

## **Governor's Amendments and Vetoes**

### **2022 Session of the General Assembly**

The Governor vetoed 26 bills and recommended amendments to 116 bills passed by the 2022 Session of the General Assembly. The Division of Legislative Services staff prepared the following summaries of the Governor's recommendations to assist General Assembly members during their deliberations at the Reconvened Session on April 27. Not summarized in this publication are two bills (HB 298 and SB 739) that were returned from the Governor with recommended amendments and acted upon by the members during the 2022 Regular Session.

## **Governor's Amendments**

### **House Bills**

**HB 4. School principals; incident reports.** The enrolled bill requires each public school principal to immediately report to the local law-enforcement agency any written threat made against school personnel while on a school bus, on school property, or at a school-sponsored activity but provides an exception to such requirement in the case of a written threat that is made by a student who has an individualized education plan. The Governor's amendments require each public school principal to immediately report to the local law-enforcement agency any threat, regardless of whether such threat is written, made against school personnel while on a school bus, on school property, or at a school-sponsored activity and clarify that the exception to such requirement applies to any student who has a disability. SB 36, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Ryan Brimmer | [rbrimmer@dls.virginia.gov](mailto:rbrimmer@dls.virginia.gov) | 698-1820

**HB 81. Board of Health; Statewide Telehealth Plan; Virginia Telehealth Network.** The enrolled bill requires the Board of Health to consult with the Virginia Telehealth Network in amending and maintaining the Statewide Telehealth Plan and to contract with the Virginia Telehealth Network, or another Virginia-based nongovernmental organization focused on telehealth if the Virginia Telehealth Network is no longer in existence, to (i) provide direct consultation to any advisory groups and groups tasked by the Board with implementation and data collection, (ii) track implementation of the Statewide Telehealth Plan, and (iii) facilitate changes to the Statewide Telehealth Plan as accepted medical practices and technologies evolve.

The Governor's amendment clarifies that the Virginia-based nongovernmental organization focused on telehealth with which the Board must contract if the Virginia Telehealth Network is no longer in existence must be a nonprofit entity. SB 436, which is identical as enrolled, has the same Governor's amendment.

**Contact:** Sarah Stanton | [sstanton@dls.virginia.gov](mailto:sstanton@dls.virginia.gov) | 698-1824

**HB 95. Adult protective services investigations; financial institutions; furnishing of records and information.** The enrolled bill requires financial institutions to cooperate in any investigation of alleged adult abuse, neglect, or exploitation conducted by a local department of

social services and to make any financial records or information relevant to such investigation available to the local department of social services upon request. The Governor's amendment adds a federal code reference relating to confidentiality of such financial records.

**Contact:** Marvi Ali | mali@dls.virginia.gov | 698-1816

**HB 125. Elections; political campaign advertisements; illegal negative ads; civil penalties.**

The enrolled bill creates a new penalty category for violations related to a political campaign advertisement that "expressly advocates the election or defeat of a clearly identified candidate." However, "advertisement" is defined by law as being messages that constitute a "contribution" or an "expenditure," meaning it is a message that expressly advocates for the election or defeat of a clearly identified candidate. As such, the penalty category created by the enrolled bill actually subsumes the current penalty categories. The Governor's Amendment in the Nature of a Substitute removes these subsumed penalty categories and related superfluous language.

**Contact:** Meg Lamb | mlamb@dls.virginia.gov | 698-1822

**HB 142. Transit Ridership Incentive Program.** The enrolled bill changes from a maximum of 25 percent to a minimum of 25 percent the percentage of Transit Ridership Incentive Program (TRIP) funds required to be used to support the establishment of programs to reduce the impact of fares on low-income individuals. The Governor's amendment sunsets on July 1, 2024, the provision that changes such percentage of TRIP funds.

**Contact:** Emma Buck | ebuck@dls.virginia.gov | 698-1818

**HB 158. Emergency Services and Disaster Law; limitation on duration of executive orders.**

The enrolled bill limits the duration of any executive order issued by the Governor pursuant to his powers under the Emergency Services and Disaster Law to no more than 45 days from the date of issuance and provides that the Governor shall thereafter be prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency unless the General Assembly takes action on the rule, regulation, or order. The Governor's Amendment in the Nature of a Substitute limits the initial duration of any such rule, regulation, or order to no more than 30 days from the date of issuance and provides that, after the initial 30-day period, the Governor may extend the duration of such rule, regulation, or order for up to two additional 30-day periods, during which the General Assembly may convene to consider and take action on the rule, regulation, or order. The Governor's Amendment in the Nature of a Substitute provides that if the Governor deems it to be in the best interest of the Commonwealth for the rule, regulation, or order to be in effect for more than 90 days, the General Assembly shall be convened to consider and take action on such extension and provides that unless the General Assembly takes action on the rule, regulation, or order during this period, the Governor shall thereafter be prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency without the approval of the General Assembly.

The Governor's Amendment in the Nature of a Substitute also specifies that such limitations shall not apply to the Commonwealth of Virginia Emergency Operations Plan, nor shall they limit the ability of agencies of the Commonwealth to utilize a sum sufficient or seek federal

reimbursement for emergency operations related to a previously declared emergency. SB 4, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**Contact:** Lily Jones | ljones@dls.virginia.gov | 698-1888

**HB 186. Nitrile Glove Manufacturing Training Program; established.** The enrolled bill provides that companies with facilities located in the Mount Rogers Planning District that manufacture nitrile gloves for personal protective equipment, or manufacture the inputs used to manufacture such gloves, shall be eligible for funding, with annual award caps, for recruiting and training services only if they enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority to meet specific performance targets for jobs and capital investment on or before January 1, 2027. The Governor's amendments require such companies to agree to meet the performance targets for jobs and capital investment on or before January 1, 2027, in the memorandum of understanding, subject to an extension of no more than two years as provided in the memorandum of understanding, and where such extension may also extend the annual award dates and caps in the enrolled bill. SB 595, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Stephen Kindermann | skindermann@dls.virginia.gov | 698-1880

**HB 192. Prescription of opioids; sunset.** The enrolled bill repeals sunset provisions for the requirement that a prescriber registered with the Prescription Monitoring Program request information about a patient from the Program upon initiating a new course of treatment that includes the prescribing of opioids anticipated, at the onset of treatment, to last more than seven consecutive days. The Governor's Amendment in the Nature of a Substitute extends such sunset provisions for five years.

**Contact:** Julia Carlton | jcarlton@dls.virginia.gov | 698-1823

**HB 210. Department of Military Affairs; recruitment.** The Governor's Amendment in the Nature of a Substitute is technical in nature and moves the provisions of the enrolled bill, which authorize the Department of Military Affairs to utilize a certain amount of grant funding to recruit qualified applicants for service in the Virginia National Guard, from Title 44 (Military and Emergency Laws) to Title 23.1 (Institutions of Higher Education; Other Educational and Cultural Institutions) in order to conform the enrolled bill to SB 256, which has already been signed into law by the Governor (2022 Acts, Chap. 691).

**Contact:** Ryan Brimmer | rbrimmer@dls.virginia.gov | 698-1820

**HB 215. School Health Services Committee; report.** The Governor's technical amendment adds standard language inadvertently omitted from the enrolled bill that provides for the election of a chairman and vice-chairman for the School Health Services Committee that is created in the enrolled bill. SB 62, which is identical as enrolled, has the same Governor's amendment.

**Contact:** Lily Jones | ljones@dls.virginia.gov | 698-1888

**HB 229. Department of Health; social determinants of health.** The Governor's amendment removes the requirement that the Department of Health publish on its website strategies for improving health and health risks related to demographics and social determinants of health.

**Contact:** Julia Carlton | jcarlton@dls.virginia.gov | 698-1823

**HB 258. Department of Criminal Justice Services; hotels; human trafficking training.** The Governor's amendments add a delayed effective date of January 1, 2023, to the enrolled bill and amend the enrolled bill as necessary to conform its provisions to the delayed effective date.

**Contact:** Charles Quagliato | cquagliato@dls.virginia.gov | 698-1813

**HB 259. Motor vehicle dealers and manufacturers; compensation for recall, warranty, and maintenance obligations.** The Governor's amendments are technical in nature, fixing a grammatical issue and reorganizing two subdivisions into one relevant subdivision in the enrolled bill. SB 216, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Emma Buck | ebuck@dls.virginia.gov | 698-1818

**HB 264. Public health emergency; out-of-state licenses; deemed licensure.** The Governor's amendments add an emergency clause. SB 369, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Sarah Stanton | sstanton@dls.virginia.gov | 698-1824

**HB 270. Virginia Employment Commission; administrative reforms; reporting requirements; electronic submissions; Unemployment Compensation Ombudsman established.** The Governor's amendments add an emergency clause. SB 219, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Marvi Ali | mali@dls.virginia.gov | 698-1816

**HB 277. Recovery residences.** The enrolled bill requires all certified recovery residences to comply with any minimum square footage requirements related to beds and sleeping rooms established by its credentialing entity, which shall be no less than the square footage requirements set forth in the Uniform Statewide Building Code. The Governor's amendments modify this language by requiring certified recovery residences to comply with the minimum square footage requirements established by the credentialing entity or the Uniform Statewide Building Code, whichever is greater. SB 622, which is identical as enrolled, has the same Governor's amendments.

**Contact:** David May | dmay@dls.virginia.gov | 698-1825

**HB 307. Virginia Freedom of Information Act; estimated charges.** The enrolled bill provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost incurred in accessing, duplicating, supplying, or searching for the requested records. The enrolled bill creates an exception for such charges by a public body related to requests for certain scholastic records and property records requested by the owner of the property that is the subject of such records. The

Governor's amendments remove the exception for property records requested by the owner of the property and specify that the scholastic records for which a public body shall not be authorized to make such charges are those that must be made available for inspection pursuant to the federal Family Educational Rights and Privacy Act and those that are requested by a parent or legal guardian of a minor student or by a student who is 18 years of age or older.

**Contact:** Rebecca Schultz | [rschultz@dls.virginia.gov](mailto:rschultz@dls.virginia.gov) | 698-1863

**HB 339. Charter; City of Falls Church, qualifications of members of boards and commissions.** The enrolled bill removes the requirement in the City of Falls Church charter that board and commission members be qualified voters and replaces it with an age requirement of at least 18 years of age. The Governor's amendments add a requirement that board and commission members be legally in the United States and add a reenactment clause. SB 182, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Jeff Sharp | [jsharp@dls.virginia.gov](mailto:jsharp@dls.virginia.gov) | 698-1864

**HB 384. Administration of government; rights of state and local employees; freedoms of conscience and expression.** The enrolled bill protects state and 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 unit of state or local government at a hearing of a public body during the time designated for public comment when such employees are speaking on their own behalf as members of the public. The Governor's Amendment in the Nature of a Substitute removes from the enrolled bill such protection related to a current or proposed regulation, rule, policy, position, or other action or purpose of a unit of state or local government and replaces it with such protection related to a current or proposed regulation, rule, policy, position, or other action or purpose of a local public body or school board.

**Contact:** Rebecca Schultz | [rschultz@dls.virginia.gov](mailto:rschultz@dls.virginia.gov) | 698-1863

**HB 385. Claims; Bobbie James Morman, Jr.; compensation for wrongful incarceration.** The enrolled bill provides relief in the amount of \$1,247,973 to Bobbie James Morman, Jr., who was wrongly convicted of attempted malicious wounding and firearm-related charges. The Governor's amendment is technical in nature, correcting the sum of the relief amount to \$1,247,972.

**Contact:** Stephen Kindermann | [skindermann@dls.virginia.gov](mailto:skindermann@dls.virginia.gov) | 698-1880

**HB 419. Institutions of higher education; education preparation programs; coursework; audit.** The Governor's amendments are technical in nature and change two instances of "licensure by the Department of Education" in the enrolled bill to "licensure by the Board of Education."

**Contact:** Ryan Brimmer | [rbrimmer@dls.virginia.gov](mailto:rbrimmer@dls.virginia.gov) | 698-1820

**HB 450. Parking of vehicles; electric vehicle charging spots; civil penalties.** The enrolled bill prohibits a person from parking a vehicle not capable of receiving an electric charge in a space clearly marked as reserved for charging electric vehicles and makes violations subject to a

maximum civil penalty of \$50. The Governor's amendments expand the prohibition on parking in such space reserved for charging electric vehicles to also apply to plug-in electric motor vehicles that are not in the process of charging and decrease the maximum civil penalty for a violation from \$50 to \$25. SB 278, which is identical as enrolled, was vetoed by the Governor.

**Contact:** Emma Buck | ebuck@dls.virginia.gov | 698-1818

**HB 517. Chief Resilience Officer.** The enrolled bill clarifies the designation and role of the Chief Resilience Officer by moving the position from under the responsibility of the Secretary of Public Safety and Homeland Security to the Secretary of Natural and Historic Resources and adding provisions related to the role of the Chief Resilience Officer in creating and overseeing the implementation of a Virginia Flood Protection Master Plan and a Virginia Coastal Resilience Master Plan. The Governor's amendments add clarification to the role and duties of the Chief Resilience Officer.

**Contact:** Jeff Sharp | jsharp@dls.virginia.gov | 698-1864

**HB 526. Victims of human trafficking; eligibility for in-state tuition.** The enrolled bill adds to the list of students who are eligible for in-state tuition a non-Virginia student who is currently present in the Commonwealth as a result of being a victim of human trafficking, defined in the enrolled bill. The Governor's amendments change current law that makes eligible for in-state tuition any child of an active duty service member or veteran who claims Virginia as his home state by lowering the number of years from 10 to two that such service member or veteran has filed Virginia tax returns during active duty service, regardless of domicile.

**Contact:** Julia Carlton | jcarlton@dls.virginia.gov | 698-1823

**HB 558. Natural gas, biogas, and other gas sources of energy; definitions; energy conservation and efficiency; Steps to Advance Virginia's Energy Plan; biogas supply infrastructure projects; work group.** The enrolled bill amends the definition of "cost-effective conservation and energy efficiency program" to add the Societal Cost Test as a measure used to determine whether a program designed to decrease energy consumption is cost-effective. The Governor's amendments remove the Societal Cost Test as a measure of cost-effectiveness for such programs and make technical corrections related to its removal. The enrolled bill provides that natural gas utilities be incentivized to meet or exceed certain conservation and energy efficiency goals. The Governor's amendments restore language providing that natural gas utilities be rewarded for meeting or exceeding certain conservation and energy efficiency goals. SB 565, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Marvi Ali | mali@dls.virginia.gov | 698-1816

**HB 585. Middle and high school end-of-course assessments; number and type.** The enrolled bill requires, except for those middle and high school students with significant cognitive disabilities who participate in an alternate assessment, each student in middle and high school to take only those end-of-course Standards of Learning assessments necessary to meet federal accountability requirements and Virginia high school graduation requirements. The enrolled bill requires, with such funds as may be appropriated for such purpose, and except in the case of

students who participate in an alternate assessment, the Standards of Learning assessments for Virginia Studies, Civics and Economics, Virginia and U.S. history, and biology to include items that require the student to apply knowledge and skills in preparing a response, including open-ended questions, long-form writing, and other tasks, with student responses scored by the Department of Education according to statewide scoring rubrics. The enrolled bill requires student performance on the Virginia and U.S. history and biology end-of-course assessments to account for 10 percent of the student's final grade in each such course. The enrolled bill also requires the Department of Education to convene and consult a work group to develop a plan for the implementation of such assessment items no later than the beginning of the 2027–2028 school year.

The Governor's Amendment in the Nature of a Substitute directs the Secretary of Education and the Superintendent of Public Instruction to convene and consult a work group to revise the Standards of Learning summative assessments of proficiency and to develop a plan for implementation of such revised assessments that shall consider best practices and innovations in summative assessments of proficiency, alternative approaches to current and new assessment items, assessment items that include open-ended questions, long-form writing, and other tasks, a plan for pilot implementation of such assessment items prior to the 2027–2028 school year, the development of a bank of vetted sample assessment items, recommended legislative and regulatory changes and funding necessary to implement approaches considered by the work group, and a proposed timeline for implementation. The Governor's Amendment in the Nature of a Substitute requires the Department of Education to submit its initial plan for implementation of revised Standards of Learning summative assessments developed by the work group to the General Assembly no later than November 1, 2023, with annual updates on implementation of such plan no later than November 1 each year thereafter through 2027.

**Contact:** Stephen Kindermann | skindermann@dls.virginia.gov | 698-1880

**HB 614. Requirement for appeals bond; indigent parties; appeal of unlawful detainer.** The enrolled bill removes the requirement for an indigent defendant, as defined in the enrolled bill, to post an appeal bond in an unlawful detainer action appealed from the general district court.

The Governor's amendments provide that, while an indigent defendant shall not be required to post an appeal bond, such defendant shall be required to make payments to the landlord on such judgment amount of the general district court for the back rent and any attorney fees and court costs in equal monthly installments over a period of six months or by the court date in circuit court, whichever is earlier. The Governor's amendments specify that the amount of such monthly installments shall be stated by the general district court judge or his clerk on the appeal form filed by the tenant. The Governor's amendments further provide that, if the tenant fails to make any such monthly installment prior to the fifth day of any given month, upon written motion of the plaintiff with a copy of such written motion mailed by regular mail to the tenant, the judge of the circuit court shall, without hearing, enter judgment for the outstanding amount and an order of possession. SB 474, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Britt Olwine | bolwine@dls.virginia.gov | 698-1815

**HB 644. Department of General Services; adjustment of boundary lines of surplus property.** The enrolled bill provides that the terms of a sale, lease, or sublease executed in the name of the Commonwealth by the Department of General Services conveying surplus property or excess space is subject to the written approval of the Governor. The Governor's amendment removes the requirement that the terms of such sale, lease, or sublease are subject to the written approval of the Governor.

**Contact:** Rebecca Schultz | [rschultz@dls.virginia.gov](mailto:rschultz@dls.virginia.gov) | 698-1863

**HB 657. Department of Energy; waste coal piles; report.** The enrolled bill directs the Department of Environmental Quality to convene a working group, to include a representative from the Department of Energy, to evaluate the opportunities for the development of public infrastructure projects at current or proposed sites for the storage of coal ash in the Commonwealth. The Governor's amendments direct the Department of Energy to convene such working group, to include a representative from the Department of Environmental Quality. SB 120, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Marvi Ali | [mali@dls.virginia.gov](mailto:mali@dls.virginia.gov) | 698-1816

**HB 663. Mandatory outpatient treatment.** The Governor's amendment is technical in nature, correcting the formatting of an amendment to the third enactment of Chapter 221 of the Acts of Assembly of 2021, Special Session I, that extends the delayed effective date of that act of assembly from July 1, 2022, to October 1, 2022.

**Contact:** Sarah Stanton | [sstanton@dls.virginia.gov](mailto:sstanton@dls.virginia.gov) | 698-1824

**HB 717. Unaccompanied homeless youths; services; consent.** The Governor's amendment adds a reenactment clause.

**Contact:** Sarah Stanton | [sstanton@dls.virginia.gov](mailto:sstanton@dls.virginia.gov) | 698-1824

**HB 745. Respiratory therapists; practice pending licensure.** The Governor's amendment adds an emergency clause.

**Contact:** Julia Carlton | [jcarlton@dls.virginia.gov](mailto:jcarlton@dls.virginia.gov) | 698-1823

**HB 746. Volunteer Fire Department Training Fund.** The enrolled bill creates a special nonreverting fund to be known as the Volunteer Fire Department Training Fund that shall be used solely for the purposes of assisting or reimbursing volunteer fire departments or volunteer fire companies with the costs of training and certifying volunteer firefighters. The enrolled bill also requires the Secretary of Public Safety and Homeland Security to establish a work group to study the accessibility and availability of training programs with a specific focus on providing training programs to volunteer fire departments, volunteer fire companies, and volunteer firefighters in a cost-efficient and effective manner. The Governor's amendments make a technical correction and replace the State Fire Marshal with the Chief of Training and Operations of the Department of Fire Programs as a member of the work group.

**Contact:** Rebecca Schultz | [rschultz@dls.virginia.gov](mailto:rschultz@dls.virginia.gov) | 698-1863



**HB 751. Mandated reporters of suspected abuse.** The enrolled bill adds practitioners of behavior analysis to the list of individuals required to report suspected adult or child abuse or neglect. The Governor's amendments clarify that a person who engages in the practice of behavior analysis, as defined in the Code, shall be subject to the reporting requirement.

**Contact:** Sarah Stanton | sstanton@dls.virginia.gov | 698-1824

**HB 763. Charitable gaming; social organizations and social quarters; electronic gaming.** The enrolled bill allows for, among other things, qualified organizations that are exempt from taxation pursuant to § 501(c)(7) of the Internal Revenue Code and that have been in existence for at least three years to apply to the Department of Agriculture and Consumer Services for status as a social organization, which would authorize such organizations to conduct electronic gaming so long as they do not exceed \$200,000 in adjusted gross receipts from the conduct of electronic gaming during a 12-month period. The Governor's Amendment in the Nature of a Substitute removes all provisions related to the authorization of such § 501(c)(7) organizations to conduct electronic gaming as an authorized social organization.

The enrolled bill requires all organizations authorized to conduct electronic gaming pursuant to the provisions of the enrolled bill to report their gross receipts from the conduct of electronic gaming until June 30, 2024, and to report their adjusted gross receipts from the conduct of electronic gaming beginning July 1, 2024. The Governor's Amendment in the Nature of a Substitute requires all such organizations to report their electronic gaming adjusted gross receipts beginning July 1, 2022.

Lastly, the Governor's Amendment in the Nature of a Substitute lowers the audit and administration fee established in current law and the enrolled bill that is paid to the Department by qualified organizations or electronic gaming manufacturers from 1.25 percent to 0.50 percent of gross receipts for charitable gaming activities and adjusted gross receipts for electronic gaming activities.

The Governor's Amendment in the Nature of a Substitute also makes technical corrections. SB 403, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**Contact:** Ashley Binns | abinns@dls.virginia.gov | 698-1812

**HB 766. Enforcement of illegal gaming laws; Illegal Gaming Enforcement Coordinator established.** The enrolled bill establishes the Office of the Illegal Gaming Enforcement Coordinator in the Department of State Police and charges such Coordinator with coordinating local, state, and federal enforcement of illegal gaming laws, defined as laws regulating gambling, charitable gaming, lottery games, sports betting, casino gaming, fantasy contests, and horse racing and pari-mutuel wagering, and with establishing a tip line for members of the public to report concerns about illegal gaming. The Governor's Amendment in the Nature of a Substitute renames the office as the Office of the Gaming Enforcement Coordinator and modifies related language in the enrolled bill to remove the term "illegal." SB 401, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**Contact:** Rebecca Schultz | rschultz@dls.virginia.gov | 698-1863

**HB 873. Public elementary and secondary schools; threat assessment team membership; law-enforcement liaison for certain school administrators.** The enrolled bill requires the chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a school resource officer to designate a law-enforcement officer to receive, either in-person or online, the school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with relevant law and requires such officer to serve as the law-enforcement liaison for the school administrator in such a school who has also received such training as prescribed by relevant law. The Governor's amendment clarifies that it is only in a public elementary or secondary school that does not employ a school resource officer that the designated law-enforcement officer is required to serve as the law-enforcement liaison to the trained school administrator.

**Contact:** Ryan Brimmer | rbrimmer@dls.virginia.gov | 698-1820

**HB 879. Board of Education; membership; qualifications.** The enrolled bill requires the nine-member Board of Education to include at least one member with experience or expertise in local government leadership or policymaking, at least one member with experience or expertise in career and technical education, and at least one member with experience or expertise in early childhood education. The Governor's Amendment in the Nature of a Substitute removes these requirements and instead directs the Governor to consider appointing persons with such qualifications to the Board of Education.

**Contact:** Julia Carlton | jcarlton@dls.virginia.gov | 698-1823

**HB 889. Nonpayment of wages; defense of contractor.** The enrolled bill provides that a general contractor or subcontractor, regardless of tier, may submit as evidence in defending against a claim for nonpayment a written certification, under oath, from any lower-tier subcontractor stating that (i) the subcontractor and each of his sub-subcontractors has paid all employees all wages due for the period during which the wages are claimed for the work performed on the project and (ii) to the subcontractor's knowledge, all sub-subcontractors below the subcontractor, regardless of tier, have similarly paid their employees all such wages. The Governor's amendments remove a prime contract between an owner and a general contractor from the types of construction contracts to which the provisions of the enrolled bill apply. SB 538, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Marvi Ali | mali@dls.virginia.gov | 698-1816

**HB 891. Noncitizens of the United States; terminology.** The enrolled bill 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. The Governor's amendments require the Virginia Code Commission to convene a work group to review the Code of Virginia for use of the term "alien" as it pertains to persons who are not citizens or nationals of the United States and provide a report to the Chairmen of the House Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022. The Governor's amendments also add a reenactment clause.

**Contact:** Charles Quagliato | [cquagliato@dls.virginia.gov](mailto:cquagliato@dls.virginia.gov) | 698-1813

**HB 900. Public health emergency; hospital or nursing home; addition of beds.** The enrolled bill creates an exemption from the requirement for a certificate of public need or a license for the temporary addition of beds located in a temporary structure or satellite location by a hospital or nursing home in cases in which the Board of Health or the Commissioner of Health has entered an emergency order. The Governor's amendments permit such exemption, provided that the ability remains to safely staff services across the existing hospital or nursing home. SB 130, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Julia Carlton | [jcarlton@dls.virginia.gov](mailto:jcarlton@dls.virginia.gov) | 698-1823

**HB 902. Removal of county courthouse; Augusta County; authorization by electorate.** The enrolled bill allows Augusta County to hold a referendum in 2022 on removal of the Augusta County courthouse from the City of Staunton to Augusta County if certain conditions are met. The Governor's Amendment in the Nature of a Substitute changes the date that such referendum can be held to the November general election in 2023. In addition, the Governor's Amendment in the Nature of a Substitute amends the enrolled bill's requirement that one set of construction and renovation plans be developed prior to the referendum to require two sets of such plans, developed separately by two duly licensed architects who would be selected by the judge designate in two specified court cases. The Governor's Amendment in the Nature of a Substitute also amends the ballot question set out in the enrolled bill to require the question to specify that, if relocated, the courthouse would be moved to Verona in Augusta County. The Governor's Amendment in the Nature of a Substitute adds a reenactment clause to the enrolled bill. SB 283, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**Contact:** Meg Lamb | [mlamb@dls.virginia.gov](mailto:mlamb@dls.virginia.gov) | 698-1822

**HB 911. Local credits for approved local volunteer activities.** The enrolled bill allows localities to offer credits against local taxes and fees, excluding any property taxes, for taxpayers who perform certain volunteer services. The Governor's Amendment in the Nature of a Substitute would remove the ability for localities to designate which volunteer services qualify for such credits, thereby making only the services specifically named in the Governor's Amendment in the Nature of a Substitute, such as volunteer firefighting services, qualify for such credits.

**Contact:** Joshua Kaplan | [jkaplan@dls.virginia.gov](mailto:jkaplan@dls.virginia.gov) | 698-1817

**HB 939. Commissioner of Health; administration and dispensing of necessary drugs, devices, and vaccines during public health emergency; emergency.** The Governor's amendment makes consistent throughout the enrolled bill language regarding the types of drugs and devices a person not otherwise authorized to administer drugs and devices may be authorized to administer in cases in which the Board of Health has made an emergency order for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health. SB 647, which is identical as enrolled, has the same Governor's amendment.

**Contact:** Sarah Stanton | sstanton@dls.virginia.gov | 698-1824

**HB 987. Medicaid; program information; accessibility.** The Governor's amendments are technical and further align the language of the enrolled bill with federal law.

**Contact:** Julia Carlton | jcarlton@dls.virginia.gov | 698-1823

**HB 1026. Superintendent of Public Instruction; establishment of the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council.** The Governor's Amendment in the Nature of a Substitute removes the requirement that the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council established by the enrolled bill address digital citizenship and media literacy and renames the Council as the Internet Safety Advisory Council.

**Contact:** Julia Carlton | jcarlton@dls.virginia.gov | 698-1823

**HB 1063. Public accommodations, employment, and housing; prohibited discrimination on the basis of religion; includes outward religious expression.** The enrolled bill clarifies that "religion" as it relates to freedom of expression includes any outward expression of religious faith in contexts where discrimination on the basis of religion is prohibited. The Governor's Amendment in the Nature of a Substitute defines "religion" as "all aspects of religious observance, practice, or belief."

**Contact:** Rebecca Schultz | rschultz@dls.virginia.gov | 698-1863

**HB 1066. Notice of probate; exception to notice.** The enrolled bill removes the exception to the notice of probate under current law that allows such notice to not be given when assets passing under a will or in intestacy do not exceed \$5,000. The Governor's amendments are technical in nature and relocate the statement to be provided in the notice of probate regarding an exemption under Virginia law to the appropriate location in such notice.

**Contact:** Kristen Walsh | kwalsh@dls.virginia.gov | 698-1814

**HB 1136. Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes; established; report.** The enrolled bill establishes the Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes in the legislative branch of state government for the purpose of performing a comprehensive review of Virginia law to assess ways in which it must be revised to include federally recognized Tribal Nations located in the Commonwealth as distinct governments with the right to exercise general sovereignty and powers of government. The Governor's amendments remove references to sovereignty and self-governance in relation to federally recognized Tribal Nations in the Commonwealth.

**Contact:** Lily Jones | ljones@dls.virginia.gov | 698-1888

**HB 1138. Loudoun County School Board; staggering of member terms; lot drawing; timeframe.** The Governor's Amendment in the Nature of a Substitute preserves the timeline established in the enrolled bill for the lot drawing to determine the staggering of terms of the members of the Loudoun County School Board at the November 2023 general election, shortens the terms of the existing members of such school board by one year, and requires a special

election to be conducted in Loudoun County on November 8, 2022, to elect members from each of the nine districts for terms of one year.

**Contact:** Ryan Brimmer | rbrimmer@dls.virginia.gov | 698-1820

**HB 1188. Board of Education; Student Advisory Board established.** The Governor's amendment provides that the Student Advisory Board established by the enrolled bill for the purpose of providing student perspectives on matters before the Board of Education may meet virtually, notwithstanding any other provision of law.

**Contact:** Julia Carlton | jcarlton@dls.virginia.gov | 698-1823

**HB 1199. Tobacco products tax; remote retail sales.** The enrolled bill provides that each distributor or remote retail seller must procure itemized invoices of all tobacco products purchased, and the distributor must preserve a legible copy of each invoice for three years after the date of purchase. If the distributor or remote retail seller cannot produce the required invoice information and the excise tax is being remitted using the actual cost list method to calculate the excise tax, the distributor or remote retail seller must provide the remote retail seller's certified actual cost list to the Department of Taxation for each individual stock keeping unit (SKU) to be offered for remote retail sale in the subsequent calendar year.

The Governor's amendments require the remote retail seller in addition to the distributor to preserve a legible copy of each invoice of tobacco products for three years after the date of purchase and require only a remote retail seller, not a distributor, that cannot produce the required invoice information, when the excise tax is being remitted using the actual cost list method to calculate the excise tax, to provide the remote retail seller's certified actual cost list to the Department for each SKU to be offered for remote retail sale in the subsequent calendar year. SB 748, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Stephen Kindermann | skindermann@dls.virginia.gov | 698-1880

**HB 1272. Public elementary and secondary schools and public school-based early childhood care and education programs; student instruction; masks.** The Governor's amendment provides that nothing in the enrolled bill shall be construed to affect the Governor's emergency authority with regard to a communicable disease of public health threat as defined in relevant law and conforms § 22.1-2.1 of the Code of Virginia, as created by the enrolled bill, to § 22.1-2.1 of the Code of Virginia as it is codified pursuant to Chapter 2 of the Acts of Assembly of 2022.

**Contact:** Ryan Brimmer | rbrimmer@dls.virginia.gov | 698-1820

**HB 1287. Virginia Public Procurement Act; preference for plastic recycled materials.** The enrolled bill requires the Department of General Services (DGS), in determining the award of any contract for plastic materials to be purchased for use by agencies of the Commonwealth, to procure such materials using competitive sealed bidding and give preference to bidders that supply materials containing plastic recycled content, as long as such materials are cost competitive with materials that do not contain plastic recycled content. The enrolled bill directs DGS to promulgate regulations to (i) define "cost competitive" for purposes of the

implementation of the enrolled bill and (ii) establish a system that requires an incremental increase in the minimum percentage of plastic recycled content required to be included in materials in order for a bidder to be given preference in the procurement process. The Governor's Amendment in the Nature of a Substitute directs DGS to amend its regulations to direct state agencies to require bidders to identify whether their plastic materials contain recycled content and, if so, specify such amount. Such information shall be used to determine an award for procured goods pursuant to a current statutory preference given to a bidder for the greatest amount of recycled content when other contract requirements are even.

**Contact:** Rebecca Schultz | [rschultz@dls.virginia.gov](mailto:rschultz@dls.virginia.gov) | 698-1863

**HB 1309. Resilient Virginia Revolving Fund.** The enrolled bill establishes the Resilient Virginia Revolving Fund to be administered by the Virginia Resources Authority, with direction from the Virginia Soil and Water Conservation Board as to the distribution of grants and loans from the Fund. The Governor's Amendment in the Nature of a Substitute moves the oversight of the Fund from the Virginia Soil and Water Conservation Board to the Department of Conservation and Recreation and makes technical amendments. SB 756, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**Contact:** Lisa Wallmeyer | [llwallmeyer@dls.virginia.gov](mailto:llwallmeyer@dls.virginia.gov) | 698-1867

**HB 1320. Discretionary sentencing guidelines; midpoint for violent felony offenses.** The enrolled bill clarifies the Virginia Criminal Sentencing Commission's authority to recommend revisions to the discretionary sentencing guidelines based on historical sentencing data. The Governor's amendment delays the effective date of the enrolled bill to July 1, 2023, and requires the Commission to submit a report to the General Assembly, the Governor, and the Chief Justice of the Supreme Court of Virginia by October 1, 2022, documenting the impact on sentencing guideline midpoints for each offense if the Commission were to recommend changes to the midpoints based on an analysis of historical sentencing data. SB 423, which is identical as enrolled, has the same Governor's amendment.

**Contact:** Charles Quagliato | [cquagliato@dls.virginia.gov](mailto:cquagliato@dls.virginia.gov) | 698-1813

**HB 1323. Pharmacists and pharmacy technicians; initiation of treatment with and dispensing and administration of vaccines.** The Governor's Amendment in the Nature of a Substitute adds controlled substances or devices for the initiation of treatment of group A streptococcus bacteria infection, influenza virus infection, and urinary tract infection for which clinical decision making can be guided by a clinical test that is classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 to the list of drugs and devices a pharmacist may dispense or administer to persons 18 years of age or older. The Governor's Amendment in the Nature of a Substitute also provides that a pharmacist may dispense or administer a drug, device, controlled paraphernalia, or other supply or equipment that he may dispense or administer to a person 18 years of age or older to a person under 18 years of age who is authorized to consent to medical treatment and with whom the pharmacist has a bona fide pharmacist-patient relationship. SB 672, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**Contact:** Sarah Stanton | [sstanton@dls.virginia.gov](mailto:sstanton@dls.virginia.gov) | 698-1824

**HB 1359. Health care; consent to services and disclosure of records.** The enrolled bill provides requirements with regard to authorization for the disclosure of health records. The Governor's Amendment in the Nature of a Substitute replaces the term "release" throughout the enrolled bill with the term "disclosure" in the context of disclosing health records. In addition, the Governor's Amendment in the Nature of a Substitute requires that a statement in an authorization to disclose health records must explicitly state that the authorization is for the disclosure of all health records. The bill as enrolled provides that there is an assumption that the authorization is for the release of all health records unless expressly limited in the authorization.

**Contact:** Julia Carlton | [jcarlton@dls.virginia.gov](mailto:jcarlton@dls.virginia.gov) | 698-1823

## Senate Bills

### **SB 4. Emergency Services and Disaster Law; limitation on duration of executive orders.**

The enrolled bill limits the duration of any executive order issued by the Governor pursuant to his powers under the Emergency Services and Disaster Law to no more than 45 days from the date of issuance and provides that the Governor shall thereafter be prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency unless the General Assembly takes action on the rule, regulation, or order. The Governor's Amendment in the Nature of a Substitute limits the initial duration of any such rule, regulation, or order to no more than 30 days from the date of issuance and provides that, after the initial 30-day period, the Governor may extend the duration of such rule, regulation, or order for up to two additional 30-day periods, during which the General Assembly may convene to consider and take action on the rule, regulation, or order. The Governor's Amendment in the Nature of a Substitute provides that if the Governor deems it to be in the best interest of the Commonwealth for the rule, regulation, or order to be in effect for more than 90 days, the General Assembly shall be convened to consider and take action on such extension and provides that unless the General Assembly takes action on the rule, regulation, or order during this period, the Governor shall thereafter be prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency without the approval of the General Assembly.

The Governor's Amendment in the Nature of a Substitute also specifies that such limitations shall not apply to the Commonwealth of Virginia Emergency Operations Plan, nor shall they limit the ability of agencies of the Commonwealth to utilize a sum sufficient or seek federal reimbursement for emergency operations related to a previously declared emergency. HB 158, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**Contact:** Lily Jones | [ljones@dls.virginia.gov](mailto:ljones@dls.virginia.gov) | 698-1888

**SB 9. Eminent domain; payment of judgment; attorney fees.** The enrolled bill provides for attorney fees to be awarded in eminent domain cases in which there is a judgment for a property owner if such judgment is not paid within the time required by law. The Governor's amendment provides that the provisions of the enrolled bill and its remedies shall apply to any condemnation action whether such action arises under Title 25.1 (Eminent Domain), the title amended by the enrolled bill, or under Title 33.2 (Highways and Other Surface Transportation Systems).

**Contact:** Britt Olwine | [bolwine@dls.virginia.gov](mailto:bolwine@dls.virginia.gov) | 698-1815

**SB 14. Board of Pharmacy; prescription drug donation program; work group.** The enrolled bill directs the Board of Pharmacy to convene a work group of interested stakeholders to evaluate any challenges and barriers to participation in the prescription drug donation program and ways to increase program participation, education, and outreach. The Governor's amendment requires the work group to report its findings 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, 2022.

**Contact:** Sarah Stanton | [sstanton@dls.virginia.gov](mailto:sstanton@dls.virginia.gov) | 698-1824



**SB 17. Employment of retired law-enforcement officers; exemption from certain training requirements.** The Governor's amendment is technical in nature, removing a cross reference to a subdivision that is not in the enrolled bill.

**Contact:** Joshua Kaplan | jkaplan@dls.virginia.gov | 698-1817

**SB 24. Eviction Diversion Pilot Program; expiration; report.** The Governor's amendment adds a reenactment clause.

**Contact:** Ashley Binns | abinns@dls.virginia.gov | 698-1812

**SB 31. Virginia Land Conservation Foundation and Fund.** The enrolled bill allows the Virginia Land Conservation Fund to be used to acquire conservation and preservation rights to land to be held by the Virginia Land Conservation Foundation, public bodies, or state-recognized or federally recognized Virginia Indian Tribes and requires that if such an interest is transferred by the Foundation and the holder is not accredited by the national Land Trust Accreditation Commission or similar standards adopted by the Board of Conservation and Recreation, the interest shall be held jointly with a public body. The Governor's amendment requires that such interest be held jointly with a public body, regardless of the holder's accreditation status.

**Contact:** Lisa Wallmeyer | lwallmeyer@dls.virginia.gov | 698-1867

**SB 36. School principals; incident reports.** The enrolled bill requires each public school principal to immediately report to the local law-enforcement agency any written threat made against school personnel while on a school bus, on school property, or at a school-sponsored activity but provides an exception to such requirement in the case of a written threat that is made by a student who has an individualized education plan. The Governor's amendments require each public school principal to immediately report to the local law-enforcement agency any threat, regardless of whether such threat is written, made against school personnel while on a school bus, on school property, or at a school-sponsored activity and clarify that the exception to such requirement applies to any student who has a disability. HB 4, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Ryan Brimmer | rbrimmer@dls.virginia.gov | 698-1820

**SB 40. Assisted living facilities; involuntary discharge.** The enrolled bill requires that regulations of the Board of Social Services regarding involuntary discharges of residents from assisted living facilities provide certain safeguards for residents. The Governor's amendments (i) direct the Board to adopt regulations that allow assisted living facilities to involuntarily discharge a resident when the resident develops certain conditions or care needs enumerated in current law and (ii) removes a resident's ability to remain in an assisted living facility during an appeal of an involuntary discharge when such discharge was made due to the resident's development of the same conditions or care needs enumerated in current law or in Board regulations.

**Contact:** David May | dmay@dls.virginia.gov | 698-1825

**SB 46. Certain emergency and quarantine orders; additional procedural requirements.** The enrolled bill provides that, in any case in which the Governor has issued an emergency order that includes any measure that closes schools or businesses or restricts the movement of healthy persons within the area to which the order applies, all of the rights, protections, and procedures applicable in the case of an order of quarantine issued by the State Health Commissioner shall apply. The Governor's amendments specify that the provisions of the enrolled bill apply only to orders declaring a state of emergency relating to a communicable disease of public health threat that are in effect for more than seven days and provide that in the case of an order with statewide applicability, venue for the petition for confirmation and appeals shall lie in the Circuit Court for the City of Richmond.

**Contact:** Lily Jones | [ljones@dls.virginia.gov](mailto:ljones@dls.virginia.gov) | 698-1888

**SB 62. School Health Services Committee; report.** The Governor's technical amendment adds standard language inadvertently omitted from the enrolled bill that provides for the election of a chairman and vice-chairman for the School Health Services Committee that is created in the enrolled bill. HB 215, which is identical as enrolled, has the same Governor's amendment.

**Contact:** Lily Jones | [ljones@dls.virginia.gov](mailto:ljones@dls.virginia.gov) | 698-1888

**SB 78. Board of Education; driver education programs; parent/student driver education.** The enrolled bill requires the Board of Education to include an additional minimum 90-minute parent/student driver education component as part of the classroom portion of its driver education program for all public school divisions and provides that participation in such component shall be encouraged but not required. Under current law, participation in such parent/student driver education component is required in Planning District 8 (Northern Virginia) and optional in all other school divisions. The Governor's amendment restores the requirement that participation in such parent/student driver education component is required in Planning District 8.

**Contact:** Ryan Brimmer | [rbrimmer@dls.virginia.gov](mailto:rbrimmer@dls.virginia.gov) | 698-1820

**SB 100. Department of Behavioral Health and Developmental Services licensed programs; cardiopulmonary resuscitation for program participants.** The Governor's amendments clarify that an employee of a program licensed by the Department of Behavioral Health and Developmental Services may comply with a program participant's Durable Do Not Resuscitate Order or any valid written order not to resuscitate entered in accordance with applicable statutory provisions.

**Contact:** Sarah Stanton | [sstanton@dls.virginia.gov](mailto:sstanton@dls.virginia.gov) | 698-1824

**SB 108. Correctional facilities; use of restorative housing; report.** The enrolled bill directs the Department of Corrections to convene a work group to study the use of restorative housing within state correctional facilities and juvenile correctional facilities and directs the Department to facilitate interviews between work group members and at least 25 persons currently incarcerated in a state correctional facility who are currently or who have within the past 12

months been placed in restorative housing. The Governor's amendment clarifies that any currently incarcerated person can be interviewed only if he is not the subject of or involved in pending litigation with the Department.

**Contact:** Sabrina Miller-Bryson | [smiller-bryson@dls.virginia.gov](mailto:smiller-bryson@dls.virginia.gov) | 698-1876

**SB 120. Department of Energy; waste coal piles; report.** The enrolled bill directs the Department of Environmental Quality to convene a working group, to include a representative from the Department of Energy, to evaluate the opportunities for the development of public infrastructure projects at current or proposed sites for the storage of coal ash in the Commonwealth. The Governor's amendments direct the Department of Energy to convene such working group, to include a representative from the Department of Environmental Quality. HB 657, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Marvi Ali | [mali@dls.virginia.gov](mailto:mali@dls.virginia.gov) | 698-1816

**SB 130. Public health emergency; hospital or nursing home; addition of beds.** The enrolled bill creates an exemption from the requirement for a certificate of public need or a license for the temporary addition of beds located in a temporary structure or satellite location by a hospital or nursing home in cases in which the Board of Health or the Commissioner of Health has entered an emergency order. The Governor's amendments permit such exemption, provided that the ability remains to safely staff services across the existing hospital or nursing home. HB 900, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Julia Carlton | [jcarlton@dls.virginia.gov](mailto:jcarlton@dls.virginia.gov) | 698-1823

**SB 142. Delinquent tax lands; disposition.** The enrolled bill allows a locality to have a special commissioner appointed to convey certain real estate having delinquent taxes or liens directly to the locality's land bank entity. The Governor's amendment would, for parcels containing a derelict building, raise the amount of taxes and liens that must be owed in order to be eligible for such conveyance from 10 percent to 25 percent.

**Contact:** Joshua Kaplan | [jkaplan@dls.virginia.gov](mailto:jkaplan@dls.virginia.gov) | 698-1817

**SB 143. Court of Appeals of Virginia.** The Governor's amendments add an emergency clause.

**Contact:** Britt Olwine | [bolwine@dls.virginia.gov](mailto:bolwine@dls.virginia.gov) | 698-1815

**SB 163. Surrogacy contracts; provisions requiring or prohibiting abortions or selective reductions unenforceable.** The enrolled bill provides that any provision of a surrogacy contract requiring or prohibiting an abortion or selective reduction is against the public policy of the Commonwealth and is void and unenforceable. The Governor's amendment provides that only provisions *requiring* an abortion or selective reduction are void and unenforceable.

**Contact:** Britt Olwine | [bolwine@dls.virginia.gov](mailto:bolwine@dls.virginia.gov) | 698-1815

**SB 182. Charter, City of Falls Church; qualifications of members of boards and commissions.** The enrolled bill removes the requirement in the City of Falls Church charter that board and commission members be qualified voters and replaces it with an age requirement of at

least 18 years of age. The Governor's amendments add a requirement that board and commission members be legally in the United States and add a reenactment clause. HB 339, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Jeff Sharp | jsharp@dls.virginia.gov | 698-1864

**SB 192. Local health director; qualifications.** The enrolled bill amends the qualification requirements for local health directors to provide that a person may be a local health director if he possess a master's or doctoral degree in the area of public health and has at least three years of professional experience in a full-time position in either a public health agency or public health–related position or is otherwise qualified for the position as determined by the Commissioner of Health. Currently, only a person who is a physician licensed to practice medicine in the Commonwealth may be a local health director. The Governor's amendments strike proposed language specifying that a person may be a local health director if he possesses a master's or doctoral degree in the area of public health and has at least three years of professional experience in a full-time position in either a public health agency or public health–related position. The Governor's amendments leave proposed language allowing any person determined to be qualified for the position by the Commissioner of Health to serve as a local health director.

**Contact:** Sarah Stanton | sstanton@dls.virginia.gov | 698-1824

**SB 199. Public auction of personal property to satisfy lien; advertisement requirement; alternative contact.** The Governor's amendments make it permissible, rather than a requirement, for a rental agreement for an individual storage space in a self-service storage facility to provide the occupant with the option to designate an alternative contact to receive any notices required by law and add a reenactment clause.

**Contact:** Ashley Binns | abinns@dls.virginia.gov | 698-1812

**SB 216. Motor vehicle dealers and manufacturers, compensation for recall, warranty, and maintenance obligations.** The Governor's amendments are technical in nature, fixing a grammatical issue and reorganizing two subdivisions into one relevant subdivision in the enrolled bill. HB 259, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Emma Buck | ebuck@dls.virginia.gov | 698-1818

**SB 219. Virginia Employment Commission; administrative reforms; reporting requirements; electronic submissions; Unemployment Compensation Ombudsman established.** The Governor's amendments add an emergency clause. HB 270, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Marvi Ali | mali@dls.virginia.gov | 698-1816

**SB 241. Renal Disease Council; report.** The Governor's Amendment in the Nature of a Substitute makes technical corrections.

**Contact:** Sarah Stanton | sstanton@dls.virginia.gov | 698-1824

**SB 281. Transit buses.** The Governor's amendments are technical in nature and change a defined term from "bus" to "transit bus" and update the term throughout the enrolled bill accordingly.

**Contact:** Emma Buck | ebuck@dls.virginia.gov | 698-1818

**SB 283. Removal of county courthouse; Augusta County; authorization by electorate.** The enrolled bill allows Augusta County to hold a referendum in 2022 on removal of the Augusta County courthouse from the City of Staunton to Augusta County if certain conditions are met. The Governor's Amendment in the Nature of a Substitute changes the date that such referendum can be held to the November general election in 2023. In addition, the Governor's Amendment in the Nature of a Substitute amends the enrolled bill's requirement that one set of construction and renovation plans be developed prior to the referendum to require two sets of such plans, developed separately by two duly licensed architects who would be selected by the judge designate in two specified court cases. The Governor's Amendment in the Nature of a Substitute also amends the ballot question set out in the enrolled bill to require the question to specify that, if relocated, the courthouse would be moved to Verona in Augusta County. The Governor's Amendment in the Nature of a Substitute adds a reenactment clause to the enrolled bill. HB 902, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**Contact:** Meg Lamb | mlamb@dls.virginia.gov | 698-1822

**SB 342. Transit Ridership Incentive Program.** The enrolled bill changes from a maximum of 25 percent to a minimum of 25 percent the percentage of Transit Ridership Incentive Program (TRIP) funds required to be used to support the establishment of programs to reduce the impact of fares on low-income individuals. The Governor's amendments sunset on July 1, 2024, the provision that changes such percentage of TRIP funds and include technical amendments.

**Contact:** Emma Buck | ebuck@dls.virginia.gov | 698-1818

**SB 345. Department of Motor Vehicles documents; blood type.** The Governor's amendment removes the delayed effective date and adds a reenactment clause.

**Contact:** Emma Buck | ebuck@dls.virginia.gov | 698-1818

**SB 369. Public health emergency; out-of-state licenses; deemed licensure.** The Governor's amendments add an emergency clause. HB 264, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Sarah Stanton | sstanton@dls.virginia.gov | 698-1824

**SB 401. Enforcement of illegal gaming laws; Illegal Gaming Enforcement Coordinator established.** The enrolled bill establishes the Office of the Illegal Gaming Enforcement Coordinator in the Department of State Police and charges such Coordinator with coordinating local, state, and federal enforcement of illegal gaming laws, defined as laws regulating gambling, charitable gaming, lottery games, sports betting, casino gaming, fantasy contests, and horse racing and pari-mutuel wagering, and with establishing a tip line for members of the public to report concerns about illegal gaming. The Governor's Amendment in the Nature of a Substitute

renames the office as the Office of the Gaming Enforcement Coordinator and modifies related language in the enrolled bill to remove the term "illegal." HB 766, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**Contact:** Rebecca Schultz | [rschultz@dls.virginia.gov](mailto:rschultz@dls.virginia.gov) | 698-1863

**SB 403. Charitable gaming; social organizations and social quarters; electronic gaming.**

The enrolled bill allows for, among other things, qualified organizations that are exempt from taxation pursuant to § 501(c)(7) of the Internal Revenue Code and that have been in existence for at least three years to apply to the Department of Agriculture and Consumer Services for status as a social organization, which would authorize such organizations to conduct electronic gaming so long as they do not exceed \$200,000 in adjusted gross receipts from the conduct of electronic gaming during a 12-month period. The Governor's Amendment in the Nature of a Substitute removes all provisions related to the authorization of such § 501(c)(7) organizations to conduct electronic gaming as an authorized social organization.

The enrolled bill requires all organizations authorized to conduct electronic gaming pursuant to the provisions of the enrolled bill to report their gross receipts from the conduct of electronic gaming until June 30, 2024, and to report their adjusted gross receipts from the conduct of electronic gaming beginning July 1, 2024. The Governor's Amendment in the Nature of a Substitute requires all such organizations to report their electronic gaming adjusted gross receipts beginning July 1, 2022.

Lastly, the Governor's Amendment in the Nature of a Substitute lowers the audit and administration fee established in current law and the enrolled bill that is paid to the Department by qualified organizations or electronic gaming manufacturers from 1.25 percent to 0.50 percent of gross receipts for charitable gaming activities and adjusted gross receipts for electronic gaming activities.

The Governor's Amendment in the Nature of a Substitute also makes technical corrections. HB 763, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**Contact:** Ashley Binns | [abinns@dls.virginia.gov](mailto:abinns@dls.virginia.gov) | 698-1812

**SB 416. Virginia Public Procurement Act; purchase of personal protective equipment.** The enrolled bill requires a state agency, whenever purchasing personal protective equipment (PPE) for public use, to ensure such PPE complies with all applicable federal and international certifications and directs the Secretary of Commerce and Trade to establish a work group to make recommendations to the General Assembly regarding products other than PPE that may be necessary if a state of emergency is declared in Virginia and to report the recommendations of the work group by September 1, 2022. The first Governor's amendment delays that reporting date to September 1, 2023.

The second Governor's amendment delays from July 1, 2022, to July 1, 2023, the effective date of the state agency PPE purchase requirements and directs the Department of General Services to study the feasibility of implementing and administering the provisions of the enrolled bill when

state agencies purchase PPE and to report its findings, conclusions, and recommendations by December 1, 2022.

**Contact:** Stephen Kindermann | skindermann@dls.virginia.gov | 698-1880

**SB 423. Discretionary sentencing guidelines; midpoint for violent felony offenses.** The enrolled bill clarifies the Virginia Criminal Sentencing Commission's authority to recommend revisions to the discretionary sentencing guidelines based on historical sentencing data. The Governor's amendment delays the effective date of the enrolled bill to July 1, 2023, and requires the Commission to submit a report to the General Assembly, the Governor, and the Chief Justice of the Supreme Court of Virginia by October 1, 2022, documenting the impact on sentencing guideline midpoints for each offense if the Commission were to recommend changes to the midpoints based on an analysis of historical sentencing data. HB 1320, which is identical as enrolled, has the same Governor's amendment.

**Contact:** Charles Quagliato | cquagliato@dls.virginia.gov | 698-1813

**SB 436. Board of Health; Statewide Telehealth Plan; Virginia Telehealth Network.** The enrolled bill requires the Board of Health to consult with the Virginia Telehealth Network in amending and maintaining the Statewide Telehealth Plan and to contract with the Virginia Telehealth Network, or another Virginia-based nongovernmental organization focused on telehealth if the Virginia Telehealth Network is no longer in existence, to (i) provide direct consultation to any advisory groups and groups tasked by the Board with implementation and data collection, (ii) track implementation of the Statewide Telehealth Plan, and (iii) facilitate changes to the Statewide Telehealth Plan as accepted medical practices and technologies evolve.

The Governor's amendment clarifies that the Virginia-based nongovernmental organization focused on telehealth with which the Board must contract if the Virginia Telehealth Network is no longer in existence must be a nonprofit entity. HB 81, which is identical as enrolled, has the same Governor's amendment.

**Contact:** Sarah Stanton | sstanton@dls.virginia.gov | 698-1824

**SB 474. Requirement for appeals bond; indigent parties; appeal of unlawful detainer.** The enrolled bill removes the requirement for an indigent defendant, as defined in the enrolled bill, to post an appeal bond in an unlawful detainer action appealed from the general district court.

The Governor's amendments provide that, while an indigent defendant shall not be required to post an appeal bond, such defendant shall be required to make payments to the landlord on such judgment amount of the general district court for the back rent and any attorney fees and court costs in equal monthly installments over a period of six months or by the court date in circuit court, whichever is earlier. The Governor's amendments specify that the amount of such monthly installments shall be stated by the general district court judge or his clerk on the appeal form filed by the tenant. The Governor's amendments further provide that, if the tenant fails to make any such monthly installment prior to the fifth day of any given month, upon written motion of the plaintiff with a copy of such written motion mailed by regular mail to the tenant, the judge of

the circuit court shall, without hearing, enter judgment for the outstanding amount and an order of possession. HB 614, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Britt Olwine | bolwine@dls.virginia.gov | 698-1815

**SB 508. Virginia Soil and Water Conservation Board; Virginia Community Flood Preparedness Fund.** The enrolled bill changes the membership of the Virginia Soil and Water Conservation Board (the Board) and moves administration of the Virginia Community Flood Preparedness Fund (the Fund) from the Department of Conservation and Recreation to the Board. The Governor's Amendment in the Nature of a Substitute maintains the changes to the membership of the Board but does not move the administration of the Fund to the Board.

**Contact:** Lisa Wallmeyer | lwallmeyer@dls.virginia.gov | 698-1867

**SB 510. Department of Professional and Occupational Regulation; Real Estate Board; death or disability of a real estate broker.** The Governor's amendment adds a delayed effective date of January 1, 2023.

**Contact:** Ashley Binns | abinns@dls.virginia.gov | 698-1812

**SB 538. Nonpayment of wages, defense of contractor.** The enrolled bill provides that a general contractor or subcontractor, regardless of tier, may submit as evidence in defending against a claim for nonpayment a written certification, under oath, from any lower-tier subcontractor stating that (i) the subcontractor and each of his sub-subcontractors has paid all employees all wages due for the period during which the wages are claimed for the work performed on the project and (ii) to the subcontractor's knowledge, all sub-subcontractors below the subcontractor, regardless of tier, have similarly paid their employees all such wages. The Governor's amendments remove a prime contract between an owner and a general contractor from the types of construction contracts to which the provisions of the enrolled bill apply. HB 889, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Marvi Ali | mali@dls.virginia.gov | 698-1816

**SB 550. Contracts; payment clauses to be included in certain contracts; right to payment of subcontractors.** The enrolled bill requires certain construction contracts to include a payment clause that obligates contractors to be individually liable for the entire amount owed to any subcontractor with which it contracts. The Governor's Amendment in the Nature of a Substitute removes the language making a contractor individually liable.

The Governor's Amendment in the Nature of a Substitute also changes from 45 days to 60 days of the receipt of an invoice the amount of time an owner has to pay a general contractor following satisfactory completion of the contracted for work and changes the amount of time a higher-tier contractor has to pay a lower-tier subcontractor from the earlier of 45 days after satisfactory completion of the work for which the subcontractor has invoiced or seven days after receipt of amounts paid by the owner to the general contractor or by the higher-tier contractor to the lower-tier contractor for work performed by a subcontractor pursuant to terms of a contract to the earlier of 60 days after completion of work or seven days after receipt of amounts paid by the owner to the general contractor.



The Governor's Amendment in the Nature of a Substitute adds a delayed effective date of January 1, 2023, for the provisions of the enrolled bill except for a review by the Public Body Procurement Workgroup and specifies that provisions of the enrolled bill shall apply only to construction contracts executed on or after January 1, 2023.

**Contact:** Ashley Binns | abinns@dls.virginia.gov | 698-1812

**SB 565. Natural gas, biogas, and other gas sources of energy; definitions; energy conservation and efficiency; Steps to Advance Virginia's Energy Plan; biogas supply infrastructure projects; work group.** The enrolled bill amends the definition of "cost-effective conservation and energy efficiency program" to add the Societal Cost Test as a measure used to determine whether a program designed to decrease energy consumption is cost-effective. The Governor's amendments remove the Societal Cost Test as a measure of cost-effectiveness for such programs and make technical corrections related to its removal. The enrolled bill provides that natural gas utilities be incentivized to meet or exceed certain conservation and energy efficiency goals. The Governor's amendments restore language providing that natural gas utilities be rewarded for meeting or exceeding certain conservation and energy efficiency goals. HB 558, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Marvi Ali | mali@dls.virginia.gov | 698-1816

**SB 575. Department of General Services; state fleet managers to use total cost of ownership calculations; report.** The Governor's amendments makes it permissive for the Department of General Services and agencies of the Commonwealth, after utilizing a total cost of ownership calculator to assess and compare the total cost to purchase, own, lease, and operate light-duty internal combustion vehicles versus comparable electric vehicles (EV), to purchase or lease an EV if the calculator clearly indicates that purchasing or leasing an EV has a lower cost of ownership. The Governor's amendments also remove the provision that makes the Department responsible for ensuring that all agencies of the Commonwealth adhere to the requirements set out in the enrolled bill.

**Contact:** Ashley Binns | abinns@dls.virginia.gov | 698-1812

**SB 577. Children's residential facilities; criminal history background checks.** The Governor's amendment adds an emergency clause.

**Contact:** Sarah Stanton | sstanton@dls.virginia.gov | 698-1824

**SB 591. Marijuana; shape prohibitions; definitions of marijuana and tetrahydrocannabinol; penalties.** The Governor's Amendment in the Nature of a Substitute removes from the definition of "marijuana" any substance containing a total tetrahydrocannabinol concentration that exceeds 0.3 percent or more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package. The Governor's Amendment in the Nature of a Substitute prohibits persons from manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract or food containing an industrial hemp extract that depicts or is in the shape of a human, animal, vehicle, or fruit and allows the Board of Agriculture and Consumer Services to adopt packaging requirements for an industrial hemp

extract or a food containing an industrial hemp extract that is offered for sale at retail, including per-package and per-serving tetrahydrocannabinol limits. The Governor's Amendment in the Nature of a Substitute makes it unlawful under the provisions of the Virginia Consumer Protection Act to (i) sell or offer for sale at retail any substance intended for human consumption that (a) has a total tetrahydrocannabinol concentration that exceeds 0.3 percent or (b) contains synthetic delta-8 tetrahydrocannabinol or (ii) sell or offer for sale to a person younger than 21 years of age any substance that contains tetrahydrocannabinol. The Governor's Amendment in the Nature of a Substitute provides that any person who possesses on his person or in any public place (a) more than two ounces but not more than six ounces of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board of Directors of the Virginia Cannabis Control Authority is guilty of a Class 2 misdemeanor and (b) more than six ounces but not more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board of Directors of the Virginia Cannabis Control Authority is guilty of a Class 1 misdemeanor. The Governor's Amendment in the Nature of a Substitute directs the Board of Agriculture and Consumer Services to adopt regulations necessary to implement the provisions of the enrolled bill by October 1, 2022, and exempts the Board's initial adoption of such regulations from the provisions of the Administrative Process Act except the requirement to publish the regulations and notice of any hearings in the Virginia Register. The Governor's Amendment in the Nature of a Substitute directs the Department of Agriculture and Consumer Services to convene a work group to identify strategies for promoting traditional, non-intoxicating uses of hemp, including the use of hemp for structural materials, bedding, clothing, and rope, and to identify and develop recommendations to remedy opportunities for persons to circumvent statutory provisions that limit industrial hemp extracts to a maximum tetrahydrocannabinol (THC) concentration of 0.3 percent. The Governor's Amendment in the Nature of a Substitute directs the Board of Directors of the Virginia Cannabis Control Authority to establish and staff to the greatest extent practicable its Division of Law Enforcement by October 1, 2022. The Governor's Amendment in the Nature of a Substitute directs the Board of Directors of the Virginia Cannabis Control Authority to convene a work group to (1) identify additional statutory or regulatory modifications that are necessary to fully achieve the purposes of the enrolled bill, (2) analyze the medical benefits of cannabidiol (CBD) derived from hemp or medical marijuana and identify any additional oversight necessary for such CBD and other medical products derived from hemp or medical marijuana, (3) identify modifications that should be made to the Commonwealth's laws and regulations regarding industrial hemp extracts, and (4) evaluate and compare the statutory and regulatory frameworks used in other states for recreational marijuana sales and enforcement.

**Contact:** David May | [dmay@dls.virginia.gov](mailto:dmay@dls.virginia.gov) | 698-1825

**SB 593. Custody and transportation of persons subject to emergency custody or temporary detention order; alternative custody; auxiliary police officers.** The enrolled bill allows auxiliary police officers to provide transportation for a person subject to an emergency custody or temporary detention order. The Governor's amendment clarifies that an auxiliary police officer does not have the authority to initiate emergency custody of a person.

**Contact:** Taylor Mey | [tmey@dls.virginia.gov](mailto:tmey@dls.virginia.gov) | 698-1870

**SB 595. Nitrile Glove Manufacturing Training Program; established.** The enrolled bill provides that companies with facilities located in the Mount Rogers Planning District that manufacture nitrile gloves for personal protective equipment, or manufacture the inputs used to manufacture such gloves, shall be eligible for funding, with annual award caps, for recruiting and training services only if they enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority to meet specific performance targets for jobs and capital investment on or before January 1, 2027. The Governor's amendments require such companies to agree to meet the performance targets for jobs and capital investment on or before January 1, 2027, in the memorandum of understanding, subject to an extension of no more than two years as provided in the memorandum of understanding, and where such extension may also extend the annual award dates and caps in the enrolled bill. HB 186, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Stephen Kindermann | [skindermann@dls.virginia.gov](mailto:skindermann@dls.virginia.gov) | 698-1880

**SB 622. Recovery residences.** The enrolled bill requires all certified recovery residences to comply with any minimum square footage requirements related to beds and sleeping rooms established by its credentialing entity, which shall be no less than the square footage requirements set forth in the Uniform Statewide Building Code. The Governor's amendments modify this language by requiring certified recovery residences to comply with the minimum square footage requirements established by the credentialing entity or the Uniform Statewide Building Code, whichever is greater. HB 277, which is identical as enrolled, has the same Governor's amendments.

**Contact:** David May | [dmay@dls.virginia.gov](mailto:dmay@dls.virginia.gov) | 698-1825

**SB 647. Commissioner of Health; administration and dispensing of necessary drugs, devices, and vaccines during public health emergency; emergency.** The Governor's amendment makes consistent throughout the enrolled bill language regarding the types of drugs and devices a person not otherwise authorized to administer drugs and devices may be authorized to administer in cases in which the Board of Health has made an emergency order for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to public life and health. HB 939, which is identical as enrolled, has the same Governor's amendment.

**Contact:** Sarah Stanton | [sstanton@dls.virginia.gov](mailto:sstanton@dls.virginia.gov) | 698-1824

**SB 666. Eminent domain; lost profits.** The enrolled bill redefines "lost profits" for the purposes of determining just compensation in eminent domain cases. The enrolled bill amends subsection G of § 25.1-230.1 to provide that nothing in such section is intended to provide for compensation for inverse condemnation claims for temporary interference with or interruption of a business or farm operation where no property of the owner is taken and where the impact to the property is for a period of fewer than seven days. The Governor's amendments narrow the provision to instead state that the nothing in § 25.1-230.1 is intended to provide for compensation for inverse

condemnation claims for temporary interference with or interruption of a business or farm operation *where the impact to the property is for a period of fewer than seven days*. With that amendment and another technical amendment from the Governor in such subsection, the provisions of subsection G are now identical to the provisions of subsection G as amended by SB 694. The Governor's amendments further provide that the provisions of the enrolled bill shall not apply to condemnation proceedings in which the petitioner filed prior to July 1, 2022, (i) a petition in condemnation pursuant to Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 of the Code of Virginia or (ii) a certificate of take or deposit pursuant to Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 or Title 33.2 of the Code of Virginia. Any condemnation proceedings in which the petitioner filed a petition or certificate described in clause (i) or (ii) shall be governed by the provisions of the Code of Virginia in effect prior to July 1, 2022.

**Contact:** Britt Olwine | [bolwine@dls.virginia.gov](mailto:bolwine@dls.virginia.gov) | 698-1815

**SB 672. Pharmacists and pharmacy technicians; initiation of treatment with and dispensing and administration of vaccines.** The Governor's Amendment in the Nature of a Substitute adds controlled substances or devices for the initiation of treatment of group A streptococcus bacteria infection, influenza virus infection, and urinary tract infection for which clinical decision making can be guided by a clinical test that is classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 to the list of drugs and devices a pharmacist may dispense or administer to persons 18 years of age or older. The Governor's Amendment in the Nature of a Substitute also provides that a pharmacist may dispense or administer a drug, device, controlled paraphernalia, or other supply or equipment that he may dispense or administer to a person 18 years of age or older to a person under 18 years of age who is authorized to consent to certain medical treatment and with whom the pharmacist has a bona fide pharmacist-patient relationship. HB 1323, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**Contact:** Sarah Stanton | [sstanton@dls.virginia.gov](mailto:sstanton@dls.virginia.gov) | 698-1824

**SB 694. Eminent domain.** The enrolled bill makes various changes to the laws pertaining to condemnation procedures, The Governor's amendments (i) provide that where a certificate is filed for a temporary construction easement at a time when the date of expiration is unknown, the Commissioner of Highways shall, once the date is ascertained, file certification of such expiration date; (ii) specify that the owner's costs to be reimbursed by the Commissioner of Highways subsequent to the filing of a petition for determination of just compensation are the owner's costs that were charged by the lienholder; and (iii) specify that the provisions of the act apply only prospectively.

**Contact:** Kristen Walsh | [kwalsh@dls.virginia.gov](mailto:kwalsh@dls.virginia.gov) | 698-1814

**SB 733. Exempted vehicles; insurance.** The Governor's amendments provide that the requirement for motor vehicles, trailers, and semi-trailers exempted from the registration requirement to be insured can be met with a general liability policy that includes personal injury liability insurance and property damage liability insurance.

**Contact:** Emma Buck | ebuck@dls.virginia.gov | 698-1818

**SB 741. Facial recognition technology; authorized uses; penalty.** The enrolled bill authorizes local law-enforcement agencies, campus police departments, and the Department of State Police to use facial recognition technology for certain authorized uses as defined in the enrolled bill. The Governor's amendments require the Department to include in its model policy (i) protocols for handling requests for assistance in the use of facial recognition technology made to the Department by local law-enforcement agencies and campus police departments and (ii) requirements for training on the use of facial recognition technology. The Governor's amendments also include a technical amendment.

**Contact:** Sabrina Miller-Bryson | smiller-bryson@dls.virginia.gov | 698-1876

**SB 748. Tobacco products tax; remote retail sales.** The enrolled bill provides that each distributor or remote retail seller must procure itemized invoices of all tobacco products purchased, and the distributor must preserve a legible copy of each invoice for three years after the date of purchase. If the distributor or remote retail seller cannot produce the required invoice information and the excise tax is being remitted using the actual cost list method to calculate the excise tax, the distributor or remote retail seller must provide the remote retail seller's certified actual cost list to the Department of Taxation for each individual stock keeping unit (SKU) to be offered for remote retail sale in the subsequent calendar year.

The Governor's amendments require the remote retail seller in addition to the distributor to preserve a legible copy of each invoice of tobacco products for three years after the date of purchase and require only a remote retail seller, not a distributor, that cannot produce the required invoice information, when the excise tax is being remitted using the actual cost list method to calculate the excise tax, to provide the remote retail seller's certified actual cost list to the Department for each SKU to be offered for remote retail sale in the subsequent calendar year. HB 1199, which is identical as enrolled, has the same Governor's amendments.

**Contact:** Stephen Kindermann | skindermann@dls.virginia.gov | 698-1880

**SB 756. Resilient Virginia Revolving Fund.** The enrolled bill establishes the Resilient Virginia Revolving Fund to be administered by the Virginia Resources Authority, with direction from the Virginia Soil and Water Conservation Board as to the distribution of grants and loans from the Fund. The Governor's Amendment in the Nature of a Substitute moves the oversight of the Fund from the Virginia Soil and Water Conservation Board to the Department of Conservation and Recreation and makes technical amendments. HB 1309, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**Contact:** Lisa Wallmeyer | lwallmeyer@dls.virginia.gov | 698-1867

**SB 769. Unemployment compensation; program integrity.** The Governor's Amendment in the Nature of a Substitute adds a provision that requires the Department of Social Services, the Department of Medical Assistance Services, and the Department of Housing and Community Development to notify the Virginia Employment Commission if an individual enrolled in a public assistance program has become employed.

**Contact:** Marvi Ali | mali@dls.virginia.gov | 698-1816

**SB 776. Sale or auction of surplus property; General Assembly replacement project.** The enrolled bill provides for the sale or auction of surplus property from the Pocahontas Building as part of the General Assembly replacement project and for the transfer of net proceeds, less actual direct costs, to a special nonreverting fund for the restoration and ongoing preservation of Capitol Square. The Governor's amendment specifies that the direct costs to be subtracted from the net proceeds must be direct costs incurred by the Department of General Services, the Clerk of the Senate of Virginia, or the Clerk of the House of Delegates.

**Contact:** Lily Jones | ljones@dls.virginia.gov | 698-1888

## Governor's Vetoes

**HB 573. Statute of limitations; contracts for health care services.** The enrolled bill provides that the statute of limitations for an action on any contract, written or unwritten, for health care services, including actions brought by the Commonwealth, is three years. The enrolled bill further provides that the accrual date for actions on such a contract is 30 days after the later of (i) issuance of the initial invoice or the due date stated in such invoice to the patient or person legally responsible for payment or (ii) if the patient voluntarily enters into a payment plan with the provider, 30 days after the default date contained in such payment plan. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 573, which provides that the statute of limitations for an action on any contract, written or unwritten, for health care services, including actions brought by the Commonwealth, is three years.

Additionally, the legislation establishes that the accrual date for actions on such a contract is 30 days after the later of (i) issuance of the initial invoice or the due date stated in such invoice to the patient or person legally responsible for payment or (ii) if the patient voluntarily enters into a payment plan with the provider, 30 days after the default date contained in such payment plan.

Medical debt significantly impacts many individuals in our Commonwealth, and I am committed to reducing this burden on Virginians. Unfortunately, this legislation would create unintended consequences and have significant implications on financial regulations in the Commonwealth by inadvertently capturing other forms of debt other than medical debt.

I commend the Patron on prioritizing this important issue and look forward to working on this to find solutions to ensure that defined statutes of limitations can clearly resolve medical debt owed directly to health care providers.

Accordingly, I veto this bill."

**Contact:** Kristen Walsh | kwalsh@dls.virginia.gov | 698-1814

**HB 669. Public pools; regulations.** The enrolled bill directs the Commissioner of Health to convene a work group to study whether swimming pools and other water recreational facilities for public use or use in conjunction with a tourist facility or health spa should be regulated by the Department of Health and requires the work group to report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2023. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 669, which directs the Commissioner of Health to convene a work group to study whether swimming pools and other water recreational facilities for public use or in conjunction with a tourist facility or health spa should be regulated by the Department of Health.

Although this legislation has the commendable goal of promoting the health and safety surrounding pools in the Commonwealth, there is currently a working group focused on similar considerations. Coordinating existing work to maximize effectiveness would reduce duplicative work and make appropriate use of the taxpayers resources.

Accordingly, I veto this bill."

**Contact:** Julia Carlton | jcarlton@dls.virginia.gov | 698-1823

**HB 670. County manager plan of government; independent policing auditor.** The enrolled bill allows the governing body of any county with the county manager plan of government (Arlington County) to appoint an independent policing auditor. The independent policing auditor supports any law-enforcement civilian oversight body created by the governing body and has all the powers of the law-enforcement civilian oversight body, to the extent that such powers are delegated to the independent policing auditor by the oversight body. The independent policing auditor serves at the pleasure of the governing body. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 670, which would create a new politically appointed independent auditor position for the governing body of any county with the county manager plan of government.

Chapters 29 and 30 of the Acts of Assembly - 2020 Special Session 1 allow localities to adopt law-enforcement civilian oversight bodies to make binding disciplinary determinations, including termination and involuntary restitution. This legislation enables law-enforcement civilian oversight bodies under the County Manager form of government to delegate all the powers entrusted to them, investing unilateral and expansive authority, to a single individual appointed directly by the governing body.

Additionally, this legislation does not delineate the qualifications of the politically-appointed independent policing auditor. Furthermore, the prohibition against any person currently employed as a law-enforcement officer from service on a law-enforcement civilian oversight body conduces the appointment of an independent policing auditor without any formal input from a law enforcement officer.

Investing in a single politically-appointed individual the power of judge, jury, and executioner without any input from law-enforcement officers or delineated qualifications for such individual constitutes an undue burden for those who protect and serve the community.

Accordingly, I veto this bill."

**Contact:** Jeff Sharp | jsharp@dls.virginia.gov | 698-1864

**HB 675. Health insurance; tobacco surcharge.** The enrolled bill 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 enrolled bill apply to health benefit plans providing individual or small group health insurance coverage beginning on January 1, 2023. SB 422, which is identical as enrolled, has the same Governor's veto explanation. The Governor's veto explanation states:



"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 675, which prohibits small group and individual health insurance carriers from including a surcharge on the insurance premiums of tobacco users.

Smoking and tobacco use are among the leading causes of chronic health problems that result in higher healthcare costs. This legislation would force insurance companies to recover costs associated with tobacco users by raising premiums on non-tobacco users. The ability to reduce premiums by quitting smoking is also a valuable incentive to encourage healthier habits.

Requiring non-tobacco users to cover the increased healthcare costs associated with tobacco use is not a policy I can support.

Accordingly, I veto this bill."

**Contact:** Tom Stevens | [tstevens@dls.virginia.gov](mailto:tstevens@dls.virginia.gov) | 698-1821

**HB 802. Virginia Residential Landlord and Tenant Act; enforcement by localities.** The enrolled bill 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 bring an action to enforce the landlord's duty to maintain the rental dwelling in a fit and habitable condition, provided that (i) the property where the violations occurred is within the jurisdictional boundaries of the locality; (ii) the locality has notified the landlord who owns the property directly or through the managing agent of the nature of the violations and the landlord has not remedied the violations within a reasonable time after receiving such notice to the satisfaction of the locality; and (iii) such enforcement action may include seeking an injunction, damages, or both. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 802, which gives enforcement powers to localities for the first time to enforce the Virginia Residential Landlord and Tenant Act (VRLTA).

This legislation contains unnecessary and duplicative provisions, already established under the Virginia Uniform Statewide Building Code (USBC), that provide effective powers to localities to enforce violations of the USBC.

It is also important to note that the existing USBC powers provide enforcement authority to localities to enforce the USBC against both the landlord and the tenant, whereas House Bill 802 proposes only to provide localities powers to enforce the VRLTA against the landlord. Under the USBC and the VRLTA, landlords and tenants both have responsibilities to maintain safe, decent, and sanitary housing.

It is neither clear why this language is necessary to enforce already existing provisions of state law, nor what the additional language contained in the legislation seeks to accomplish beyond what is already authorized in the USBC.

Landlords should be held accountable for unsafe and hazardous living conditions in which their tenants live. The existing regulations from the USBC, specifically Section 105.6 and the implementing regulations in 13VAC5-63-485, address the policy objective of the underlying legislation.

Accordingly, I veto this bill."

**Contact:** Rebecca Schultz | [rschultz@dls.virginia.gov](mailto:rschultz@dls.virginia.gov) | 698-1863

**HB 820. Department of Small Business and Supplier Diversity; disparity study.** The enrolled bill requires the Department of Small Business and Supplier Diversity to conduct a disparity study every five years, next due no later than January 1, 2026. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 820 which requires the Department of Small Business and Supplier Diversity to conduct regular disparity studies.

In 2020, the Department of Small Business and Supplier Diversity completed a disparity study which found that from 2014 to 2019 the Commonwealth had considerable disparities for women- and minority-owned businesses in contracts and procurement with institutions of higher education and state government.

Taxpayer dollars should not be used to highlight the failings of previous administrations. Instead, we must use our crucial resources to eliminate these disparities and to cultivate an environment that is conducive to higher wages, employment, and business ownership for minorities and women.

The Commonwealth is under new management and the time for action is now.

Accordingly, I veto this bill."

**Contact:** Stephen Kindermann | [skindermann@dls.virginia.gov](mailto:skindermann@dls.virginia.gov) | 698-1880

**HB 1004. Selective Service; Two-Year College Transfer Grant; Virginia Tuition Assistance Grant Program.** The enrolled bill removes the requirement that individuals register for the Selective Service in compliance with federal law in order to be eligible for the Two-Year College Transfer Grant and the Virginia Tuition Assistance Grant Program. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1004, which removes the Selective Service requirements for eligibility for the Two-Year College Transfer Grant and Virginia Tuition Assistance Grant Programs.

Selective Service eligibility remains an ongoing issue, with concerns about who should and should not be compelled to register. However, while these questions remain unanswered by Congress, it is premature for the Commonwealth to remove the requirement for Selective Service eligibility for tuition assistance.

Accordingly, I veto this bill."

**Contact:** Julia Carlton | jcarlton@dls.virginia.gov | 698-1823

**HB 1197. Secretariat agency responsibilities; Department of Juvenile Justice.** The enrolled bill directs the Office of the Secretary of Public Safety and Homeland Security and the Office of the Secretary of Health and Human Resources to convene a stakeholder work group to determine the feasibility and benefits of transferring responsibility for the Department of Juvenile Justice from the Secretary of Public Safety and Homeland Security to the Secretary of Health and Human Resources. The enrolled bill requires the work group to submit its report containing the work group's finding by November 1, 2022, to the Chairmen of the House Committee for Courts of Justice, House Committee on Public Safety, Senate Committee on the Judiciary, and Senate Committee on Rehabilitation and Social Services. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1197, which directs the Secretary of Public Safety and Homeland Security and the Secretary of Health and Human Resources to convene a stakeholder workgroup to determine the feasibility of transferring the Department of Juvenile Justice from the Secretary of Public Safety and Homeland Security to the Secretary of Health and Human Resources.

Fundamentally, the Department of Juvenile Justice is a corrections agency. There have been numerous reports indicating that, in the wake of the COVID-19 pandemic, juvenile violence and crime, especially in schools, is increasing. This increase has made schools less safe, and many parents have made it clear they no longer believe school is a safe place for their children.

We must work to make our schools safer, and the rehabilitative services offered by the Department of Juvenile Justice under the purview of the Secretary of Public Safety and Homeland Security ensures young people who commit violent crimes are held accountable and given the resources and education they need to fully and permanently reenter society.

In the view of this administration, a study of the feasibility of moving this agency is unnecessary. If the General Assembly would like to move this agency, it should pass legislation directing as such.

Accordingly, I veto this bill."

**Contact:** Rebecca Schultz | rschultz@dls.virginia.gov | 698-1863

**HB 1270. SNAP benefits program; inmates of state or local correctional facilities.** The enrolled bill directs the Department of Social Services to convene a work group to analyze and develop a proposal to request a waiver from the U.S. Department of Agriculture to allow individuals in the custody of state or local correctional facilities in the Commonwealth to apply for Supplemental Nutrition Assistance Program benefits prior to release from custody. The enrolled bill directs the Department to report the work group's findings and recommendations to the Governor and the General Assembly by November 1, 2022. The Governor's veto states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1270 which directs the Department of Social Services to convene a work group to analyze and develop a

proposal to request a waiver from the U.S. Department of Agriculture to allow individuals in the custody of state or local correctional facilities in the Commonwealth to apply for Supplemental Nutrition Assistance Program (SNAP) benefits prior to release custody.

This is an unnecessary work group without clear policy direction from the General Assembly.

The Department of Social Services previously prepared waiver requests to allow individuals in custody at state or local correctional facilities to apply for SNAP benefits prior to release in 2016 and 2021; in neither case was the waiver submitted to the U.S. Department of Agriculture Food and Nutrition Service.

If the General Assembly would like the Department of Social Services to submit this waiver, it should pass legislation directing as such.

Accordingly, I veto this bill."

**Contact:** David May | [dmay@dls.virginia.gov](mailto:dmay@dls.virginia.gov) | 698-1825

**HB 1298. High school student-athletes; compensation for name, image, or likeness.** The enrolled bill prohibits any high school student-athlete who participates in an athletic competition from entering into any contract to receive compensation in relation to such student's athletic participation in exchange for the use of such student's name, image, or likeness. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1298 which prohibits high school student-athletes from entering into contracts to receive compensation in relation to such student's athletic participation in exchange for the use of such student's name, image, or likeness.

While I strongly believe in the value of amateur sports, we must recognize the rapidly changing landscape of amateur athletics and online economies.

The claim that this bill is necessary to protect minors from predatory contracts ignores that minors in Virginia are generally prohibited from entering into contracts without parental consent. Virginia High School League policy also restricts paid endorsement deals.

Further, this bill is a premature prohibition that fails to recognize the continually evolving marketplace for content creation and monetization and could have the unintended consequence of limiting young people from engaging in economic activity via social media unrelated to their athletic performance.

Accordingly, I veto this bill."

**Contact:** Rebecca Schultz | [rschultz@dls.virginia.gov](mailto:rschultz@dls.virginia.gov) | 698-1863

**SB 250. Nonhazardous solid waste fees.** The enrolled bill increases the annual fees for nonhazardous solid waste management facilities and indexes the fees annually based on the change in the Consumer Price Index. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 250, which increases the annual fees for nonhazardous solid waste management facilities and indexes the fees annually based on the change in the Consumer Price Index.

While this legislation has the important goal of providing funding for the Department of Environmental Quality (DEQ) nonhazardous solid waste management program, it increases the cost of doing business in Virginia with pass-through costs to consumers. The bill was necessitated after prior administrations borrowed money from other DEQ funds over an eight year period to pay for management of the nonhazardous solid waste management program.

Additionally, this legislation indexes fees annually based on the change to the Consumer Price Index, which increased 7.5 percent from January 2021 to January 2022, the largest 12-month increase since the period ending February 1982.

The burden of increased costs this would place on Virginians is too great, especially given the record budget surpluses of the Commonwealth and the accelerated inflation that everyday Virginians are experiencing. And I will not raise fees simply to erase eight years of mismanagement by prior administrations.

Accordingly, I veto this bill."

**Contact:** Lisa Wallmeyer | lwallmeyer@dls.virginia.gov | 698-1867

**SB 271. Living organ donors; discrimination prohibited.** The enrolled bill prohibits any person from refusing to insure, refusing to continue to insure, or limiting the amount or extent of life insurance, disability insurance, or long-term care insurance coverage available to an individual or to charge an individual a different rate for the same coverage based solely and without any additional actuarial risks upon the status of such individual as a living organ donor. The provisions of the enrolled bill apply to such insurance plans that are entered into, amended, extended, or renewed on or after January 1, 2023. HB 421, which is identical as enrolled, was signed by the Governor (2022 Acts, Chap. 649). The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 271, which prohibits discrimination based on status as a living organ donor.

During the 2022 Session, the General Assembly passed House Bill 421. Given my signature to the companion legislation, this bill is no longer necessary.

Accordingly, I veto this bill."

**Contact:** Tom Stevens | tstevens@dls.virginia.gov | 698-1821

**SB 278. Parking of vehicles; electric vehicle charging spots; civil penalties.** The enrolled bill prohibits a person from parking a vehicle not capable of receiving an electric charge in a space clearly marked as reserved for charging electric vehicles. A violation is subject to a civil penalty of no more than \$50. HB 450, which is identical as enrolled, was recommended for amendment by the Governor. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 278, which establishes a \$50 fine for a vehicle not capable of receiving an electric charge that has parked in a space reserved for charging electric vehicles.

I have recommended amendments to House Bill 450 that accomplish the same purpose of this bill.

Accordingly, I veto this bill."

**Contact:** Emma Buck | ebuck@dls.virginia.gov | 698-1818

**SB 280. Electric utilities; local reliability data; report.** The enrolled bill directs Dominion Energy Virginia to provide local reliability data within 30 days upon request by a locality located within the service territory of the utility. The State Corporation Commission shall include industry standard reliability metrics for Dominion Energy Virginia and a description of any infrastructure investments made by Dominion Energy Virginia to improve electric service reliability as part of its report on electric generation, transmission, and distribution submitted annually to the General Assembly. HB 414, which is identical as enrolled, was signed by the Governor (2022 Acts, Chap. 653). The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 280, which requires certain utilities to provide local reliability data to a locality upon request.

During the 2022 Session, the General Assembly passed House Bill 414. Given my signature to the companion legislation, this bill is no longer necessary.

Accordingly, I veto this bill."

**Contact:** Tom Stevens | tstevens@dls.virginia.gov | 698-1821

**SB 286. Required disclosure for buyer to beware; buyer due diligence; historic districts.** The enrolled bill adds a survey of the property to the list of materials that a purchaser of the property can review as part of exercising whatever due diligence the particular purchaser deems necessary with respect to a historic district designated by the locality. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 286, which adds a survey of the property to the list of materials that a purchaser of the property can review as part of exercising whatever due diligence the particular purchaser deems necessary with respect to a historic district designated by a locality.

This legislation adds unnecessary language into the Code where clear protections are already in place to notify potential home buyers of further requirements when making changes to historic homes.

Accordingly, I veto this bill."

**Contact:** Nikhil Edward | nedward@dls.virginia.gov | 698-1865

**SB 288. Virginia taxable income; corporations; deductions; business interest.** The enrolled bill increases from 20 percent to 30 percent the Virginia individual and corporate income tax deduction for business interest disallowed as a deduction under § 163(j) of the Internal Revenue Code for taxable years beginning on and after January 1, 2022. HB 1006, which is identical as enrolled, was signed by the Governor (2022 Acts, Chap. 648). The Governor's veto explanations states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 288, which relates to deductions on Virginia taxable income for corporations.

During the 2022 Session, the General Assembly passed House Bill 1006. Given my signature to the companion legislation, this bill is no longer necessary.

Accordingly, I veto this bill."

**Contact:** Stephen Kindermann | skindermann@dls.virginia.gov | 698-1880

**SB 297. Stay of debt collection activities by health care providers; prohibited practice under Virginia Consumer Protection Act.** The enrolled bill provides that any health care provider that undertakes any debt collection activities prior to either the issuance of an award or the determination that a claim is noncompensable by the Criminal Injuries Compensation Fund has committed a prohibited practice under the Virginia Consumer Protection Act. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 297 which provides that any health care provider that undertakes any debt collection activities prior to an award from the Criminal Injuries Compensation Fund is issued or determined to be noncompensable has committed a prohibited practice under the Virginia Consumer Protection Act.

This legislation creates unintended consequences that could harm small healthcare providers by creating additional legal liability. The bill could also result in higher health care costs for Virginians.

Accordingly, I veto this bill."

**Contact:** Britt Olwine | bolwine@dls.virginia.gov | 698-1815

**SB 311. Real property; duty to disclose ownership interest and lis pendens.** The enrolled bill provides that a real estate licensee has an affirmative duty, upon having substantive discussions about specific real property, to disclose in writing to the purchaser, seller, lessor, or lessee of the property if he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest has or will have an ownership interest as a party to the transaction and must also disclose in writing that he is a licensee. The enrolled bill requires that an owner of a residential dwelling unit who has actual knowledge of a lis pendens filed against the dwelling unit must provide to a prospective purchaser a written disclosure of such fact on a

form provided by the Real Estate Board on its website. HB 281, which is identical as enrolled, was signed by the Governor (2022 Acts, Chap. 610). The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 311, which relates to disclosure of ownership and lis pendens in real property,

During the 2022 Session, the General Assembly passed House Bill 281. Given my signature to the companion legislation, this bill is no longer necessary.

Accordingly, I veto this bill."

**Contact:** Kristen Walsh | [kwalsh@dls.virginia.gov](mailto:kwalsh@dls.virginia.gov) | 698-1814

**SB 347. Electric utilities; energy efficiency programs.** The enrolled bill 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 and 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 enrolled bill provides that health and safety measures and improvements for the purpose of maximizing both energy savings through low-income energy efficiency programs and reducing the relative energy burden of low-income customers are in the public interest. The enrolled bill requires Dominion Energy Virginia to make best efforts to coordinate such energy efficiency programs with any health and safety upgrades provided through energy efficiency programs authorized by provisions of the Code of Virginia, when reasonably feasible to do so and at the utility's sole discretion. The provisions of the enrolled bill expire on January 1, 2029. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 347, which directs the State Corporation Commission (SCC) to establish certain Phase II Utilities energy efficiency savings programs as in the public interest.

Although this legislation has the commendable goal of promoting energy efficiency, the requirements included in this legislation could, through an arbitrary declaration of the public interest, increase energy costs on Virginians. As a result, the Commonwealth's energy policy moves further away from a cost-effective, all-of-the-above strategy with strong regulatory oversight administered by the SCC.

Energy policy should be established by the General Assembly but not at the expense of consumer protection and strong regulatory oversight through the constitutionally-established SCC. Public interest declarations unnecessarily restrict the constitutional authority of the SCC and should be used rarely, if ever.

Accordingly, I veto this bill."

**Contact:** Marvi Ali | [mali@dls.virginia.gov](mailto:mali@dls.virginia.gov) | 698-1816

**SB 389. Support of parents by child; repeal.** The enrolled bill repeals the provision of the Code of Virginia requiring an adult child to assist in providing for the support and maintenance



of his or her parent, when such parent requires assistance. Under current law, failure to comply with this provision is punishable as a misdemeanor with a fine not exceeding \$500 or imprisonment in jail for a period not exceeding 12 months or both. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 389, which repeals the provision of the Code of Virginia requiring an adult child to assist in providing support and maintenance of his or her parents.

Primarily, the Commonwealth's filial responsibility law supports those who care for their elderly parents. In establishing a bankruptcy budget, the court allows for necessary and reasonable expenditures and the repeal of § 20-88 could prevent an individual from covering these expenses within the budget of their debtor.

For those undergoing bankruptcy proceedings, there is a grave risk of unforeseeable and unintended consequences, which may harm people going through some of the most difficult times in their lives.

Accordingly, I veto this bill."

**Contact:** Kristen Walsh | [kwalsh@dls.virginia.gov](mailto:kwalsh@dls.virginia.gov) | 698-1814

**SB 393. Consumer Data Protection Act; data deletion request.** The enrolled bill provides that a controller that has obtained personal data about a consumer from a third party shall be deemed in compliance with a consumer's request to delete such data if the controller either (i) retains a record of the deletion request and the minimum data necessary for the purpose of ensuring that the consumer's personal data remains deleted and does not use such retained data for any other purpose or (ii) opts the consumer out of the processing of that data for any purpose except those purposes exempted pursuant to the Consumer Data Protection Act. HB 381, which is identical as enrolled, was signed by the Governor (2022 Acts, Chap. 423). The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 393, which relates to data deletion requests under the Consumer Data Protection Act.

During the 2022 Session, the General Assembly passed House Bill 381. Given my signature to the companion legislation, this bill is no longer necessary.

Accordingly, I veto this bill."

**Contact:** Ashley Binns | [abinns@dls.virginia.gov](mailto:abinns@dls.virginia.gov) | 698-1812

**SB 422. Health insurance; tobacco surcharge.** The enrolled bill 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 enrolled bill apply to health benefit plans providing individual or small group health insurance coverage beginning on January 1, 2023. HB 675, which is identical as enrolled, has the same Governor's veto explanation. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 422, which prohibits small group and individual health insurance carriers from including a surcharge on the insurance premiums of tobacco users.

Smoking and tobacco use are among the leading causes of chronic health problems that result in higher healthcare costs. This legislation would force insurance companies to recover costs associated with tobacco users by raising premiums on non-tobacco users. The ability to reduce premiums by quitting smoking is also a valuable incentive to encourage healthier habits.

Requiring non-tobacco users to cover the increased healthcare costs associated with tobacco use is not a policy I can support.

Accordingly, I veto this bill."

**Contact:** Tom Stevens | [tstevens@dls.virginia.gov](mailto:tstevens@dls.virginia.gov) | 698-1821

**SB 464. Witness summons in a criminal matter; requirements.** The enrolled bill requires the attorney for the Commonwealth to file with the clerk of the court a copy of any witness subpoena and to provide a copy of such subpoena to any defendant or attorney for the defendant in the pending criminal matter. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 464. This bill requires prosecutors to file copies of all witness summonses with the clerk of the circuit court and to provide defendants or defense counsel with copies of the summonses.

First, the overwhelming majority of witness subpoenas issued in criminal cases in the circuit courts are already publicly filed with the clerk of the local circuit court by the local Sheriff's Office or other law-enforcement personnel who serve civil process. Rule 3A:12(c) of the Rules of the Supreme Court of Virginia requires any law-enforcement officer who executes a subpoena to "make return thereof to the court named in the subpoena." Because witness subpoenas necessarily contain the witness's name and address, Rule 3A:12(c) functionally mandates the public filing of the witness's address, as well as the time and date on which the witness was served.

Second, Virginia defense attorneys can already obtain witness names and addresses from the Commonwealth's Attorney by requesting discovery under existing Rule 3A:11, which obligates the Commonwealth's Attorney to "[p]rovide to the accused a list of the names and, if known, the addresses of all persons who are expected to testify on behalf of the Commonwealth at trial or sentencing." Rule 3A:11(c)(1)(a) enables Commonwealth's Attorneys to protect fearful victims, witnesses, and their family members by redacting their workplace, email, phone number, and residential address from discovery. Obtaining witness addresses is simple. The defense attorney can request discovery from prosecutors, obtain local electronic access to court files, or otherwise go to the courthouse to examine subpoena returns in the clerk's office.

At its heart, this bill seeks to increase prosecutors' mandatory duties and subject criminal penalties on prosecutors for failure to comply. The effect of this bill will be to create an additional, and arguably frivolous, mechanism for criminal defense attorneys to prevent critical

prosecution witnesses from testifying and enable defense attorneys to cast false doubt on prosecutors' adherence to legitimate due process protections already established in Virginia law.

The underlying bill is unnecessary and duplicative of other provisions of law and court rules.

Accordingly, I veto this bill."

**Contact:** Taylor Mey | [tmey@dls.virginia.gov](mailto:tmey@dls.virginia.gov) | 698-1870

**SB 655. Unemployment compensation; electronic submission of information.** The enrolled bill requires employers to electronically submit claim-related forms and separation information, as well as other information and electronic tax payments, upon the Virginia Employment Commission's request, unless the employer has received a waiver by the Commission. The enrolled bill requires the Commission to develop a plan to conduct a pilot program that would require a sample group of employers that employ 15 or more employees to proactively provide separation information, including the date of and reason for separation, to separated individuals and electronically to the Commission within seven days of the individual's separation from employment and to submit such plan to the Commission on Unemployment Compensation by January 1, 2023. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 655, related to electronic submission of information to the Virginia Employment Commission and requiring the Commission to develop a plan for a pilot program.

I have recommended amendments to House Bill 270 and Senate Bill 219 that accomplish the same purpose of this bill.

Accordingly, I veto this bill."

**Contact:** Marvi Ali | [mali@dls.virginia.gov](mailto:mali@dls.virginia.gov) | 698-1816

**SB 706. Heavy trucks; operation in certain weather conditions.** The enrolled bill prohibits operators of heavy trucks, as defined in the bill, from using cruise control or compression release engine brakes when driving in active snow, sleet, or freezing rain. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 706, which prohibits semi-trailer trucks from using cruise control and compression release brakes during snow, sleet, or freezing rain.

Specifically, this bill is intended to prevent a traffic crisis such as the one that occurred on Interstate 95 on January 3, 2022 where semi-trailer trucks were immobilized by icy conditions, which prevented first responders from rescuing stranded motorists. However, the provisions of this bill would not prevent a similar incident from occurring. According to a report sponsored by the Virginia Department of Emergency Management, the Virginia Department of Transportation, and the Virginia State Police, neither cruise control nor compression release brakes were found to have contributed to the traffic crisis.

Additionally, this bill excludes enforcement mechanisms to support its provisions, except for a secondary offense only provable by after-incident data. Consequently, this bill would impose burdens on Virginia's trucking industry, as well as interstate transportation, without any demonstrable public safety or transportation benefit. More broadly, the Code of Virginia should not be littered with traffic provisions that law enforcement is not authorized to enforce.

Accordingly, I veto this bill."

**Contact:** Emma Buck | ebuck@dls.virginia.gov | 698-1818

**SB 722. Improper parking.** The enrolled bill authorizes localities in Planning District 8 to prohibit parking a motor vehicle with its wheels fully on the curb or with its wheels straddling the curb and provides that any motor vehicle parked on a curb is subject to a fine and may be removed by or under the direction of a law-enforcement officer or parking enforcement officer. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 722, which allows localities in Planning District 8 to prohibit the parking of any motor vehicle on a curb or with its wheels straddling a curb.

The bill would allow localities to issue a fine and instruct police officers to tow vehicles if they are parked on or partially on a curb. It is unclear that this bill would be effective in combating these nuisances, as the connection between fines and towing for parking on a curb is dubious.

Moreover, issuing a ticket and towing a vehicle because a driver parked on or partially on a curb is a steep penalty for an infraction that has no bearing on traffic safety or the ability of first responders to access public roadways or properties. The result would be needless fines and towing charges levied on drivers in Northern Virginia without any public safety or transportation benefit.

Accordingly, I veto this bill."

**Contact:** Emma Buck | ebuck@dls.virginia.gov | 698-1818

## Bills Returned by the Governor (2003-2022)

<b>Session</b>	<b>Governor</b>	<b>Amendments</b>	<b>Vetoes*</b>	<b>Total Sent to Governor</b>
2003	Warner	87	4	1,046
2004		60	2	1,035
2005		45	1	949
2006	Kaine	123	7	958
2007		106	10	958
2008		36	1	889
2009		101	12	886
2010	McDonnell	102	0	871
2011		132	5	892
2012		113	7	855
2013		85	6	812
2014	McAuliffe	57	5	834
2015		68	17	800
2016		57	29	811
2017		83	40	880
2018	Northam	30	10	874
2019		47	17	883
2020		102	1	1,291
2021 Special I		37	0	552
2022	Youngkin	116	26	843

\*This column represents the number of vetoes considered by the General Assembly during the Regular and Reconvened Sessions for each year. The final number of vetoed bills can be found in the Legislative Information System statistics for each session.