Commission; affordable housing; local regulation; report.** Directs the Virginia Housing Commission, in consultation with the Department of Housing and Community Development and representatives of the Governor's office, to develop recommended revisions to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia to (i) streamline and enhance predictability in local development review processes and (ii) alleviate the effects of local policies or ordinances that contribute to increased housing costs and constrain the supply of affordable and workforce housing.

*Patron - Marshall*

**F HJ518 Problem Gambling Awareness Month.** Designates March, in 2023 and in each succeeding year, as Problem Gambling Awareness Month in Virginia.

*Patron - Krizek*

**F HJ559 Recognition of the Wolf Creek Cherokee Tribe of Virginia.** Extends state recognition to the Wolf Creek Cherokee Tribe of Virginia within the Commonwealth.

*Patron - McQuinn*

**F HR242 House resolution; control over election spending.** Recognizes that the political independence of Virginians, as highlighted in the Virginia Declaration of Rights, necessitates state control over election spending and calls on Congress to amend the Constitution of the United States to make clear that the states have the power to regulate and set limits on election contributions and expenditures in state elections and that Congress likewise has such power in federal elections.

*Patron - Watts*



**F SJ235 United States Constitution; application for a convention of the states.** Makes application to Congress to call a convention of the states to propose amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

*Patron - Peake*

**F SJ251 Acknowledging with profound regret the denial of benefits under the G.I. Bill to Black World War II veterans.** Expresses the sentiment of the General Assembly in acknowledging with profound regret the denial of benefits under the G.I. Bill to Black World War II veterans. In acknowledging this injustice, the General Assembly expresses its support for measures addressing the harm committed against Black World War II veterans.

*Patron - Lucas*

**F SJ274 Acknowledging with profound regret the unethical use of Black bodies by medical institutions.** Expresses the sentiment of the General Assembly in acknowledging with profound regret the unethical use of Black bodies by medical institutions in the Commonwealth.

*Patron - Boysko*

**F SR87 Right to life begins at conception.** Recognizes that the right to life begins at conception.

*Patron - Chase*

## Miscellaneous (Including Budget and Bonds)

### Passed

**P HB1400 Budget Bill.** Amends items of and adds items to Chapter 2 of the Acts of Assembly of 2022, Special Session I. This bill received Governor's recommendations.

*Patron - Knight*

**P HB1843 Capital outlay plan.** Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources. This bill is identical to SB 1068.

*Patron - Knight*

**P SB1068 Capital outlay plan.** Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources. This bill is identical to HB 1843.

*Patron - Howell*

### Failed

**F SB800 Budget Bill.** Amends Chapter 2 of the Acts of Assembly of 2022, Special Session I.

*Patron - Howell*

## Charters

### Passed

**P HB1509 Charter; City of Norton; municipal elections; boundaries; school board.** Makes several changes to the charter for the City of Norton to reflect the city's shift from May to November municipal elections. Other changes update the city's boundary description and remove outdated provisions related to an appointed school board. This bill is identical to SB 1536.

*Patron - Kilgore*

**P HB1539 Charter; Town of Farmville.** Establishes a new charter for the Town of Farmville in Prince Edward County and repeals the current charter, which was created in 1956. The proposed charter sets out the organization of the town's government and contains powers typically granted to towns. This bill is identical to SB 961.

*Patron - Edmunds*

**P HB1641 Charter; Town of Pound.** Repeals the act of assembly from the 2022 Session that repeals the charter for the Town of Pound in Wise County effective November 1, 2023. This bill is identical to SB 1537.

*Patron - Kilgore*

**P HB1678 Charter; Town of White Stone.** Updates the charter for the Town of White Stone in Lancaster County to reflect the shift from May to November municipal elections.

*Patron - Ransone*

**P HB1679 Charter; Town of Kilmarnock.** Updates the charter of the Town of Kilmarnock in Lancaster County to reflect the shift to November municipal elections as required by general law and removes a reference to the mayor for purposes of calculating a quorum. The bill also provides that no ordinance or resolution shall be passed appropriating money exceeding the sum of \$500, rather than the \$100 limit as specified in the current charter, except by the recorded affirmative vote of a majority of all members elected to the council. This bill is identical to SB 874.

*Patron - Ransone*

**P HB1962 Charter; City of Newport News; real estate assessment.** Requires persons who are aggrieved by any assessment made by the City of Newport News real estate assessor to apply for relief with the board of review as a prerequisite to filing for relief in circuit court. The bill also updates references to the Code of Virginia. This bill is identical to SB 829.

*Patron - Mullin*

**P HB1964 Charter; City of Newport News; certain advertising requirements.** Alters certain advertising requirements related to the disposal of real property of the city's waterworks system by reducing the requirement from four to two weeks, thereby conforming to other city advertising requirements. This bill is identical to SB 822.

*Patron - Mullin*

**P HB2005 Charter; Town of Haymarket.** Updates the charter for the Town of Haymarket in Prince William County to reflect the shift of municipal elections from May to November. Additional changes include (i) updating the town's boundary description, (ii) removing a provision requir-

ing an affirmative vote of a majority of all of the members elected to the town council for approval of certain debts and appropriations, (iii) deleting outdated provisions, and (iv) providing numerous clarifying and technical changes.

*Patron - Roem*

**P SB822** **Charter; City of Newport News; certain advertising requirements.** Alters certain advertising requirements related to the disposal of real property of the city's waterworks system by reducing the requirement from four to two weeks, thereby conforming to other city advertising requirements. This bill is identical to HB 1964.

*Patron - Locke*

**P SB829** **Charter; City of Newport News; real estate assessment.** Requires persons who are aggrieved by any assessment made by the City of Newport News real estate assessor to apply for relief with the board of review as a prerequisite to filing for relief in circuit court. The bill also updates references to the Code of Virginia. This bill is identical to HB 1962.

*Patron - Locke*

**P SB874** **Charter; Town of Kilmarnock.** Updates the charter of the Town of Kilmarnock in Lancaster County to reflect the shift to November municipal elections as required by general law and removes a reference to the mayor for purposes of calculating a quorum. The bill also provides that no ordinance or resolution shall be passed appropriating money exceeding the sum of \$500, rather than the \$100 limit as specified in the current charter, except by the recorded affirmative vote of a majority of all members elected to the council. This bill is identical to HB 1679.

*Patron - McDougale*

**P SB961** **Charter; Town of Farmville.** Establishes a new charter for the Town of Farmville in Prince Edward County and repeals the current charter, which was created in 1956. The proposed charter sets out the organization of the town's government and contains powers typically granted to towns. This bill is identical to HB 1539.

*Patron - Peake*

**P SB1536** **Charter; City of Norton; municipal elections; boundaries; school board.** Makes several changes to the charter for the City of Norton to reflect the city's shift from May to November municipal elections. Other changes update the city's boundary description and remove outdated provisions related to an appointed school board. This bill is identical to HB 1509.

*Patron - Pillion*

**P SB1537** **Charter; Town of Pound.** Repeals the act of assembly from the 2022 Session that repeals the charter for the Town of Pound in Wise County effective November 1, 2023. This bill is identical to HB 1641.

*Patron - Pillion*

## Failed

**F HB1528** **Charter; City of Virginia Beach; vacancies in office of council member and mayor.** Alters the process for filling vacancies in the office of council member and mayor in the City of Virginia Beach by replacing council appointments with special elections.

*Patron - Convors-Fowler*

**F HB1697** **Charter; City of Falls Church; qualifications of members of boards and commissions.** Removes

the requirement in the City of Falls Church charter that board and commission members be qualified voters, replacing it with an age requirement of at least 18 years of age while leaving the city residence requirement.

*Patron - Simon*

**F SB1021** **Charter; City of Roanoke; municipal elections.** Makes various changes related to the City of Roanoke's shift to November municipal elections.

*Patron - Edwards*

## Study Resolutions

### Passed

**P SJ241** **Study; Office of the Children's Ombudsman to continue study of legal representation in child dependency cases; report.** Directs the Office of the Children's Ombudsman to continue its work group convened pursuant to Chapter 305 of the Acts of Assembly of 2022 to consider issues relating to the Commonwealth's model of court-appointed legal counsel in child dependency cases and to make recommendations for legislative and budgetary changes to address such issues to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by November 30, 2023.

*Patron - Edwards*

**P SJ243** **Study; Joint Subcommittee on Recurrent Flooding; membership increase.** Increases the membership of the Joint Subcommittee on Recurrent Flooding from 11 to 13 by adding two local elected officials from separate regions of the Commonwealth representing Virginia's flood-prone communities. The resolution also replaces the existing member of the Joint Subcommittee who is a local official representing Virginia's flood-prone communities with a local official representing an area impacted by coastal flooding.

*Patron - Ebbin*

**P SJ258** **Study; Department of Energy; eliminating waste coal piles in Southwest Virginia; report.** Requests the Department of Energy to study the economic and environmental impacts of eliminating waste coal piles in Southwest Virginia.

*Patron - Hackworth*

### Failed

**F HB2310** **Study; DHCD; opportunities for rural areas of the Commonwealth to upgrade their public water and sewer systems; report.** Requests the Department of Housing and Community Development to conduct a study of opportunities for rural areas of the Commonwealth to upgrade their public water and sewer systems. Technical assistance shall be provided by the Virginia Department of Health and the Virginia Department of Environmental Quality.

*Patron - Williams*

**F HJ461** **Study; JLARC; Compensation Board funding for the offices of certain constitutional officers; report.** Directs the Joint Legislative Audit and Review Commission to study Compensation Board funding for the offices of certain constitutional officers and to review the trends and trajectory of general fund support in the state budget for the offices of certain constitutional officers, the metrics by which support is determined, the equity of such state support consid-

ering the needs of the various localities, and the degree to which localities are supplementing the Commonwealth's funding.

*Patron - Ware*

**F HJ464 Study; State Route 100 widening; report.** Requests the Department of Transportation to study the feasibility of widening that portion of State Route 100 between the intersection of State Route 100 and State Route 692 in Giles County and the border of Giles County and Pulaski County from a two-lane highway to a four-lane highway.

*Patron - Ballard*

**F HJ478 Study; JLARC; efficiency of the legislative system; report.** Directs the Joint Legislative Audit and Review Commission to study the efficiency of the legislative system in the Commonwealth. In conducting its study, JLARC shall (i) analyze trends in the volume of legislation, number of days spent in session, and costs associated with the legislative process by year; (ii) examine the pros and cons of the legislative system as it currently exists and make recommendations regarding improvements to key elements of the legislative system, including the timing of regular sessions, committee size and scheduling, organizational processes, legislative deadlines, bill introduction limits, and staffing; (iii) compare the legislative systems of other states to Virginia's legislature and identify processes that may be implemented to improve the General Assembly's efficiency; and (iv) recommend procedural and legislative actions regarding the legislative system that would serve to increase legislative efficiency.

*Patron - Convirs-Fowler*

**F HJ484 Study; effect of use of selective serotonin reuptake inhibitors on mass casualty events; report.** Establishes a joint subcommittee to study the effect of the use of selective serotonin reuptake inhibitors on mass casualty events. The resolution directs the joint subcommittee to, in conducting its study, examine any causal links between the use of selective serotonin reuptake inhibitors and violent behavior and the commission of violent crimes and to develop recommendations related to the prevention of such behavior or crimes.

*Patron - Anderson*

**F HJ487 Study; solar panel installation and use; medians of divided highways; report.** Directs the Department of Transportation to study solar panel installation and use in medians of divided highways, including the installation, costs, efficacy, and net financial and tax benefits of such installation and use.

*Patron - Marshall*

**F HJ489 Study; State Corporation Commission; tree-trimming practices of electric utilities; report.** Requests the State Corporation Commission to study the adequacy of tree-trimming practices of electric utilities to ensure reliable electric service in the Commonwealth and to report its findings and recommendations to the Governor and the General Assembly by the first day of the 2024 Regular Session.

*Patron - Bell*

**F HJ511 Study; State Council of Higher Education for Virginia; offering reduced rate in-state tuition rates at public institutions of higher education in the Commonwealth to dependents of public elementary and secondary school teachers in the Commonwealth; report.** Requests the State Council of Higher Education for Virginia to study, in collaboration with the Department of Education, the feasibility and efficacy of offering the dependents of public elementary and secondary school teachers in the Commonwealth reduced

rate in-state tuition at public institutions of higher education in the Commonwealth for the purpose of improving retention rates of public school teachers in the Commonwealth.

*Patron - Helmer*

**F HJ513 Study; Board of Funeral Directors and Embalmers; creation, operation, and duties of natural organic reduction, or human composting, facilities as cemetery corporations.** Directs the Board of Funeral Directors and Embalmers to study the creation, operation, and duties of natural organic reduction, also known as green burial or human composting, facilities as cemetery corporations; to develop recommendations for establishing natural organic reduction facilities in the Commonwealth; and to report its findings and recommendations to the Governor and General Assembly by November 30, 2023.

*Patron - Plum*

**F HJ516 Study; Joint Subcommittee on Recurrent Flooding; membership increase.** Increases the total membership of the Joint Subcommittee on Recurrent Flooding from 11 to 17 by increasing the number of nonlegislative members from three to seven. The additional nonlegislative members include representatives from the environmental, development, and business communities, a certified floodplain manager, and three local elected officials representing three of Virginia's flood-prone communities.

*Patron - Bennett-Parker*

**F HJ522 Study; Department of Energy; impacts of data center development; report.** Directs the Department of Energy to study the impacts of data center development on Virginia's environment, economy, energy resources, and ability to meet carbon-reduction goals.

*Patron - Roem*

**F HJ525 Study; STARR Alert Program; alert program to notify vehicle repair shops of nearby reported traffic incidents.** Directs the Department of Transportation to study the need for an alert program, to be known as the STARR Alert Program, to notify vehicle repair shops of nearby reported traffic incidents and crashes and to (i) investigate the cost of implementing such a program; (ii) collect traffic incident data; (iii) investigate the effect of such a program on vehicle repair shops; (iv) investigate the effect of such a program on the Department of State Police procedures and practices; and (v) determine an appropriate alert radius from a reported traffic incident site to vehicle repair shops and the feasibility of widespread use of such a program in all areas of the Commonwealth.

*Patron - Mundon King*

**F HJ526 Study; Department of Social Services; marijuana possession or use as justification for removal of child or denial of custody or visitation; report.** Requests the Department of Social Services to study marijuana possession or use as justification for removal or denial of custody or visitation.

*Patron - Bourne*

**F HJ528 Study; State Corporation Commission; Outage Data Initiative Nationwide; report.** Requests the State Corporation Commission to convene a stakeholder workgroup and study the Commonwealth's participation in the Outage Data Initiative Nationwide.

*Patron - Hudson*

**F HJ530 Study; JLARC; magistrates; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to, by November 30, 2024, to study the magisterial

system in the Commonwealth in order to analyze its effectiveness, compare the organization and use of magistrates in the Commonwealth to that of other states with both similar and dissimilar magisterial systems, and those without magisterial systems, and provide suggestions for improving the magisterial system in the Commonwealth. In conducting its study, JLARC is directed to (i) define the term "magistrate"; as it is used in the Commonwealth and by other states that use the same or a similar term; (ii) determine which states use magistrates in a role or function comparable to the Commonwealth and compare the role or functions and workloads of such magistrates to magistrates in the Commonwealth; (iii) determine the methods of selection, methods of oversight, and the term lengths, if any, of magistrates in other states that use magistrates in a role or function comparable to the Commonwealth; (iv) determine which states do not have magistrates and identify in such states who performs the functions of that of a magistrate; (v) determine in which states the role or functions performed by magistrates differ significantly from the role or functions performed by magistrates in the Commonwealth and analyze (a) the difference in the role or functions performed by such magistrates in other states as well as the difference in education and training requirements for such magistrates in other states, (b) where such magisterial role or function falls within such other states' judicial or justice system and the overall workload for and effectiveness of such magisterial role or function, and (c) any potential limitations with such magisterial role or function in such other states as compared to the magisterial system in the Commonwealth; and (vi) provide recommendations for the improvement or reorganization of the magisterial system in the Commonwealth.

*Patron - Williams*

**F HJ535 Study; Joint Commission on Technology and Science; extreme differences in life expectancy; use of technology for monitoring and resolving.** Directs the Joint Commission on Technology and Science (Commission) to study potential technological approaches to monitoring and resolving extreme differences in life expectancy in Virginia, including by examining (i) data sources for life expectancy variation, drivers of such variation, and technological solutions for monitoring efforts to reduce variation; (ii) technological and policy solutions for areas that are most affected; (iii) remedies, mitigation, and their cost; (iv) the degree of certainty that exists regarding data on impacts on life expectancy and alternative actions; and (v) necessary technical resources and their cost. The bill directs the Secretary of Health and Human Resources to provide technical assistance to the Commission and directs the Commission to accept scientific and technical assistance provided by the Virginia Academy of Science, Engineering, and Medicine.

*Patron - Hayes*

**F HJ540 Study; Department of Conservation and Recreation; Mayo River State Park; report.** Requests the Department of Conservation and Recreation to study the feasibility of establishing a state park in Henry County between the North Mayo River and the South Mayo River.

*Patron - Williams*

**F HJ541 Study; JLARC; cost efficiency of public institutions of higher education in the Commonwealth; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the cost efficiency of public institutions of higher education in the Commonwealth and to identify opportunities to reduce the cost of public higher education in the Commonwealth by examining (i) teaching loads and productivity of faculty; (ii) the impact of faculty research on tuition and other costs; (iii) incentives created by existing faculty compensation models; (iv) design and utilization of facilities;

(v) operation of enterprise activities; (vi) the use of technology for academic programs and administrative functions; (vii) administrative staffing and costs, including the ratio of administrators to students at each public institution of higher education; (viii) scholarships and other student aid programs; (ix) the use of outsourcing and public-private partnerships; (x) the use of cooperative procurement; (xi) the impact of nonacademic activities and programs on tuition and fees; (xii) sources of revenue and income, and how these sources are allocated toward academic, administrative, and other costs; (xiii) opportunities to reduce the cost of public higher education in the Commonwealth; (xiv) the number of individuals employed by each public institution of higher education to promote or advance diversity, equity, and inclusion; (xv) the number of individuals employed by each public institution of higher education to engage in government relations; (xvi) the number and amount of lobbying contracts paid out of foundations associated with each public institution of higher education; (xvii) the relationship of each public institution of higher education to each of its associated foundations and the amount of funds held by each such foundation that are spent to hold down the cost of education to students; and (xviii) such other related matters as it may deem appropriate and providing a comprehensive update on the status of the implementation of its recommendations pursuant to House Joint Resolution 108 (2012). The resolution requires JLARC to complete its meetings for the first year by November 30, 2023, and for the second year by November 30, 2024, and requires the chairman to submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year.

*Patron - Byron*

**F HJ544 Study; Joint Commission on Health Care; Alzheimer's Disease and Related Disorders Commission; treatment of Alzheimer's disease; report.** Directs the Joint Commission on Health Care and the Alzheimer's Disease and Related Disorders Commission (the ADRD Commission) to study the treatment of Alzheimer's disease. The resolution directs the Joint Commission and the ADRD Commission to analyze the following as they relate to the treatment of and medication for patients with Alzheimer's disease: (i) continuing medical education requirements for physicians, (ii) public health education for patients and caregivers, (iii) Commonwealth Alzheimer's disease plans and the inclusion of the latest treatment and medication in such plans, (iv) access to screening and diagnostic tools and coverage of such tools by insurance plans, (v) access to therapeutics and coverage of such therapeutics by insurance plans, and (vi) Medicaid coverage for approved drugs. The resolution requires the Joint Commission and the ADRD Commission to complete their meetings by November 30, 2023, and submit their findings and recommendations no later than the first day of the 2024 Regular Session of the General Assembly.

*Patron - Guzman*

**F HJ545 Study; Department of Energy; local governments; purchases of clean energy; report.** Requests the Department of Energy to study the barriers for local governments to directly purchase clean energy or to facilitate the purchase of clean energy by their constituents. In conducting its study, the Department shall consider existing ways for local governments to purchase clean energy and promote access to clean energy for their constituents, evaluate barriers and develop recommendations relating to reducing such barriers for local governments to purchase clean energy and to encouraging the purchase of and access to clean energy by local governments and their constituents, and consult with relevant stakeholders as needed.

*Patron - Sewell*

**F HJ547 Study; JLARC; election governance structure; report.** Directs the Joint Legislative Audit and Review Commission to conduct a two-year study on the election governance structure in the Commonwealth. In conducting its study, JLARC shall (i) review the roles and responsibilities of state and local election officials in the administration and conduct of elections in the Commonwealth, including the level of oversight by state election officials and the degree of decision-making by local election officials; (ii) review the methods of selection and removal of state and local election officials and evaluate how such methods shape accountability mechanisms; (iii) review the level of funding provided by the state and localities; (iv) evaluate the potential for partisan pressures and influence in administrative decisions at the state and local election level; (v) develop recommendations for objective methods of evaluating the performance of both local and state election officers to determine if they are appropriately fulfilling the responsibilities of their positions and whether removal may be necessary; and (vi) make other recommendations as necessary and review other issues as warranted.

*Patron - Sickles*

**F SJ228 Study; School Health Services Committee; feasibility of implementing Department of Education recommendations; school personnel who administer health services to students; report.** Directs the School Health Services Committee to study the feasibility of implementing the recommendations of the Department of Education relating to standardizing the qualification and training requirements for school personnel, such as school nurses, who administer health services to students in order to improve the equity, consistency, and quality of school health services, including mental health services, provided in public schools in the Commonwealth.

*Patron - Favola*

**F SJ230 Study; Virginia State Crime Commission; hate crimes and bias-motivated acts directed toward Asian Americans and Pacific Islanders; report.** Directs the Virginia State Crime Commission to study the increase in hate crimes and bias-motivated acts directed toward Asian Americans and Pacific Islanders in the Commonwealth.

*Patron - Bell*

**F SJ239 Study; Compensation Board; funding for deputy sheriffs; report.** Requests the Compensation Board to study the feasibility and fiscal impact of including a locality's total square mileage when calculating funding for deputy sheriffs and to issue a report by the 2024 Regular Session of the General Assembly.

*Patron - Hackworth*

**F SJ240 Study; Department of Energy; impacts of data center development; report.** Directs the Department of Energy to study the impacts of data center development on Virginia's environment, economy, energy resources, and ability to meet carbon-reduction goals.

*Patron - Petersen*

**F SJ250 Study; JLARC; Department of Juvenile Justice; report.** Directs the Joint Legislative Audit and Review Commission, in conjunction with the Office of the Secretary of Public Safety and Homeland Security and the Office of the Secretary of Health and Human Resources, to conduct a study to determine the feasibility and benefits of transferring responsibility for the Department of Juvenile Justice from the Secretary of Public Safety and Homeland Security to the Secretary of Health and Human Resources.

*Patron - Lucas*



## Appendix A: Session Statistics

# 2023 SESSION STATISTICS

	Continued	Introduced	Passed	Failed
House Bills	74	1,136	453	757
House Joint Resolutions	1	389	326	64
House Resolutions	0	265	261	4
House Total	75	1,790	1,040	825
Senate Bills	82	770	366	486
Senate Joint Resolutions	8	199	178	29
Senate Resolutions	1	104	103	2
Senate Total	91	1,073	647	517
General Assembly Total	166	2,863	1,687	1,342





# Appendix B: 2023 Session Highlights

The *2023 Session Highlights* summarizes significant legislation considered by the 2023 Session of the General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview covers legislative actions through sine die on Saturday, February 25, 2023. 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 1388/SB 915 State parks; Virginia National Guard Passport established; free entry and parking.** Directs the Department of Conservation and Recreation to establish a Virginia National Guard Passport that authorizes a member of the Virginia National Guard to enter state parks without paying a parking or admission fee.

**HB 1664/SB 897 Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program.** Establishes the Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program and authorizes the Governor to award grants to political subdivisions from the Governor's Agriculture and Forestry Industries Development Fund as part of the Program. Such grants, in amounts up to \$250,000, shall be awarded as reimbursable grants to support blue catfish processing, flash freezing, and infrastructure projects. The bill directs the Secretary of Agriculture and Forestry to develop certain guidelines as provided in the bill on behalf of the Governor to facilitate the Program.

**HB 1968 Department of Historic Resources; Green Book historic site designations.** Directs the Department of Historic Resources, in partnership with the Virginia Tourism Corporation and the Department of Transportation, to designate or approve supplementary signs for historic site signs identifying Green Book locations and businesses in the Commonwealth. The bill defines "Green Book" as *The Negro Motorist Green Book* published by Victor Hugo Green, which provided a list of hotels, guest houses, service stations, drug stores, taverns, barbershops, and restaurants known to be safe for traveling Black Americans during the Jim Crow era.

**HB 2325/SB 1438 Agricultural land; acquisition or transfer by foreign adversaries prohibited; report.** Prohibits any foreign adversary, as defined in the bill, from acquiring or transferring any interest in agricultural land, as defined in federal law, beginning January 1, 2023, and requires the Department of Agriculture and Consumer Services to compile a report annually with certain information regarding agricultural land that is under foreign ownership and submit such report to the Governor and General Assembly.

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## Alcoholic Beverages and Cannabis

### **Passed**

#### **HB 1598/SB 788 Medical cannabis program; transition from Board of Pharmacy to Virginia Cannabis Control Authority.**

Transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. The bill has a delayed effective date of January 1, 2024.

**HB 2258 Alcoholic beverage control; beer distribution.** Creates a restricted wholesale beer license that authorizes the licensee to provide wholesale beer distribution services to brewery and limited brewery licensees, provided that no more than 500 barrels of beer shall be distributed by the corporation to each licensee in any one calendar year. The bill requires the Commissioner of Agriculture and Consumer Services to establish and operate a nonprofit, nonstock corporation to hold such license to promote, develop, and sustain markets for brewery and limited brewery licensees. The bill prohibits the Board of Directors of the Virginia Alcoholic Beverage Control Authority from (i) granting a wholesale wine license to any entity that is owned, in whole or in part, by any manufacturer of alcoholic beverages, any subsidiary or affiliate of such manufacturer, or any person under common control with such manufacturer and (ii) granting a wholesale beer license to any officer, director, or principal stockholder of a manufacturer of alcoholic beverages or to the spouse of such person; however, the bill exempts from such prohibition any spouse of an officer, director, or principal stockholder of a brewery or limited brewery licensee that was granted such license prior to January 1, 2024. The bill has a delayed effective date of July 1, 2024.

**HB 2294 Tetrahydrocannabinol; hemp products; packaging, labeling, and testing; penalties.** Limits the amount of tetrahydrocannabinol (THC) that can be included in a hemp product or industrial hemp extract to 0.3 percent and two milligrams per package. The bill (i) clarifies that persons who manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract are subject to the existing food and drink permit requirement and (ii) requires such persons to indicate their intent to manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract on such permit application. The bill also creates labeling, packaging, and testing requirements for industrial hemp extracts and foods containing an industrial hemp extract. The bill creates a civil penalty of \$10,000 for the following: (a) manufacturing, selling, or offering for sale an industrial hemp extract or food containing an industrial hemp extract without a permit; (b) continuing to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (c) failing to disclose on a form prescribed by the Commissioner of Agriculture and Consumer Services that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that

contains an industrial hemp-derived cannabinoid; (d) manufacturing, selling, or offering for sale a food that contains more than 0.3 percent of THC or more than two milligrams of THC per package; (e) manufacturing, offering for sale, or selling in violation of food and drink laws or regulations a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (f) otherwise violating any provision of the Commonwealth's food and drink laws or regulations. The bill also makes it a Class 1 misdemeanor to engage in such actions, except for those set forth in clause (d). The bill makes it unlawful under the Virginia Consumer Protection Act to (1) sell or offer for sale any substance intended for human consumption that contains a synthetic derivative of THC or (2) sell or offer for sale a topical hemp product that does not contain a bittering agent, does not include a label stating that the product is not intended for human consumption, or contains more than 0.3 percent THC. The bill also increases existing civil penalties for certain hemp-related violations. The bill removes tetrahydrocannabinol from the list of Schedule I controlled substances and contains other technical amendments. See also SB 903.

### **Failed**

**SB 1133 Cannabis control; retail market; transitional sales; regulated hemp products; penalties.** Establishes a framework for the creation of a retail marijuana market in the Commonwealth, which would be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing marijuana licenses on July 1, 2024, and allows, beginning July 1, 2023, certain pharmaceutical processors, pending establishment of the retail market, to cultivate, manufacture, and sell cannabis products to persons 21 years of age or older. The bill transitions from the Department of Agriculture and Consumer Services to the Authority the authority to regulate the testing, labeling, packaging, and advertising of regulated hemp products, as defined in the bill. The bill creates a process by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2022, who remain incarcerated or on community supervision on July 1, 2023, may receive an automatic hearing to consider modification of such person's sentence.

## Constitutional Amendments

### **Failed**

**HJ 553 Constitutional amendment (first reference); marriage between two individuals; 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 between two individuals, recognize marriages between two individuals, and treat all marriages between two individuals equally under the law, regardless of the sex or gender of the parties to the marriage. The amendment provides that religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage.

## Corrections

### **Passed**

**HB 2039 Local correctional facilities; fees; report.** Eliminates or caps certain fees charged to inmates in local correctional facilities and repeals provisions that allow a sheriff or jail superintendent to establish a deferred or installment payment agreement or contract with a collections agency when an inmate is unable to pay fees owed to the local correctional facility. The bill establishes the manner in which the balance of all accounts maintained for an inmate's use must be transferred to the inmate upon release.

**HB 2169/SB 1361 Parole Board; eligibility determinations; reports.** Removes provisions that exempted from the mandatory disclosure provisions of the Virginia Freedom of Information Act the records of the Parole Board. The bill requires the Board to (i) adopt rules regarding parole eligibility as set forth in the bill; (ii) publish the statement of actions taken by the Board by the fifteenth day of each month; (iii) include in such statement individualized reasons for the granting or denial of parole and the vote of each member; (iv) conduct final deliberations and votes on parole decisions at public meetings; (v) publish an annual report that summarizes actions taken by the Board during the prior year; and (vi) provide a prisoner or his attorney with all information, other than the personal information of the victim, gathered by the Board during an investigation, provided that such information shall not be further disclosed, reproduced, copied, or disseminated. The bill provides that final discharges may be issued by the Board only upon approval by a majority of Board members and requires the Board to publish an annual report regarding such final discharges, with items specified in the bill. The bill also requires the Board, prior to making any decision to grant discretionary parole to an inmate, to have discussed and debated such decision at a meeting at which a majority of the Board members were present. The bill requires, in cases in which the Board grants discretionary parole to an inmate, each Board member to identify his reasoning for such decision at the time such member's vote is cast. The bill requires that parole review hearings include a live interview of the prisoner, which may be conducted in person or by videoconference or telephone, and, absent imminent death or other extraordinary circumstances, prohibits the Board from granting parole to any prisoner who has not received a live interview within the prior calendar year. The bill also allows the victim of the crime for which

the prisoner is incarcerated to present testimony to the Board by virtual means. The bill has a delayed effective date of July 1, 2024.

**HB 2487/SB 887 Correctional facilities; use of restorative housing.** Prohibits the use of restorative housing, defined in the bill, in state correctional facilities, subject to certain exceptions. The bill requires that an incarcerated person who has been placed in restorative housing be offered a minimum of four hours of out-of-cell programmatic interventions or other congregate activities per day aimed at promoting personal development or addressing underlying causes of problematic behavior. The bill also requires the facility administrator to have a defined and publicly available policy and procedure for the process of transitioning an incarcerated person placed in restorative housing out of such housing and back to the general population of the facility.

### **Failed**

**SB 994 Office of the Department of Corrections Ombudsman; created.** Creates the Office of the Department of Corrections Ombudsman headed by an Ombudsman who is selected by a Corrections Oversight Committee, also created by the bill. The Committee is made up of four members of the General Assembly and 11 nonlegislative citizen members who monitor the activities of the Ombudsman and the Department of Corrections. The bill provides the Office's authority to conduct inspections at least once every three years and more often when warranted of Department or Board of Local and Regional Jails facilities and requires the Office to establish confidential telephone hotlines and online forms for concerns, complaints, and inquiries by inmates, their family members and advocates, and Department employees and contractors. In addition, the bill requires the Committee to conduct quarterly public hearings and submit an annual report to the Governor, the Attorney General, the Senate Committee on the Judiciary, the House Committee on Public Safety, and the Director of the Department. The provisions of the bill are contingent on funding in a general appropriation act.

**SB 1274 Electronic communication systems within state correctional facilities; free telephone calls and communication services.** Requires the Department of Corrections to provide telephone systems and web-based or electronic communications systems free of charge to any person, whether such person is initiating or receiving the communication.

## Courts/Civil Law

### **Passed**

**HB 1757/SB 845 Immunity of persons; tort actions; assertion of immunity; attorney fees and costs.** Provides that a person shall be immune from tort liability if the tort claim is based solely on statements (i) regarding matters of public concern that would be protected under the First Amendment to the Constitution of the United States made by that person that are communicated to a third party; (ii) made at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies, and authorities thereof, and other governing bodies of any local governmental entity concerning matters properly before such body; or (iii) made by an employee against his employer and where retaliatory action against an employee by such employer is otherwise prohibited by law. The bill also provides that any person who prevails in such a legal action may be awarded reasonable attorney fees and costs.

**HB 2028 Guardianship; duties of guardian; visitation requirements.** Requires a guardian to visit an incapacitated person at least three times per year and at least once every 120 days. The bill requires that at least two of the visits be conducted by the guardian and directs that at least one of such visits be in-person. The bill allows the second visit by the guardian to be conducted by the guardian via virtual conference or video call. The bill allows the remaining visit to be conducted (i) by the guardian; (ii) by a person other than the guardian, including (a) a family member monitored by the guardian or (b) a skilled professional retained by the guardian to perform guardianship duties on behalf of the guardian and who is experienced in the care of individuals, including older adults or adults with disabilities; or (iii) via virtual conference or video call between either the guardian or such family member monitored by the guardian or skilled professional and the incapacitated person, provided that the technological means by which such conference or call can take place are readily available. The bill requires a person who visits the incapacitated person in lieu of the guardian to provide a written report to the guardian regarding any such visit.

**SB 1367 Child abuse or neglect; definition; independent activities.** Clarifies that no child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (i) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (ii) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. The bill provides that such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time.

## Courts/Criminal Justice

### **Passed**

**HB 1572/SB 1291 False emergency communication to emergency personnel; penalties.** Provides that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response and any person suffers a serious bodily injury as a direct and proximate result of the false emergency communication and a Class 5 felony if any person is killed as a direct and proximate result of the false emergency communication. The bill authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication.

**HB 1673/SB 1156 Strangulation by blocking or obstructing the airway of another; penalty.** Provides that any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully blocking or obstructing the airway of such person resulting in the wounding or bodily injury of such person is guilty of suffocation, a Class 6 felony.

**HB 1682/SB 1188 Weapon of terrorism; definition; penalty.** Includes any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, as a weapon of terrorism for the purpose of defining terrorism offenses. The bill provides that any person who knowingly and intentionally manufactures or knowingly and intentionally distributes a weapon of terrorism when such person knows that such weapon of terrorism is, or contains, any mixture or substance containing a detectable amount of fentanyl is guilty of a Class 4 felony.

**HB 2372/SB 1135 Possession, purchase, or sale of catalytic converters; penalty.** Makes it a Class 6 felony for any person to sell, offer for sale, or purchase a catalytic converter from a motor vehicle exhaust system that has been detached from a motor vehicle, except when such sale, offer for sale, or purchase is made to or by a scrap metal purchaser that has adhered to the required compliance provisions. The bill provides that a judge or jury may make a permissive inference that a person who is in possession of a catalytic converter that has been removed from a motor vehicle is presumed to have criminally obtained such catalytic converter unless the person is an authorized agent or employee acting in the performance of his official duties for a motor vehicle dealer, motor vehicle garage or repair shop, or salvage yard that is licensed or registered by the Commonwealth or a person who possesses vehicle registration documentation indicating that the catalytic converter in

the person's possession is the result of a replacement of a catalytic converter from a vehicle registered in that person's name.

**HB 2398 Sexual extortion; penalties.** Creates a Class 5 felony for any person who maliciously threatens in writing, including an electronically transmitted communication producing a visual or electronic message, (i) to disseminate, sell, or publish a videographic or still image, created by any means whatsoever, or (ii) to not delete, remove, or take back a previously disseminated, sold, or published videographic or still image, created by any means whatsoever, that depicts the complaining witness or such complaining witness's family or household member as totally nude or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast with the intent to cause the complaining witness to engage in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse and thereby engages in such acts. The bill also creates an unclassified felony punishable by not less than one nor more than 20 years and a fine of not more than \$100,000 for any adult who violates the provisions of the bill with a person under the age of 18.

#### Failed

**HB 1455 Selling, giving, or distributing a substance containing fentanyl; penalties.** Provides that any person who sells, gives, or distributes a substance he knows contains two milligrams or more of any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, to another person without such person's knowledge that the substance sold, given, or distributed contains fentanyl is guilty of attempted murder of the first degree by poison. The bill also provides that if such sale, gift, or distribution results in the death of the other person from his use of the substance containing fentanyl, then the person who sold, gave, or distributed the substance is guilty of murder of the first degree by poison.

**SB 842 Petition for modification of sentence; eligibility; procedures.** Provides a petition process for a person serving a sentence for any conviction or a combination of any convictions who remains incarcerated in a state or local correctional facility and meets certain criteria to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed.

**SB 1229 Admission to bail; rebuttable presumptions against bail.** Creates a rebuttable presumption against bail for certain criminal offenses enumerated in the bill. The bill also requires the court to consider specified factors when determining whether the presumption against bail has been rebutted and whether there are appropriate conditions of release.

#### Education

##### Passed

**HB 1526 Student literacy measures; scope; students in grades four through eight.** Expands several provisions of the Virginia Literacy Act, enacted during the 2022 Regular Session of the General Assembly, effective with the 2024–2025 school year, and currently applicable to students in kindergarten through grade three, to students in grades four through eight, including (i) requiring each local school board to provide a program of literacy instruction to such students that is aligned with science-based reading research and provides evidenced-based literacy instruction; (ii) requiring each local school board to provide reading intervention services to such students who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department of Education; (iii) permitting the reading plan required for certain students in grades six through eight to include a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in such plan; (iv) requiring the Department to develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for such students; (v) requiring each local school board to employ one reading specialist for each 550 students in kindergarten through grade eight; (vi) requiring the Board of Education to provide guidance on and each local school board to provide high-quality professional development and training in science-based reading research and evidence-based literacy instruction for certain middle school personnel; and (vii) requiring each divisionwide comprehensive plan to include a divisionwide literacy plan for such students.

**HB 1592/SB 1072 Public schools; codes of student conduct; policies and procedures prohibiting bullying; parental notification.** Requires each local school board to require the principal of each public school or his designee to notify the parent of any student who is involved in an alleged bullying incident of the alleged incident within 24 hours of learning of such allegation. Current law only requires the principal to notify any such parent of the status of any investigation into an alleged incident of bullying within five school days of when such allegation was made.

**HB 1840/SB 1211 Eastern Virginia Medical School; establishment of Eastern Virginia Health Sciences Center at Old Dominion University.** Repeals provisions establishing and relating to Eastern Virginia Medical School and designates the schools and divisions previously existing as Eastern Virginia Medical School and such other academic units of Old Dominion University related to the health sciences as may be identified by the Old Dominion University Board of Visitors as the Eastern Virginia Health Sciences Center at Old Dominion University (the Health

Sciences Center). The bill permits Old Dominion University to provide medical and health sciences education and related research through the teaching hospitals and related health care and health maintenance facilities at the Health Sciences Center and contains provisions relating to the operations of the Health Sciences Center, including provisions relating to cooperative arrangements and joint ventures. This bill has a delayed effective date of January 1, 2024.

**HB 1916/SB 910 Public institutions of higher education; threat assessment teams; powers and duties.** Makes several changes to the powers and duties of the threat assessment team at each public institution of higher education, including requiring, upon a preliminary determination that an individual poses an articulable and significant threat of violence to others, each such team to (i) obtain any available criminal history record information and health records for such individual; (ii) notify in writing within 24 hours upon making such preliminary determination (a) the campus police department; (b) local law enforcement for the city or county in which the public institution of higher education is located, local law enforcement for the city or county in which the individual resides, and, if known to the threat assessment team, local law enforcement for the city or county in which the individual is located; and (c) the local attorney for the Commonwealth in any jurisdiction where the threat assessment team has notified local law enforcement; and (iii) disclose any specific threat of violence posed by the individual as part of such notification, and permitting each such team to invite nonmember representatives from campus to participate in individual cases.

#### Failed

**HB 1508 Virginia Education Success Account Program; establishment.** Permits the parents of qualified students, defined in the bill, to apply for a one-year, renewable Virginia Education Success Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible. The bill permits the parent of the qualified student to use the moneys in such account for certain qualified expenses of the qualified student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to program and account administration by the Department of the Treasury and a third-party financial institution that serves as program administrator pursuant to a contract with the Department of the Treasury.

**HB 1800 Public institutions of higher education; transparency.** Imposes several requirements on governing boards of public institutions of higher education relating to transparency, including requirements to (i) report by September 1 of each year to the

Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and Appropriations and Education and Health (a) the number of executive staff members, including all administrative staff directly reporting to the chief executive officer of such institution, employed by such institution or any educational foundation associated with such institution and the salary and compensation of each such executive staff member and (b) the total value of any contract with any outside individual or entity to provide lobbying services for the institution; (ii) record video of each meeting of the full board and its committees and make publicly available on the institution's website in a position of prominence a link that permits any member of the public to livestream each meeting of the full board and its committees and, within 10 business days after the date of any meeting of the full board or any of its committees, view video recordings for each such meeting; and (iii) prior to any vote to enter into or renew a contract for the employment of the chief executive officer of the institution, hold a public meeting to provide an opportunity for written, virtual, and in-person public comment on such contract at least 120 days prior to any such meeting at which it will vote to enter into or renew such contract and provide notice of such public meeting in accordance with relevant law. The bill also requires each public institution of higher education to make publicly available on the institution's website in a position of prominence and present annually to the governing board of the institution an annual report regarding foundations associated with the institution setting forth foundation expenses that includes the percentage of expenditures used for government relations and lobbying activities and compensation of the chief executive officer and the total expenditures used for executive or administrative compensation for each department.

#### Firearms/Weapons

#### Passed

**HB 2298 Carrying concealed weapons; exceptions; penalty.** Removes switchblade knives from and adds stiletto knives to the list of concealed weapons the carrying of which is prohibited in public.

**HB 2467 Purchase of firearms; special identification without a photograph.** Provides that to establish personal identification and residence in Virginia for the purposes of purchasing a firearm, a prospective purchaser may present a special identification card without a photograph issued by the Department of Motor Vehicles to a person with a sincerely held religious belief prohibiting the taking of a photograph.

**SB 1492 Carrying a firearm or explosive material within Capitol Square and the surrounding area; exceptions for State Police officers.** Adds an exception for off-duty State Police officers and retired State Police officers to the prohibition on carrying a firearm within Capitol Square and the surrounding area, any



building owned or leased by the Commonwealth or any agency thereof, or any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties.

### **Failed**

**HB 1427 Control of firearms by localities.** Removes a locality's authority to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any public park owned or operated by the locality; (ii) any recreation or community center facility operated by the locality; or (iii) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

**HB 2141 Owners of firearms; use of firearm by minor in commission of crime or to cause bodily injury; penalty.** Creates a Class 1 misdemeanor for an owner of a firearm, as defined in the bill, who (i) allows a minor to possess such firearm and such minor uses such firearm (a) in the commission of a crime or (b) to intentionally or with gross negligence cause bodily injury to himself or another person or (ii) knows or reasonably should know that a minor is in close proximity, as defined in the bill, to such firearm as to allow such minor to possess or transport such firearm in violation of law and the minor uses such firearm (a) in the commission of a crime or (b) to cause bodily injury to himself or another person. The bill elevates the penalty to a Class 5 felony if such owner of a firearm knows or reasonably should have known that such minor has been charged with or convicted of or adjudicated delinquent of a violent crime or has been the subject of a school-initiated threat assessment.

**HB 2240 Prohibiting the sale, transport, etc., of assault firearms, large-capacity firearm magazines, and silencers; penalties.** Expands the definition of "assault firearm" and prohibits any person from importing, selling, transferring, manufacturing, purchasing, or transporting an assault firearm. A violation of this provision of the bill is a Class 6 felony. The bill also prohibits a dealer from selling, renting, trading, or transferring from his inventory an assault firearm to any person. The bill makes it a Class 6 felony to import, sell, transfer, manufacture, purchase, or transport a large-capacity firearm magazine, as defined in the bill, and a Class 1 misdemeanor to possess such large-capacity firearm magazine. The bill provides that any person who legally owns a large-capacity firearm magazine on July 1, 2023, may retain possession of such firearm magazine until January 1, 2024, and during that time, such person shall (i) render the large-capacity firearm magazine permanently inoperable, (ii) remove the large-capacity firearm magazine from the Commonwealth, (iii) transfer the large-capacity firearm magazine to a person outside the Commonwealth who is not prohibited from possessing it, or (iv) surrender the large-capacity firearm magazine to a state or local law-enforcement agency.

Finally, the bill makes it a Class 6 felony for any person to import, sell, transfer, manufacture, or purchase a silencer, except as provided for in the National Firearms Act.

**SB 1139 Storage of firearms in a residence where a minor is present; penalty.** Requires any person who possesses a firearm in a residence where such person knows that a minor under 18 years of age or a person who is prohibited by law from possessing a firearm resides shall store such firearm and the ammunition for such firearm in a locked container, compartment, or cabinet that is inaccessible to such minor or prohibited person. The bill provides that a violation is a Class 4 misdemeanor. The bill exempts any person in lawful possession of a firearm who carries such firearm on or about his person, the storage of antique firearms, and the lawful authorization of a minor to access a firearm. The bill also requires firearm dealers to post a notice stating such firearm storage requirements and the penalty for not properly storing such firearms.

### General Laws

#### **Passed**

**HB 1419/SB 1498 Brown v. Board of Education Scholarship Program; extension of eligibility.** Extends eligibility for the Brown v. Board of Education Scholarship Program to the lineal and collateral descendants of persons who were residing in jurisdictions in Virginia in which the public schools were closed to avoid desegregation between 1954 and 1964 and whose educations were affected by the school closings. Currently, only persons who resided in such jurisdictions at the time of the school closings are eligible for the program.

**HB 1606 Antisemitism.** Provides that the Commonwealth adopts the non-legally binding Working Definition of Antisemitism adopted by the International Holocaust Remembrance Alliance on May 26, 2016, including the contemporary examples of antisemitism set forth therein, exclusively as a tool and guide for training, education, recognizing, and combating antisemitic hate crimes or discrimination and for tracking and reporting antisemitic incidents in the Commonwealth.

**HB 1951/SB 1478 Official emblems and designations; state pony.** Designates the Chincoteague Pony as the official pony of the Commonwealth.

**HB 2082 Virginia Residential Landlord and Tenant Act; employees of the landlord; rental dwelling unit keys and electronic key codes.** Requires a landlord who owns more than 200 rental dwelling units that are attached to the same piece of real property to require any applicant for employment in any position that will have access to keys, defined in the bill, to each rental dwelling unit to be subject to a pre-employment criminal history records check. The bill also provides that a landlord must establish written policies and procedures for the (i) storage, issuance and

return, and security of; (ii) access to; and (iii) if applicable, usage and deactivation of rental dwelling unit keys and electronic key codes. The provisions of the bill do not apply to a financial institution or a real estate licensee.

**HB 2180/SB 1213 Department of Professional and Occupational Regulation; universal license recognition.** Establishes criteria for an individual licensed, certified, or having work experience in another state to apply to a regulatory board within the Department of Professional and Occupational Regulation and be issued an occupational license or government certification if certain conditions are met.

**HB 2362/SB 924 Burial fees for military spouses.** Provides that, from such funds as may be appropriated or otherwise received for such purpose, the Commonwealth shall pay any burial fee for (i) a member of the National Guard and Reserve or (ii) a deceased spouse of a member or veteran of the United States Armed Forces or of the National Guard and Reserve, regardless of whether such spouse's death precedes or succeeds the death of the member or veteran.

**HB 2441 Virginia Residential Landlord and Tenant Act; termination of multiple month-to-month tenancies by landlord.** Requires any owner of multifamily premises that fails to renew the greater of either 20 or more month-to-month tenancies or 50 percent of the month-to-month tenancies within a consecutive 30-day period in the same multifamily premises to serve written notice on each such tenant at least 60 days prior to allowing such tenancy to expire. The bill exempts a landlord from the 60 days' notice requirement where a tenant has failed to pay rent in accordance with the rental agreement.

**HB 2500/SB 1313 Virginia Public Procurement Act; private contracts; payment of subcontractors.** Clarifies certain definitions throughout the Code for consistency between public and private construction contracts. The bill updates the notice required when a general contractor withholds all or a part of the amount invoiced by a subcontractor in a public construction contract and when an owner withholds payment from a general contractor to include language specifically identifying the contractual noncompliance, the dollar amount being withheld, and the lower-tier subcontractor responsible for the contractual noncompliance.

**SB 1108 Virginia Consumer Protection Act; prohibited practices; kratom products.** Provides that it is a prohibited practice under the Virginia Consumer Protection Act to sell or offer for sale (i) any kratom product, defined in the bill, to a person younger than 21 years of age or (ii) any kratom product that does not provide a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease."

## Failed

**SB 936 Department of Emergency Management; comprehensive extreme heat emergency response plan.** Directs the Department of Emergency Management to develop a comprehensive extreme heat emergency response plan by November 1, 2023. Such plan shall include criteria for (i) developing a heat adaptation plan, (ii) convening a heat emergency coordination team to facilitate coordination across state agencies, (iii) establishing public cooling spaces, (iv) developing extreme heat health warning systems and protocols, (v) establishing partnerships with community-based organizations to provide services and support to all communities, and (vi) examining housing cooling needs.

**SB 1138 Virginia Residential Landlord and Tenant Act; rent increase during tenancy; conditions.** Provides that, except for any increase in rent that occurs after the first year of a lease with a term longer than one year, a rental agreement shall not contain provisions that the tenant agrees to pay any increase in rent during the term of a written lease unless such increase is agreed to in a separate, written document signed by the tenant and the landlord that includes (i) the new amount of rent to be charged to the tenant, (ii) the date upon which the rent increase becomes effective, and (iii) any additional terms or benefits to the tenant agreed to as consideration for such increase in rent.

**SJ 240 Study; Department of Energy; impacts of data center development; report.** Directs the Department of Energy to study the impacts of data center development on Virginia's environment, economy, energy resources, and ability to meet carbon-reduction goals.

## Health

### Passed

**HB 1426/SB 1147 Board of Medicine; continuing education; human trafficking.** Requires that, of the hours of continuing education required for renewal of licensure, any licensee of the Board of Medicine may be required by the Board of Medicine to complete up to two hours of continuing learning activities or courses in a specific subject area. Under the bill, if the Board of Medicine designates a subject area for continuing learning activities or courses, the first subject area shall be on the topic of human trafficking.

**HB 1450/SB 798 Individuals with disabilities; terminology.** Replaces various instances of the terms "handicap," "handicapped," and similar variations throughout the Code of Virginia with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment." The bill contains technical amendments. As introduced, this bill was a recommendation of the Virginia Disability Commission.

**HB 1511/SB 1275 Midwifery; administration of medication.**

Allows licensed midwives to obtain, possess, and administer drugs and devices within the scope of their practice. The bill requires the Board of Medicine to develop and publish best practice and standards of care guidance for all such drugs. The bill limits the liability of entities that provide or dispense drugs or devices to a licensed midwife and that rely in good faith upon the license information provided by the licensed midwife. Under the bill, completing all Alliance for Innovation on Maternal Health patient safety bundles advanced by the Virginia Neonatal Perinatal Collaborative is required of any licensed midwife who obtains, possesses, and administers drugs and devices within the scope of his practice.

**HB 1525/SB 846 Background checks; peer recovery specialists; barrier crime exceptions.** Permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist.

**HB 1573/SB 970 Department of Health Professions; applications for licensure, certification, and registration; mental health conditions and impairment; emergency.** Directs each health regulatory board within the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment and to include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients? and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause.

**HB 2274/SB 948 Pharmacist scope of practice; initiation of treatment for certain diseases and conditions.** Allows pharmacists to initiate treatment with, dispense, or administer controlled substances or devices for the initiation of treatment of group A Streptococcus bacteria infection, influenza virus infection, COVID-19 virus infection, and urinary tract infection to persons 18 years of age or older with whom the pharmacist has a bona fide pharmacist-patient relationship in accordance with regulations set forth by the Board of Pharmacy. The bill directs the Board of Pharmacy to adopt a statewide protocol for the initiation of treatment with and dispensing and administering of drugs and devices by pharmacists in accordance with the provisions of the bill by November 1, 2023. The bill provides that such protocol shall be developed by a work group consisting of representatives from the Board of Pharmacy, the Board of Medicine, and the Department of Health and directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill.

**Failed**

**HB 1658 Proposed scope of practice changes; health regulatory board assessment required; report.** Directs the General Assembly to submit bills proposing scope of practice changes related to the health professions to the relevant health regulatory board for assessment. The bill provides that the relevant health regulatory board has 24 months to complete its assessment and directs the board to forward a report summarizing its assessment and recommendations to the chairman of the standing committee that requested the assessment.

**SB 1487 Alkaline hydrolysis; registration; regulations.** Establishes a registration requirement for alkaline hydrolysis providers. The bill defines alkaline hydrolysis and adds alkaline hydrolysis and hydrolyzed remains to statutes dealing with cremation and cremains. The bill grants the Board of Funeral Directors and Embalmers the power to inspect alkaline hydrolysis providers and their operations. The bill requires the Board to consult with the Department of Environmental Quality, the Department of Health, and representatives of waste water treatment facilities and funeral service associations to promulgate regulations related to alkaline hydrolysis.

Insurance**Passed**

**HB 2199/SB 1397 Health Insurance Reform Commission; review of essential health benefits plan.** Requires that the Health Insurance Reform Commission review the essential health benefits benchmark plan and establishes a process for such review. The bill requires the Commission, in coordination with the Bureau of Insurance, to conduct a review of the essential health benefits benchmark plan in 2025 and every five years thereafter. The bill requires during such review (i) the Bureau to convene a stakeholder workgroup to make recommendations to the Commission, (ii) the Bureau to estimate the effects of certain referred legislation on the costs of health coverage in the Commonwealth, (iii) the Commission to determine if any changes are to be made to the benchmark plan and to identify such changes, (iv) the Bureau to conduct an actuarial analysis of any changes identified by the Commission, and (v) the Commission to determine which changes will be recommended and to make a recommendation to the General Assembly in the form of a bill that directs the Bureau to select a new benchmark plan that includes any such changes at the next regular session of the General Assembly. The bill (a) requires public hearings to be held throughout the process, (b) establishes a timeline for each step of the process, and (c) requires the Bureau to maintain a website to convey relevant information regarding the process to the public. As introduced, this bill was a recommendation of the Health Insurance Reform Commission.

## Labor and Commerce

### **Passed**

#### **HB 1770/SB 1265 Virginia Electric Utility Regulation Act.**

Authorizes Dominion Energy Virginia, on or before July 1, 2024, to petition the State Corporation Commission (the Commission) for a financing order for deferred fuel costs. The bill sets forth specific transaction terms and other provisions related to the financing order. Before granting a financing order, the Commission is required to find that (i) the proposed issuance of deferred fuel cost bonds is in the public interest and the associated deferred fuel cost charges are just and reasonable and (ii) the structuring and pricing of the deferred fuel cost bonds are reasonably expected to result in reasonable deferred fuel cost charges consistent with market conditions at the time the deferred fuel cost bonds are priced and the terms set forth in such financing order. The bill requires the financing order to include, among other things: (a) the amount of deferred fuel costs to be financed using deferred fuel cost bonds; (b) a requirement that deferred fuel cost charges authorized under a financing order are non-bypassable and paid by all retail customers of the electric utility, irrespective of the generation supplier of such customer, except for certain exempt customers; (c) a formula-based true-up mechanism for making annual adjustments to the deferred fuel cost charges; and (d) a method of tracing funds collected as deferred fuel cost charges. The bill requires the utility to permit certain retail customers to opt out of financing the customer's pro rata obligation for the deferred fuel cost charges through deferred fuel cost bonds. Under the bill, the financing order is irrevocable.

The bill creates the deferred fuel cost charge and provides that the revenues generated by this charge, known as deferred fuel cost property, is a property right that can be transferred and pledged as security for the deferred fuel cost bonds. The bill establishes the procedures for creating, perfecting, and enforcing the security interest in deferred fuel cost property. The bill includes a state non-impairment obligation. Under the bill, if the deferred fuel cost bonds are issued, the Commonwealth and its agencies, including the Commission, agree not to take any action that would limit or alter the deferred fuel cost charges until the deferred fuel cost bonds have been paid and performed in full.

The bill makes various changes to procedures under which the Commission reviews the earnings and sets the rates of investor-owned incumbent electric utilities. The bill provides that, in lieu of the triennial review proceedings required under current law, Dominion Energy Virginia, beginning in 2023, will be subject to biennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services. The bill requires that if, during a biennial review filed on or before December 31, 2023, the Commission determines that the utility has earned more than 70 basis points above its fair combined rate of return on its generation and distribution services, the Commission will direct that 85 percent of the amount of such overearnings be credited to customers' bills.

For a biennial review filed after December 31, 2023, the bill requires that if the Commission determines that the utility has earned above its fair combined rate of return on its generation and distribution services, the Commission will direct that 85 percent of the amount of such overearnings be credited to customers' bills and that all of any such overearnings that were more than 150 basis points above the utility's fair combined rate of return on its generation and distribution services be credited to customers' bills.

The bill requires that the Commission, in determining a fair rate of return on common equity for an investor-owned electric utility in any biennial review initiated prior to December 31, 2023, set such rate at 9.70 percent, which is based on the simple average of the authorized returns for vertically integrated electric utilities by the applicable regulatory commissions in the peer group jurisdictions of Florida, Georgia, Texas, Tennessee, West Virginia, Kentucky, and North Carolina. The bill provides that for any review after December 31, 2023, the Commission may use any methodology to determine such return it finds consistent with the public interest. The bill provides that the Commission may increase or decrease an electric utility's combined rate of return for generation and distribution services by up to 50 basis points based on factors that may include reliability, generating plant performance, customer service, operating efficiency of a utility, and load forecasting. The bill requires the Commission, before December 31, 2023, to direct the initiation of a proceeding to review and determine the appropriate protocols and standards applicable to implementing any such performance-based adjustments.

The bill provides that in any proceeding to establish base rates for Appalachian Electric Power or Dominion Energy Virginia conducted by the Commission, if the Commission determines in its sole discretion that the utility's existing base rates will, on a going-forward basis, either produce (1) revenues in excess of the utility's authorized rate of return or (2) revenues below the utility's authorized rate of return, then the Commission is required to order any reductions or increases, as applicable and necessary, to such base rates that it deems appropriate to ensure the resulting base rates (A) are just and reasonable and (B) provide the utility an opportunity to recover its costs of providing services over the rate period and earn a fair rate of return.

The bill requires Dominion Energy Virginia, in its 2023 biennial review, to combine certain rate adjustment clauses having a combined annual revenue requirement of at least \$350 million with the utility's base rates. The bill provides that the combination of such rate adjustment clauses is subject to audit by the Commission in the utility's 2023 biennial review filing. The bill authorizes the Commission to, in its discretion, direct the consolidation of any previously implemented rate adjustment clauses in the interest of judicial economy, customer transparency, or other factors the Commission determines to be appropriate.

The bill requires the Commission to include in its report to the Commission on Electric Utility Regulation and the Governor any information concerning the reliability impacts of generation unit additions and retirement determinations by Appalachian Power and Dominion Energy Virginia, along with the potential impact on the purchase of power from generation assets outside the Virginia jurisdiction used to serve the utility's native load.

The bill requires Dominion Energy Virginia, through December 31, 2024, to undertake reasonable efforts to maintain, subject to audit by the Commission, its common equity capitalization to total capitalization ratio at a level equal to 52.10 percent.

**HB 1924 Minimum wage; employees with disabilities.** Provides that individuals with disabilities that are paid at subminimum wage pursuant to the federal Fair Labor Standards Act are employees for the purposes of the Virginia Minimum Wage Act. The bill requires every employer of such employees to pay such employees wages at a rate not less than (i) from July 1, 2023, until July 1, 2024, \$9.50 per hour; (ii) from July 1, 2024, until July 1, 2025, \$10.50 per hour; and (iii) from July 1, 2025, until July 1, 2026, \$11.50 per hour. The bill requires that from and after July 1, 2026, every employer of such employees pay such employees at a rate equivalent to all other employees covered by the Virginia Minimum Wage Act.

**HB 2195/SB 1470 Department of Workforce Development and Advancement created; consolidation of the Commonwealth's workforce development policies and programs; report.** Creates the Department of Workforce Development and Advancement (the Department) to administer workforce development programs. The bill consolidates statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bill provides for the Virginia Board of Workforce Development to conduct an independent evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bill also (i) transfers administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) directs the State Council of Higher Education for Virginia to collaborate with the Department to grow and expand the Innovative Internship Fund and Program, and (iii) directs the Secretary of Labor (the Secretary) to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. The Secretary is also required to convene a stakeholder work group to advise the Secretary during the transition period. As introduced, this bill was a recommendation of the Small Business Commission.

## Failed

**HB 1921 Financial institutions; earned wage access services; licensure requirements; penalties.** Prohibits any person from providing earned wage access services without first obtaining a

license from the State Corporation Commission. The bill provides for qualifications for licensure, posting of a bond, annual fees, recordkeeping, reporting, and disclosure requirements. The bill authorizes the Commission to investigate and examine applicants and licensees, to suspend and revoke licenses, and to impose a civil penalty of up to \$1,000 for violations of the earned wage access services provisions. The bill authorizes the Attorney General to investigate violations of its provisions and seek damages or other relief allowed by applicable law and specifies that any violation of its provisions constitutes a prohibited practice for purposes of the Virginia Consumer Protection Act. The bill provides that any person who engages in earned wage access services without having first obtained a license from the Commission is guilty of a Class 1 misdemeanor. The bill licensure requirements have a delayed effective date of January 1, 2025, and the bill requires any person required to be licensed by the Commission to engage in earned wage access services to submit an application for licensure no later than October 1, 2024. See also SB 1217.

**SB 1083 Shared solar programs; Phase I Utility; report.** Requires the State Corporation Commission to establish by regulation a shared solar program that allows customers of a Phase I Utility to purchase electric power through a subscription in a shared solar facility, defined in the bill as a facility that, among other criteria, generates electricity by means of a solar photovoltaic device with a nameplate capacity that does not exceed 5,000 kilowatts. The bill provides that a customer's net bill for participation in the shared solar program shall not exceed the minimum bill that the Commission is required to establish, provides considerations for the Commission in establishing such minimum bill, such as minimizing the costs shifted to nonparticipating customers, and provides that the calculation of a customer's minimum bill each month shall be based on the kilowatt hours billed by the utility rather than the subscriber's portion of shared solar utility generation. The bill provides that the Commission shall approve a shared solar program of 150 megawatts with a minimum requirement of 30 percent low-income customers and that an additional 50 megawatts shall be approved by the Commission upon determining that at least 45 megawatts of the aggregated shared solar capacity in the Commonwealth are subscribed to by low-income customers. The bill requires that any rule or utility implementation filings approved by the Commission shall allow all jurisdictional and nonjurisdictional customer classes to participate in the program, create a stakeholder work group to facilitate low-income customer and low-income service organization participation in the program, and encourage public-private partnerships to further the Commonwealth's clean energy and equity goals, among other requirements.

## Local Government

### **Passed**

**HB 1676/SB 1185 Annexation; extension of current moratorium.** Extends by eight years, from 2024 to 2032, the current moratorium on city annexations and county immunity actions. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2030–2032 biennium.

**SB 1455 Civil disturbance; local curfew; penalty.** Enables the chief law-enforcement officer of a locality to enact a curfew under certain circumstances during a civil disturbance. The bill clarifies that such action in cities shall be in concurrence with the city manager and the mayor. The bill requires that such action specify the hours of the curfew and the geographic area to which the curfew applies and provide for various specified exceptions. The action authorizing the curfew shall provide for reasonable efforts to inform the public in advance of the curfew, which shall be valid for no more than 24 hours. The bill provides that such curfew shall not be extended or renewed unless by recorded vote of the local governing body or by judicial order. The bill provides that any violation is a Class 1 misdemeanor.

### **Failed**

**SB 1312 Electric vehicle charging stations; requirement for certain developments.** Provides that any locality may by ordinance require electric vehicle charging stations as part of subdivision or site plan approval for a development containing commercial, industrial, or multifamily residential uses with a density of seven residential dwelling units per acre or greater.

## Social Services

### **Passed**

**HB 1744 Adoption and foster care; home study reciprocity.** Provides that home studies conducted by a local board of social services or licensed child-placing agency for the purpose of placing a child in a foster home or with an adoptive family shall, on and after January 1, 2024, be transferable between all localities, local boards, and licensed child-placing agencies within the Commonwealth at the request of the prospective foster parent or the prospective adoptive parent, subject to any time limitations or other requirements imposed by law or regulation. The bill requires all home studies to be conducted in accordance with the Mutual Family Assessment home study template and any addenda thereto developed by the Department of Social Services. The bill directs the State Board of Social Services to promulgate regulations that establish market rates for such home studies.

**HB 1969 Adult adoptee access to original birth certificate.** Grants adoptees 18 years of age or older access to their original birth certificate.

**HB 1976/SB 1299 Temporary detention; release of detained individual.** Permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person if an employee or a designee of the local community services board, in consultation with the person's treating physician, (i) conducts an evaluation of the person, (ii) determines that the person no longer meets the commitment criteria, (iii) authorizes the release of the person, and (iv) provides a discharge plan.

**HB 2169/SB 1361 Parole Board; eligibility determinations; reports.** Removes provisions that exempted from the mandatory disclosure provisions of the Virginia Freedom of Information Act the records of the Parole Board. The bill requires the Board to (i) adopt rules regarding parole eligibility as set forth in the bill; (ii) publish the statement of actions taken by the Board by the fifteenth day of each month; (iii) include in such statement individualized reasons for the granting or denial of parole and the vote of each member; (iv) conduct final deliberations and votes on parole decisions at public meetings; (v) publish an annual report that summarizes actions taken by the Board during the prior year; and (vi) provide a prisoner or his attorney with all information, other than the personal information of the victim, gathered by the Board during an investigation, provided that such information shall not be further disclosed, reproduced, copied, or disseminated.

The bill provides that final discharges may be issued by the Board only upon approval by a majority of Board members and requires the Board to publish an annual report regarding such final discharges, with items specified in the bill. The bill also requires the Board, prior to making any decision to grant discretionary parole to an inmate, to have discussed and debated such decision at a meeting at which a majority of the Board members were present. The bill requires, in cases in which the Board grants discretionary parole to an inmate, each Board member to identify his reasoning for such decision at the time such member's vote is cast. The bill requires that parole review hearings include a live interview of the prisoner, which may be conducted in person or by videoconference or telephone, and, absent imminent death or other extraordinary circumstances, prohibits the Board from granting parole to any prisoner who has not received a live interview within the prior calendar year. The bill also allows the victim of the crime for which the prisoner is incarcerated to present testimony to the Board by virtual means. The bill has a delayed effective date of July 1, 2024.

## Failed

**SB 923 Kinship as Foster Care Prevention Program.** Establishes the Kinship as Foster Care Prevention Program to promote and support placements of children with relatives by local boards of social services in order to avoid foster care. The bill provides that a child is eligible to participate in the Program if the local board determines that (i) the child is at imminent risk of being removed from his home and a preliminary protective order is insufficient to address the child's immediate safety concerns and (ii) the child's parent or guardian consents to the placement of the child with a relative pursuant to an agreement with the local board developed in accordance with the provisions of the bill.

**SB 1133 Cannabis control; retail market; transitional sales; regulated hemp products; penalties.** Establishes a framework for the creation of a retail marijuana market in the Commonwealth, which would be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing marijuana licenses on July 1, 2024, and allows, beginning July 1, 2023, certain pharmaceutical processors, pending establishment of the retail market, to cultivate, manufacture, and sell cannabis products to persons 21 years of age or older. The bill transitions from the Virginia Department of Agriculture and Consumer Services to the Authority the authority to regulate the testing, labeling, packaging, and advertising of regulated hemp products, as defined in the bill. The bill creates a process by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2022, who remain incarcerated or on community supervision on July 1, 2023, may receive an automatic hearing to consider modification of such person's sentence.

**SB 1219 Kinship foster care; barrier crimes; exception.** Allows local boards of social services and child-placing agencies to approve as a kinship foster parent an applicant who has been convicted of possessing a Schedule I or Schedule II controlled substance, provided that (i) the offense did not involve possession of heroin, fentanyl, or methylenedioxy-methamphetamine, (ii) five years have elapsed from the date of the conviction, and (iii) the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. Under current law, such applicants may be approved as a kinship foster parent if 10 years have elapsed from the date of conviction.

## Taxation

### Passed

**HB 1456/SB 1476 Income tax; pass-through entities.** Makes changes to the elective entity level tax on pass-through entities effective beginning with taxable year 2021. The bill would impose the tax only on the share of income, gain, loss, or deduction

attributable to eligible owners as opposed to imposing the tax on the entire entity. The bill defines "eligible owner" as an owner of a pass-through entity that is a natural person, estate, or trust. The bill also removes the requirement that to qualify for the tax election a pass-through entity must be 100 percent owned by natural persons or persons eligible to be shareholders in an S corporation.

**HB 1595/SB 882 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, 2021, to December 31, 2022. The bill enacts Chapters 6 and 18 of the Acts of Assembly of 2022, Special Session I. The bill contains an emergency clause.

**HB 2193/SB 1405 Income tax; rolling conformity; report.** Provides that Virginia shall generally conform to federal tax laws on a rolling basis, meaning that Virginia tax laws incorporate changes to federal income tax law as soon as Congress enacts them on or after January 1, 2023. However, the bill provides that Virginia shall not conform to (i) any changes in a single act of Congress with an impact of more than \$15 million on revenues in the year in which the amendment was enacted or any of the next four years and (ii) all amendments in a year with a cumulative projected impact of more than \$75 million in the year in which the amendments were enacted or any of the next four years. For any amendment enacted on or after January 1, 2024, the \$15 million per act impact threshold shall be adjusted annually by the change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous year.

**HB 2387 Firearm safety device tax credit.** Establishes a nonrefundable income tax credit for taxable years 2023 through 2027 for individuals who purchase one or more firearm safety devices, as defined in the bill, in an eligible transaction, as defined in the bill. An individual who properly claims this credit shall be allowed a credit in the amount of up to \$300 for the cost incurred in such purchase. The aggregate amount of credits allowable under the provisions of the bill shall not exceed \$5 million per taxable year.

## Failed

**HB 2316/SB 1408 Additional local sales and use tax to support schools; referendum.** Authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools, if such levy is approved in a voter referendum. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax. This bill is a recommendation of the Commission on School Construction and Modernization.



## Transportation/Motor Vehicles

### **Passed**

**HB 1469/SB 871 Motor vehicle dealers; franchise agreements; sale or lease of new motor vehicles.** Provides that the threat to withhold incentive payments or the right to participate in incentive programs is included in the existing prohibition on any vehicle manufacturer, factory branch, distributor, or distributor branch coercing or attempting to coerce a dealer into entering into an agreement. The bill prohibits vehicle manufacturers, factory branches, distributors, or distributor branches from taking certain listed actions related to direct contact with buyers or lessees or coercing or requiring a dealer to allow such actions in the franchise agreement. The bill prohibits and makes void any provisions of a franchise agreement or similar agreement authorizing a manufacturer, factory branch, distributor, or distributor branch to unilaterally amend the franchise agreement or similar agreement. The bill provides that the existing prohibition on a manufacturer, factory branch, distributor, or distributor owning, operating, or controlling a motor vehicle dealership includes any dealership of a new line-make established by a manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof or a company affiliated through ownership of the manufacturer, factory branch, distributor, or distributor branch of at least 25 percent of the equity of the company. The bill provides that the existing requirement that manufacturers, factory branches, distributors, or distributor branches provide the cost of initiation, update, change, or maintenance of each accessory or function of the vehicle that may be initiated, updated, changed, or maintained by the manufacturer or distributor through over-the-air or remote means shall be the cost at the time of the new motor vehicle sale.

**HB 1496/SB 1079 Commonwealth Mass Transit Fund.** Allocates 3.5 percent of the Commonwealth Mass Transit Fund (the Fund) to commuter rail systems jointly operated by the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission and excludes such commuter rail systems from receiving allocations pursuant to other distributions of the Fund. The bill requires such commuter rail systems to submit reports to the Commonwealth Transportation Board. The bill limits allocations by the Northern Virginia Transportation Commission (NVTC) for distribution to the Washington Metropolitan Area Transit Authority (WMATA) to 50 percent of the total operating and capital assistance required to be provided by NVTC or other Virginia entities in the approved WMATA budget and establishes reporting requirements for WMATA. The bill codifies requirements for WMATA to adopt and submit certain planning documents first required pursuant to the eighth enactment of Chapter 854 and the eighth enactment of Chapter 856 of the Acts of Assembly of 2018 and repeals the original requirements.

**HB 2302/SB 1106 Transportation Partnership Opportunity Fund.** Authorizes the Governor to direct funds from the Transportation Partnership Opportunity Fund (the Fund) to the Commonwealth Transportation Board (the Board) for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit.

When funds are directed to such transportation projects or programs from the Fund in excess of \$5 million, the bill requires the Secretary of Transportation to submit a report, the content of which is designated in the bill, to the Chairmen of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations within 30 days of such direction of funds. The bill further requires, for the direction of funds from the Fund in excess of \$35 million, that such direction be submitted for review, within 14 days, to the MEI Project Approval Commission. The bill provides that absent a recommendation within the 14-day period that the funds should not be directed, or in the event that the Commission does not provide a recommendation within the 14-day period, the funds shall be directed.

The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill clarifies that the authority granted related to the Fund cannot be used for otherwise prohibited eminent domain purposes.

**SB 951 Uninsured motorist fee; repeal.** Repeals the option to register an uninsured motor vehicle upon payment of the uninsured motor vehicle fee of \$500. The repeal has an effective date of July 1, 2024. The bill authorizes the Commissioner of the Department of Motor Vehicles to continue registering uninsured vehicles from July 1, 2023, to July 1, 2024, but provides that all such registrations shall expire prior to July 1, 2024.

### **Failed**

**HB 1437 Installation, maintenance, and operation of devices in highway right-of-way for law-enforcement purposes; regulation authority; civil penalty.** Provides that the authority of the Commonwealth Transportation Board to make regulations for the use of systems of state highways includes the use of devices in the right-of-way of such highways for law-enforcement purposes, defined in the bill as an active felony investigation, an effort to prevent a targeted act of violence, or an attempt to locate missing, endangered, or wanted persons. The bill provides that "law-enforcement purposes" does not include the enforcement of speed limits, traffic regulations, tolling requirements, or high-occupancy vehicle requirements. The bill authorizes the Department of State

Police or the chief law-enforcement officer of a locality to install, maintain, and operate devices for law-enforcement purposes on highways maintained by the Virginia Department of Transportation. The bill requires that all data collected by such devices be purged and not retained for more than 30 days after collection unless such data is being used in an active law-enforcement investigation.

**SB 1162 Commissioner of Highways; roadways operating under the Virginia Highway Corporation Act of 1988 to operate under the Public-Private Transportation Act of 1995.** Directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by the Public-Private Transportation Act of 1995 (PPTA). The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and if the Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of such roadway to operate under the authority and requirements provided by the PPTA. The bill has an expiration date of January 1, 2025.

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