

University of Virginia -- Office of State Governmental Relations
LAW REPORT
Friday, July 7, 2017

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HB1401 [Higher educational institutions; speech on campus.](#)

Chief Patron: Landes

Summary:

Prohibits public institutions of higher education from abridging the constitutional freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus, except as otherwise permitted by the First Amendment to the United States Constitution.

Law Advice: New Requirement

HB1402 [Higher educational institutions, public; certain positions require residency of the Commonwealth.](#)

Companion Bill: SB907

Chief Patron: Landes

Summary:

Requires the president or any one of the vice presidents of the board of visitors of Virginia Military Institute, the chairman or the vice-chairman of the State Board, and the rector or vice-rector of the governing board of each other public institution of higher education to be a resident of the Commonwealth. This bill is identical to [SB 907](#).

Law Advice: New Requirement

HB1426 [Emergency custody or involuntary admission process; alternative transportation model.](#)

Companion Bill: SB1221

Chief Patron: Garrett

Summary:

Directs the Commissioner of Behavioral Health and Developmental Services and the Director of Criminal Justice Services, in conjunction with the relevant stakeholders, to develop a comprehensive model for the use of alternative transportation providers to provide safe and efficient transportation of individuals involved in the emergency custody or involuntary admission process as an alternative to transportation by law enforcement. The bill requires that the model be completed by October 1, 2017, and reported to the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century, the House Committee for Courts of Justice, and the Senate Committee for Courts of Justice. This bill is identical to [SB 1221](#).

Law Advice: FYI - No Direct Impact

HB1450 [Health insurer/health maintenance organization; response to notice from pharmacy's intermediary.](#)

Chief Patron: Ware

Summary:

Provides that if a pharmacy has provided notice through an intermediary of its agreement to accept reimbursements at rates applicable to preferred providers, the insurer or its intermediary may elect to respond directly to the pharmacy instead of the intermediary. The measure does not require a carrier to contract with a pharmacy's intermediary and does not prohibit an insurer or its intermediary from contracting with or disclosing confidential information to a pharmacy's intermediary.

Law Advice: FYI - No Direct Impact

HB1453 [Naloxone; dispensing for use in opioid overdose reversal, etc.](#)

Companion Bill: SB848

Chief Patron: LaRock

Summary:

Allows a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration from the Board of Pharmacy pursuant to § 54.1-3423 to dispense naloxone to a person who has completed a training program on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber, (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, and (iii) without charge or compensation. The bill also provides that dispensing may occur at a site other than that of the controlled substance registration, provided that the entity possessing the controlled substance registration maintains records in accordance with regulations of the Board of Pharmacy. The bill further provides that a person who dispenses naloxone shall not be liable for civil damages of ordinary negligence for acts or omissions resulting from the rendering of such treatment if he acts in good faith and that a person to whom naloxone has been dispensed pursuant to the provisions of the bill may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. The bill contains an emergency clause. This bill is identical to [SB 848](#).

Law Advice: New Authority

Effective February 23, 2017.

HB1467 [Neonatal abstinence syndrome; Board of Health to adopt regulations to](#)

include as reportable disease.

Companion Bill: SB1323

Chief Patron: Greason

Summary:

Requires the Board of Health to adopt regulations to include neonatal abstinence syndrome on the list of diseases that shall be required to be reported. This bill is identical to [SB 1323](#).

Law Advice: New Requirement

HB1483 BHDS, Board of; regulations governing licensure of providers.

Chief Patron: Bell, Richard P.

Summary:

Requires the Board of Behavioral Health and Developmental Services to amend regulations to include (i) occupational therapists in the definitions of "Qualified Mental Health Professional - Adult," "Qualified Mental Health Professional - Child," and "Qualified Mental Retardation Professional" and (ii) occupational therapy assistants in the definition of "Qualified Paraprofessional in Mental Health." In amending these definitions, the Board shall require educational and clinical experience for occupational therapists and occupational therapy assistants that is substantially equivalent to comparable professionals listed in the current regulations. The bill requires the Board to enact regulations to be effective within 280 days.

Law Advice: New Requirement

HB1484 Occupational therapists; Board of Medicine shall amend regulations governing licensure.

Chief Patron: Bell, Richard P.

Summary:

Directs the Board of Medicine to amend regulations governing licensure of occupational therapists to provide that Type 1 continuing learning activities that shall be completed by the practitioner prior to renewal of a license shall consist of an organized program of study, classroom experience, or similar educational experience that is related to a licensee's current or anticipated roles and responsibilities in occupational therapy and approved or provided by one of the following organizations or any of its components: the Virginia Occupational Therapy Association; the American Occupational Therapy Association; the National Board for Certification in Occupational Therapy; a local, state, or federal government agency; a regionally accredited college or university; or a health care organization accredited by a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation. Such regulations shall also provide that Type 1 continuing learning activities may also include an American Medical Association Category 1 Continuing Medical Education program. The bill further provides that the Board

of Medicine shall not deem maintenance of any certification provided by such organization as sufficient to fulfill continuing learning requirements for occupational therapists.

Law Advice: FYI - No Direct Impact

HB1497 [Ophthalmic prescriptions; definitions, who may provide prescriptions, requirements.](#)

Companion Bill: SB1321

Chief Patron: Farrell

Summary:

Requires, for ophthalmic prescriptions written on or after July 1, 2017, that an ophthalmologist or optometrist establish a bona fide provider-patient relationship with a patient prior to prescribing spectacles, eyeglasses, lenses, or contact lenses, and sets out requirements for establishing such relationship, which includes options for examination of the patient either in person or through face-to-face interactive, two-way, real-time communication or store-and-forward technologies. This bill is identical to [SB 1321](#).

Law Advice: New Requirement

HB1500 [Budget Bill.](#)

Chief Patron: Jones

Summary:

Amends Chapter 780, 2016 Acts of Assembly.

HB1508 [Critical incident reports; DBHDS to provide written report.](#)

Companion Bill: SB894

Chief Patron: Hope

Summary:

Requires the Commissioner of Behavioral Health and Developmental Services to provide a written report setting forth the known facts of serious injuries or deaths of individuals receiving services in programs operated or licensed by the Department of Behavioral Health and Developmental Services to the Director of the Commonwealth's designated protection and advocacy system within 15 working days of the serious injury or death. Currently, reports are required only for critical incidents or deaths occurring at facilities operated by the Department. This bill is identical to [SB 894](#).

Law Advice: FYI - No Direct Impact

HB1512 Higher educational institutions, public; academic credit for American Sign Language courses.

Chief Patron: Bell, Richard P.

Summary:

Requires each public institution of higher education to develop policies for counting credit received for successful completion of foreign language courses, including American Sign Language courses, either in a secondary school or another institution of higher education toward satisfaction of the foreign language entrance, placement, and course credit requirements of the public institution of higher education. The bill requires each public institution of higher education to count credit received for successful completion of American Sign Language courses at the institution toward satisfaction of its foreign language course credit requirements.

Law Advice: Change in Requirement

HB1512 consistent with current UVa practice -- polices and requirements for ASL are same as those for other foreign languages.

HB1514 Doctor of medicine, etc.; reporting disabilities of drivers to DMV, not subject to civil liability.

Companion Bill: SB1024

Chief Patron: Fowler

Summary:

Provides that any doctor of medicine, osteopathy, chiropractic, or podiatry or any nurse practitioner, physician assistant, optometrist, physical therapist, or clinical psychologist who reports to the Department of Motor Vehicles the existence, or probable existence, of a mental or physical disability or infirmity of any person licensed to operate a motor vehicle that the reporting individual believes affects such person's ability to operate a motor vehicle safely is not subject to civil liability or deemed to have violated the practitioner-patient privilege unless he has acted in bad faith or with malicious intent. This bill is identical to [SB 1024](#).

Law Advice: FYI - No Direct Impact

HB1521 Commonwealth's tax code; conformity with federal law; emergency.

Companion Bill: SB977

Chief Patron: Ware

Summary:

Advances conformity with the federal tax code to December 31, 2016. The bill contains an emergency clause. This bill is identical to [SB 977](#).

Law Advice: FYI - No Direct Impact

Effective February 3, 2017.

HB1529 [Temporary exemption periods from retail sales and use taxes for qualifying items; sunset dates.](#)

Companion Bill: SB1018

Chief Patron: Ward

Summary:

Extends from July 1, 2017, to July 1, 2022, the sunset dates for the sales tax holiday periods for school supplies and clothing, Energy Star and WaterSense products, and hurricane preparedness products. This bill is identical to [SB 1018](#).

Law Advice: Change in Requirement

HB1538 [Revision and recodification of Title 23; corrections.](#)

Chief Patron: LeMunyon

Summary:

Corrects typographical errors and makes other technical amendments relating to the revision and recodification of Title 23 and declares such corrections and amendments to be effective retroactively to October 1, 2016. This bill is a recommendation of the Code Commission.

Law Advice: FYI - No Direct Impact

Technical amendments to 2016 recodification of higher education title. Effective retroactively to October 1, 2016.

HB1539 [Virginia Freedom of Information Act; public access to records of public bodies.](#)

Chief Patron: LeMunyon

Summary:

Clarifies the definition of public record. The bill also (i) defines "personal contact information" that is excluded from FOIA's mandatory disclosure provisions in certain cases; (ii) clarifies that a requester has the right to inspect records or receive copies at his option; (iii) clarifies language in certain record exclusions under FOIA that certain records may be disclosed at the discretion of the custodian; (iv) consolidates the personnel record exclusion with the limitation on the application of that exclusion, and specifically clarifies that the name, in addition to position, job classification, and salary, of a public employee is public information as per opinions of the Attorney General and the FOIA Council; (v) eliminates, effective July 1, 2018, the exclusion for the Alcoholic Beverage Control Authority relating to operating and marketing strategies; (vi) eliminates the exclusion for correspondence of local officials as unnecessary; (vii) consolidates various public safety exclusions relating to building plans and drawings and critical infrastructure into a single exclusion; (viii) eliminates the exclusion for administrative investigations of the Department of Human Resource Management, as the exclusion is already covered under the personnel records exclusion; (ix) expands the exclusion for personal information provided to the Virginia College Savings Plan to cover qualified beneficiaries, designated survivors, and authorized individuals, which terms are defined in the bill; (x) consolidates the various record exclusions for the Department of Health Professions and the Department of Health into single exclusions for each Department; (xi) clarifies certain Department of Social Services exclusions; (xii) provides an exclusion for local finance boards that provide postemployment benefits other than pensions; and (xiii) eliminates the record exclusion for Virginia Wildlife Magazine. The bill also limits the application of the working papers exemption by stating that information publicly available or not otherwise subject to an exclusion under FOIA or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. The bill contains numerous technical amendments. This bill is a recommendation of the Freedom of Information Advisory Council pursuant to the [HJR 96](#) FOIA study (2014-2016).

Law Advice: Change in Requirement

HB1540 [Virginia Freedom of Information Act; public access to meetings of public bodies.](#)

Chief Patron: LeMunyon

Summary:

Revises FOIA's various open meeting exemptions relating to legal matters, litigation, certain museums, and the Virginia Commonwealth University Health System Authority. The bill also (i) clarifies where meeting notices and minutes are to be posted, (ii) requires copies of proposed agendas to be made available, (iii) eliminates reporting to the Joint Commission on Science and Technology when a state public body convenes an electronic communication meeting, and (iv) makes technical corrections to several open meeting exemptions to provide context for those meeting exemptions that currently only cross-reference corollary records exemptions. The bill also clarifies closed meeting procedures. The bill contains numerous technical corrections. This bill is a recommendation of the Freedom of Information Advisory Council pursuant to the [HJR 96](#) FOIA study (2014-2016).

Law Advice: Change in Requirement

HB1541 [Board of Nursing; powers and duties.](#)

Chief Patron: Robinson

Summary:

Authorizes the Board of Nursing to deny or withdraw approval from training programs for failure to meet prescribed standards. Under current law, the Board has such power for educational programs.

Law Advice: FYI - No Direct Impact

HB1544 [Certificates of public need; conditions on certificates, alternative plans of compliance.](#)

Chief Patron: Collins

Summary:

Provides that in cases in which a certificate holder holds more than one certificate of public need with conditions, and the certificate holder is unable to satisfy the conditions of one certificate, the Department of Health may provide for satisfaction of the conditions on that certificate by the provision of care at a reduced rate to indigent individuals in excess of the amount required by another certificate issued to the same holder, in an amount approved by the Department as part of an alternative plan of compliance.

Law Advice: Change in Requirement

HB1548 [Advance directives; admission of person for mental health treatment, capacity determinations.](#)

Companion Bill: SB1511

Chief Patron: Farrell

Summary:

Provides that in cases in which a person has executed an advance directive granting an agent the authority to consent to the person's admission to a facility for mental health treatment and the advance directive so authorizes, the person's agent may exercise such authority after a determination that the person is incapable of making an informed decision regarding such admission has been made by (i) the attending physician, (ii) a psychiatrist or licensed clinical psychologist, (iii) a licensed psychiatric nurse practitioner, (iv) a licensed clinical social worker, or (v) a designee of the local community services board as defined in § 37.2-809. The bill also provides that a person's agent may make a health care decision over the protest of the person if, in addition to other factors, at the time the advance directive was made, a licensed physician, licensed clinical psychologist, licensed physician assistant, licensed nurse practitioner, licensed professional counselor, or licensed clinical social worker who is familiar with the person attested in writing that the person was capable of making an informed decision and understood the consequences of the provision. This bill is identical to [SB 1511](#).

Law Advice: New Requirement

HB1549 Community services boards and behavioral health authorities; services to be provided, report.

Companion Bill: SB1005

Chief Patron: Farrell

Summary:

Provides that, effective July 1, 2019, the core of services provided by community services boards and behavioral health authorities shall include (i) same-day access to mental health screening services and (ii) outpatient primary care screening and monitoring services for physical health indicators and health risks and follow-up services for individuals identified as being in need of assistance with overcoming barriers to accessing primary health services. The bill provides that, effective July 1, 2021, the core of services provided by community services boards and behavioral health authorities additionally shall include (a) crisis services for individuals with mental health or substance use disorders, (b) outpatient mental health and substance abuse services, (c) psychiatric rehabilitation services, (d) peer support and family support services, (e) mental health services for members of the armed forces located 50 miles or more from a military treatment facility and veterans located 40 miles or more from a Veterans Health Administration medical facility, (f) care coordination services, and (g) case management services. The bill also requires the Department of Behavioral Health and Developmental Services to report annually regarding progress in the implementation of the bill. This bill is identical to [SB 1005](#).

Law Advice: FYI - No Direct Impact

HB1551 Commitment hearings; sharing of records and information.

Companion Bill: SB1006

Chief Patron: Farrell

Summary:

Requires the Office of the Executive Secretary of the Supreme Court to provide electronic data, including individually identifiable information, on proceedings pursuant to the Psychiatric Treatment of Minors Act and the Emergency Custody of Voluntary and Involuntary Civil Admissions Act to the Department of Behavioral Health and Developmental Services upon request and provides that the Department may use such data for the purpose of developing and maintaining statistical archives, conducting research on the outcome of such proceedings, and preparing analyses and reports for use by the Department. The bill requires the Department to take all necessary steps to protect the security and privacy of the records and information provided pursuant to the provisions of the bill in accordance with the requirements of state and federal law and regulations governing health privacy. This bill is identical to [SB 1006](#).

Law Advice: FYI - No Direct Impact

HB1555 Agency directors; human resource training and agency succession planning.

Chief Patron: Ware

Summary:

Directs the Department of Human Resource Management (the Department) to administer training programs to familiarize agency directors with state human resource policies, such as compensation management, benefits administration, and resources available at the Department. The bill requires (i) the Department to offer training programs at least twice per year, (ii) each agency director to attend a training program with the agency chief human resource officer within six months after the director's appointment and thereafter at least once every four years, (iii) the agency chief human resource officer to provide subsequent training on agency-specific human resource policies, and (iv) each agency director to develop and submit annually to the Department an agency succession plan for key personnel, executive positions, and employees nearing retirement. The bill also requires public institutions of higher education to prepare a succession plan for presentation to the board of visitors with a copy to the Department.

Law Advice: New Requirement

Allows President to appoint designee to attend training. Requires succession plan be presented to Board of Visitors and sent to DHRM.

HB1567 Medicaid applications; information about advance directives.

Chief Patron: Orrock

Summary:

Requires all entities approved by the Board of Medical Assistance Services to receive applications and to determine eligibility for medical assistance to provide each applicant for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive.

Law Advice: New Requirement

HB1568 Child care providers; applicant criminal history background checks, penalty.

Companion Bill: SB897

Chief Patron: Orrock

Summary:

Requires the following individuals to undergo a fingerprint-based national criminal history background check: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as their agents and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. The bill also mandates that all background checks required pursuant to §§ 63.2-1720.1 and 63.2-1721.1 be completed by September 30, 2017, or by the date specified on any federal waiver obtained by the Commonwealth, and every five years thereafter. The bill has an expiration date of July 1, 2018. The bill further provides that if any provision of the federal Child Care and Development Block Grant Act of 2014 establishing a corresponding requirement is repealed prior to July 1, 2018, the provision of the bill establishing such requirement shall expire upon the date of such repeal. This bill is identical to [SB 897](#).

Law Advice: Change in Requirement

HB1571 [Workers' compensation; fees for medical services.](#)

Chief Patron: Farrell

Summary:

Provides that the pecuniary liability of an employer for a medical service provided for the treatment of a traumatic injury or serious burn includes liability for any professional service rendered during the dates of service of the admission or transfer to a Level I or Level II trauma center or to a burn center, as applicable. The measure increases the initial charge outlier threshold, which under the stop-loss feature allows hospitals to receive payments or reimbursements that exceed the fee schedule amount for certain claims, from 150 percent of the maximum fee for the service set forth in the applicable fee schedule to 300 percent of such amount. The measure allows the Workers' Compensation Commission to adjust the charge outlier threshold percentage; under existing law, it is allowed only to decrease the percentage. The measure also (i) expands the definition of codes, as used in the provision directing the Commission to establish fee schedules for scheduled medical services, to include revenue codes, which are defined in the bill; (ii) clarifies the definition of "HCPCS codes"; (iii) directs the Commission to use the regulatory advisory panel on all matters involving or related to the fee schedule as deemed necessary by the Commission; (iv) adds a definition of "new type of technology"; and (v) extends the deadline by which the regulatory advisory panel is required to meet, review, and make recommendations to the Commission from July 1, 2017, to July 1, 2018. The bill contains an emergency clause.

Law Advice: Change in Requirement

Effective March 13, 2017.

HB1590 [Duty of care to law-enforcement officers and firefighters; fireman's rule.](#)

Chief Patron: Campbell

Summary:

Provides that the common-law doctrine known as the fireman's rule, as described in the bill, shall not be a defense to certain claims. The fireman's rule is based on assumption of the usual risks of injury in such employment, whether caused by a negligent or a nonnegligent act of the defendant.

Law Advice: FYI - No Direct Impact

HB1592 [Comprehensive community colleges; academic credit.](#)

Companion Bill: SB999

Chief Patron: James

Summary:

Requires the State Board for Community Colleges to require each comprehensive community college to develop policies and procedures for awarding academic credit to enrolled students who have successfully completed a state-approved registered apprenticeship credential. This bill is identical to [SB 999](#).

Law Advice: FYI - No Direct Impact

HB1596 [Virginia Public Procurement Act; public works contracts, prevailing wage provisions.](#)

Chief Patron: Webert

Summary:

Prohibits state agencies from requiring bidders, offerors, contractors, or subcontractors to pay, or require the payment of, wages, salaries, benefits, or other remuneration to persons employed to perform services in connection with a public works project at a rate that is based on the wages and benefits prevailing for the corresponding classes of laborers and mechanics employed. A corresponding prohibition is made applicable to state agencies providing grants or other financial assistance for public works projects, unless otherwise required under federal law. The measure further states that it is the policy of the Commonwealth not to implement, adopt, enforce, or require any program, policy, or provision that requires a public works contract that requires the payment of wages or other remuneration at a rate based on the prevailing wage, whether modeled on the federal Davis-Bacon Act or similar state law.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB1597 [Stormwater management utility, local; waiver of charges when stormwater](#)

retained on site.

Chief Patron: Webert

Summary:

Requires any locality establishing a stormwater management utility to provide a full or partial waiver of charges for a person whose approved stormwater management plan indicates that the stormwater produced by his property is retained and treated on site.

Law Advice: FYI - No Direct Impact

HB1609 Nurse practitioner as expert witness; scope of activities.

Chief Patron: Leftwich

Summary:

References the specific Code section outlining the scope of a nurse practitioner's activities in the context of the current provision that authorizes a nurse practitioner to testify as an expert witness within the scope of his activities.

Law Advice: FYI - No Direct Impact

HB1610 Drug Control Act; Schedule I.

Companion Bill: SB1546

Chief Patron: Garrett

Summary:

Adds certain chemical substances to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. The bill also removes two substances, benzylfentanyl and thienylfentanyl, from Schedule I. The bill contains technical amendments. This bill is identical to [SB 1546](#).

Law Advice: FYI - No Direct Impact

HB1615 Chief Medical Examiner; appointment, terms, and authority of medical examiners.

Chief Patron: Tyler

Summary:

Provides that the Chief Medical Examiner may appoint a medical examiner for each county or city in the

Commonwealth. Under current law, the Chief Medical Examiner is required to do so. The bill authorizes appointed medical examiners to assist the Office of the Chief Medical Examiner with cases requiring medicolegal death investigations. Finally, the bill clarifies that the appointment of a medical examiner to fill a vacancy is not required to start on October 1 of the year of appointment, and the term length of such appointment is for the unexpired term.

Law Advice: FYI - No Direct Impact

HB1617 [Legal malpractice; estate planning.](#)

Companion Bill: SB1140

Chief Patron: Habeeb

Summary:

Provides that the statute of limitations for legal malpractice related to estate planning is five years if the legal representation was based on a written contract and three years if the legal representation was based on an unwritten contract. The bill provides that the accrual date for such an action is the date of completion of the representation. The bill further provides that a person who is not party to the representation shall have standing to maintain such an action only if there is a written agreement between the individual who is the subject of the estate planning and the defendant that expressly grants standing to such person. This bill is in response to *Thorsen v. Richmond Society for the Prevention of Cruelty to Animals*, 786 S.E.2d 453 (Va. 2016) and is identical to [SB 1140](#).

Law Advice: FYI - No Direct Impact

HB1618 [Nonexoneration of debts on property of decedent; notice to creditor and beneficiaries.](#)

Companion Bill: SB1176

Chief Patron: Habeeb

Summary:

Provides a procedure by which a personal representative of a decedent's estate may notify a creditor of a debt on certain property in the decedent's estate that such property passes without the right of exoneration. The bill provides the method by which such notice shall be sent. The bill provides that if such procedure is used, the creditor may file a claim for such debt with the commissioner of accounts, and if the creditor does not timely file such claim, the personal representative shall be liable for the debt up to an amount not exceeding the assets of the decedent remaining in possession of the personal representative and available for application to the debt. The bill does not have an effect on either the liability of the estate for such debt to the extent of the decedent's assets remaining at the time a claim is filed or the liability of the beneficiaries that receive the decedent's assets to the extent of such receipt. This bill is identical to [SB 1176](#).

Law Advice: FYI - No Direct Impact

HB1625 [Mobile food units; licenses.](#)

Chief Patron: Robinson

Summary:

Directs the Department of Health to issue a license in the form of a sticker to a restaurant that is a mobile food unit that meets the requirements for licensure and requires the licensee to prominently display the license on the mobile food unit.

Law Advice: FYI - No Direct Impact

HB1642 [Naloxone or other opioid antagonist; possession and administration.](#)

Companion Bill: SB1031

Chief Patron: Hope

Summary:

Adds employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, and employees of the Department of General Services Division of Consolidated Laboratory Services to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program. The bill contains an emergency clause. This bill is identical to [SB 1031](#).

Law Advice: FYI - No Direct Impact

Effective February 21, 2017.

HB1646 [Form of garnishment summons; maximum portion of disposable earnings subject to garnishment.](#)

Companion Bill: SB1333

Chief Patron: Loupassi

Summary:

Provides that the form of garnishment summons will state that an employee who makes the minimum wage or less for his week's earnings will ordinarily get to keep 40 times the minimum hourly wage when such earnings are subject to a garnishment, not 30 times as stated in Title 8.01, Civil Remedies and Procedures. The bill is intended to reflect the current statutory requirement for exemptions in Title 34, Homestead and Other Exemptions, and is technical in nature. The bill further directs the Office of the Executive Secretary of the Supreme Court to update the form of garnishment summons accordingly. This bill is identical to [SB 1333](#).

Law Advice: FYI - No Direct Impact

HB1656 [Health insurance; proton radiation therapy coverage decisions.](#)

Chief Patron: Yancey

Summary:

Prohibits health insurance policies and plans from holding proton radiation therapy to a higher standard of clinical evidence for benefit coverage decisions than is applied for other types of radiation therapy treatment. The measure applies to policies and plans that provide coverage for cancer therapy. The bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective March 3, 2017.

HB1659 [Workers' compensation; employer's lien, third party actions.](#)

Companion Bill: SB1175

Chief Patron: Habeeb

Summary:

Requires that any arbitration proceeding regarding the exercise of an employer's right of subrogation to an employee's claim against a third party shall be limited solely to arbitrating the amount and validity of the employer's lien and shall not affect the employee's rights in any way. Such arbitration shall not be held unless (i) any contested expenses remaining have been submitted to the Virginia Workers' Compensation Commission (the Commission) for a determination of their validity and the Commission has made such determination of validity prior to the commencement of the arbitration; (ii) prior to the commencement of such arbitration the employer has provided the injured employee and his attorney, if any, with an itemization of the expenses associated with the lien that is the subject of the arbitration; (iii) upon receipt of the itemization of the lien, the employee shall have 21 days to provide a written objection to any expenses included in the lien to the employer, and if the employee does not do so any objections to the lien to be arbitrated shall be deemed waived; and (iv) the employer shall have 14 days after receipt of the written objection to notify the employee of any contested expenses that the employer does not agree to remove from the lien, and if the employer does not do so any itemized expense objected to by the employee shall be deemed withdrawn and not included in the arbitration. This bill is identical to [SB 1175](#).

Law Advice: New Requirement

HB1661 [Administration of medications to treat adrenal crisis.](#)

Chief Patron: Greason

Summary:

Provides that a prescriber may authorize an employee of (i) a school board, (ii) a school for students with disabilities, or (iii) an accredited private school who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued within the course of the prescriber's professional practice and with the consent of the student's parents. The bill provides that any such authorized employee who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

Law Advice: New Authority

HB1662 [Higher educational institutions, public; general education course credit, dual enrollment courses.](#)

Companion Bill: SB1534

Chief Patron: Greason

Summary:

Requires the State Council of Higher Education for Virginia (SCHEV), in consultation with each public institution of higher education, to establish a policy for granting undergraduate general education course credit to any entering freshman student who has successfully completed a dual enrollment course. The bill requires SCHEV and each public institution of higher education to make the policy available to the public on the SCHEV and institution's websites. This bill is identical to [SB 1534](#).

Law Advice: New Requirement

HB1664 [SCHEV; collection and publication of wage data.](#)

Chief Patron: Greason

Summary:

Authorizes the State Council of Higher Education for Virginia (Council) to publish data on the proportion of graduates of each public institution of higher education and each nonprofit private institution of higher education eligible to participate in the Tuition Assistance Grant Program who are employed at 18 months and five years after the date of graduation. The bill directs that the data include the program and the program level, as recognized by the Council, for each degree awarded by each institution; the percentage of graduates known to be employed in the Commonwealth; the average salary and the average higher education-related debt for the graduates on which the data is based; rates of enrollment in remedial coursework for each institution; individual student credit accumulation for each institution; rates of postsecondary degree completion; and any other information that the Council determines is necessary to

address adequate preparation for success in postsecondary education and alignment between secondary and postsecondary education. The bill requires each such institution of higher education to provide a link to such published postsecondary education and employment data.

The bill also requires the Council to administer the Virginia Longitudinal Data System as a multiagency partnership for the purposes of developing educational, health, social service, and employment outcome data; improving the efficacy of state services; and aiding decision making.

Law Advice: New Requirement

Requires posting link to SCHEV's education and employment data.

HB1675 [Palliative care information and resources; VDH to make information available on its website.](#)

Companion Bill: SB974

Chief Patron: Bulova

Summary:

Requires the Department of Health to make information about and resources on palliative care available to the public, health care providers, and health care facilities on its website. This bill is identical to [SB 974](#).

Law Advice: FYI - No Direct Impact

HB1689 [Medical records or papers; fee limits, penalty for failure to provide.](#)

Chief Patron: Habeeb

Summary:

Provides that the requestor of medical records or papers has the option of specifying in which format the records or papers are to be produced. The bill allows a health care provider to produce such records or papers in paper or other hard copy format if the items are requested to be produced in electronic format, but the health care provider does not maintain such items in an electronic format or have the capability to produce items in an electronic format. The bill increases from 15 to 30 days the time allowed for health care providers to comply with a request received for records or papers. The bill imposes maximum charges for the production of requested medical records or papers, which vary depending on the format in which the records are produced. The bill sets a maximum total fee of \$150 for requests made on or after July 1, 2017, but before July 1, 2021, and \$160 for requests made on or after July 1, 2021. The bill directs a provider to comply with a subpoena duces tecum by returning the specified records or papers either on the return date on the subpoena, or five days after receipt of a certification sent by the issuing party, whichever is later. If a court finds that such records or papers are not produced (i) for a reason other than compliance with privacy requirements or (ii) due to an inability to retrieve or access such records or papers, the subpoenaing party shall be entitled to a rebuttable presumption that expenses and attorney fees related to the failure to produce such records shall be awarded by the court.

Law Advice: Change in Requirement

HB1693 Virginia Public Procurement Act; contracts for architectural and engineering services.

Chief Patron: Collins

Summary:

Increases the maximum permissible fee for any single project encompassed in a contract for architectural or professional engineering services relating to multiple construction projects from \$100,000 to \$150,000.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB1712 Energy performance-based contract; cooperative procurement.

Chief Patron: Minchew

Summary:

Authorizes a public body, defined as a contracting entity, to purchase energy conservation or operational efficiency measures from an energy performance-based contract entered into by another contracting entity pursuant to the Energy and Operational Efficiency Performance-Based Contracting Act even if the entity did not participate in the request for proposals if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure permits the use of cooperative procurement for energy conservation or operational efficiency measures in such instances. The bill provides, however, that energy conservation or operational efficiency measures shall not include roof replacement projects.

Law Advice: FYI - No Direct Impact

HB1716 Alzheimer's Disease and Related Disorders Commission; extends sunset provision.

Companion Bill: SB869

Chief Patron: Anderson

Summary:

Extends the sunset date of the Alzheimer's Disease and Related Disorders Commission from July 1, 2017, to July 1, 2020, and makes a technical correction to the reporting requirement of the Commission. This bill is identical to [SB 869](#).

Law Advice: FYI - No Direct Impact

HB1718 [Civics Education, Commission on; renamed Commission on Civic Education, extends sunset provision.](#)

Companion Bill: SB840

Chief Patron: Anderson

Summary:

Renames the Commission on Civics Education as the Commission on Civic Education and extends from July 1, 2017, to July 1, 2019, the expiration of such commission. This bill is identical [SB 840](#).

Law Advice: FYI - No Direct Impact

HB1719 [Wireless E-911 Fund; distribution percentages.](#)

Companion Bill: SB1003

Chief Patron: Anderson

Summary:

Postpones from July 1, 2017, to July 1, 2018, the date by which the Department of Taxation is required to conduct its first recalculation of the percentage of funds in the Wireless E-911 Fund that is required to be distributed to each public safety answering point (PSAP). The recalculation is required to be based on the cost and call load data of each PSAP for the previous five fiscal years. This bill is identical to [SB 1003](#).

Law Advice: FYI - No Direct Impact

HB1720 [Flag at half staff or mast; public safety personnel.](#)

Chief Patron: Anderson

Summary:

Expands the category of flags required to be flown at half staff or mast when a service member, police officer, firefighter, or emergency medical services provider is killed in the line of duty to include flags flown at any building owned and operated by any political subdivision of the Commonwealth. In addition, the bill adds state correctional officers to the list of public safety personnel for whom such flags are flown at half staff or mast.

Law Advice: FYI - No Direct Impact

HB1728 Air transportation services providers; VDH to review rules for use in medical situations.

Chief Patron: Ransone

Summary:

Directs the Department of Health to convene a work group to review the rules governing use of air transportation services, also known as air ambulances, in emergency medical situations and protocols for the dispatch of air transportation services in response to emergency medical situations and to provide recommendations for changes to such rules or protocols. The Department shall report its findings and recommendations to the Governor and the General Assembly by December 1, 2017.

Law Advice: Monitor and Track

HB1732 License plates, special; issuance for supporters of Virginia Nurses Foundation.

Chief Patron: Yancey

Summary:

Authorizes the issuance of revenue-sharing special license plates for supporters of the Virginia Nurses Foundation.

Law Advice: FYI - No Direct Impact

HB1736 Joint Commission on Health Care; sunset.

Companion Bill: SB1043

Chief Patron: Hope

Summary:

Extends the expiration of the Joint Commission on Health Care from July 1, 2018, to July 1, 2022. This bill is identical to [SB 1043](#).

Law Advice: FYI - No Direct Impact

HB1744 Alcoholic beverage control; disposable containers.

Companion Bill: SB1469

Chief Patron: Rush

Summary:

Includes a single original metal can in the list of allowable disposable containers that a beer licensee, a wine and beer licensee, and certain mixed beverage licensees may use to sell alcoholic beverages. This bill is identical to [SB 1469](#).

Law Advice: FYI - No Direct Impact

HB1746 [Higher educational institutions; possession and administration of epinephrine.](#)

Companion Bill: SB944

Chief Patron: Rush

Summary:

Authorizes and provides liability protection for employees of a public or private institution of higher education who are authorized by a prescriber and trained in the administration of epinephrine, insulin, or glucagon to possess and administer such epinephrine, insulin, or glucagon. This bill is identical to [SB 944](#).

Law Advice: New Authority

HB1747 [Advance directives; persons authorized to provide assistance in completing, training programs.](#)

Companion Bill: SB1242

Chief Patron: O'Bannon

Summary:

Defines "qualified advance directive facilitator" as a person who has successfully completed a training program approved by the Department of Health for providing assistance in completing and executing a written advance directive; establishes requirements for training programs for qualified advance directive facilitators; and provides that distribution of a form for an advance directive that meets the requirements of § 54.1-2984 and the provision of ministerial assistance to a person with regard to the completion or execution of such form shall not constitute the unauthorized practice of law. This bill is identical to [SB 1242](#).

Law Advice: FYI - No Direct Impact

HB1748 [Charity health care services; liability protection for administrators.](#)

Companion Bill: SB981

Chief Patron: O'Bannon

Summary:

Provides that persons who administer, organize, arrange, or promote the rendering of services to patients of certain clinics shall not be liable to patients of such clinics for any civil damages for any act or omission resulting from the rendering of such services unless the act or omission was the result of such persons' or the clinic's gross negligence or willful misconduct. This bill is identical to [SB 981](#).

Law Advice: FYI - No Direct Impact

HB1750 [Dispensing of naloxone; patient-specific order not required.](#)

Chief Patron: O'Bannon

Summary:

Provides that a pharmacist may dispense naloxone in the absence of a patient-specific prescription pursuant to a standing order issued by the Commissioner of Health authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Law Advice: Change in Authority

HB1751 [Virginia Foundation for Healthy Youth; mission.](#)

Companion Bill: SB1050

Chief Patron: O'Bannon

Summary:

Expands the mission of the Virginia Foundation for Healthy Youth to include the reduction and prevention of substance use by youth in the Commonwealth. This bill is identical to [SB 1050](#).

Law Advice: FYI - No Direct Impact

HB1767 [Telemedicine, practice of; prescribing controlled substances.](#)

Companion Bill: SB1009

Chief Patron: Garrett

Summary:

Provides that a health care practitioner who performs or has performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment, for the purpose of establishing a bona fide practitioner-patient relationship may prescribe Schedule II through VI

controlled substances to the patient, provided that the prescribing of such controlled substance is in compliance with federal requirements for the practice of telemedicine. The bill also authorizes the Board of Pharmacy to register an entity at which a patient is treated by the use of instrumentation and diagnostic equipment for the purpose of establishing a bona fide practitioner-patient relationship and is prescribed Schedule II through VI controlled substances to possess and administer Schedule II through VI controlled substances when such prescribing is in compliance with federal requirements for the practice of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S. Drug Enforcement Administration. The bill contains an emergency clause. This bill is identical to [SB 1009](#).

Law Advice: New Authority

Effective February 21, 2017.

HB1768 [Virginia Retirement System; stress testing and reporting policies.](#)

Chief Patron: Garrett

Summary:

Requires the Virginia Retirement System (VRS) to formally adopt stress testing and additional reporting policies. The bill requires VRS to analyze and regularly report on projections of benefit levels, pension costs, liabilities, and debt reduction under various scenarios; to provide a detailed online statement of investment policy and include investment performance data in certain timeframes up to 25 years; and to report investment performance and expenses such as carried interest fees.

Law Advice: FYI - No Direct Impact

HB1774 [Stormwater management; work group to examine ways to improve.](#)

Chief Patron: Hodges

Summary:

Directs the Commonwealth Center for Recurrent Flooding Resiliency (the Center) to convene a work group to consider alternative methods of stormwater management in rural Tidewater localities. The bill provides that the group is to be facilitated by the Virginia Coastal Policy Center at William and Mary Law School and is to include representatives of institutions of higher education, state agencies, local governments, private industry, and other groups. The bill provides that the work group is to review and consider the creation of rural development growth areas, the development of a volume credit program, the payment of fees to support regional best management practices, and the allowance of the use of stormwater in highway ditches to generate volume credits. The bill requires the Center to report the results of the work group's examination to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by January 1, 2018, which is the date the work group provisions of the bill are set to expire. The bill also delays from July 1, 2017, to July 1, 2018, the effective date of new stormwater laws enacted during the 2016 Session of the General Assembly.

Law Advice: FYI - No Direct Impact

Workgroup to include representatives from higher education institutions.

HB1775 [Persons with developmental disabilities; terminology.](#)

Chief Patron: Hodges

Summary:

Corrects numerous sections of the Code of Virginia by replacing the term "intellectual disability" with "developmental disabilities" as appropriate.

Law Advice: FYI - No Direct Impact

HB1777 [Hospitals providing psychiatric services; denials of admission.](#)

Chief Patron: Stolle

Summary:

Requires the Board of Health to promulgate regulations that require each hospital that provides inpatient psychiatric services to establish a protocol that (i) requires, for any refusal to admit a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by the referring physician, and (ii) prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician.

Law Advice: New Requirement

HB1786 [In utero exposure to a controlled substance; departments of social services to collect information.](#)

Companion Bill: SB1086

Chief Patron: Stolle

Summary:

Requires local departments of social services to collect information during a family assessment to determine whether the mother of a child who was exposed in utero to a controlled substance sought substance abuse counseling or treatment prior to the child's birth. The bill requires mandated reporters of suspected child abuse or neglect to make a report if a finding is made by a health care provider (i) within six weeks following a child's birth that the child was born affected by substance abuse or experiencing withdrawal symptoms resulting from in utero drug exposure; (ii) within four years following a child's birth that the child has an illness, disease, or condition that is attributable to maternal abuse of a controlled substance during pregnancy; or (iii) within four years following a child's birth that the child

has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. The bill provides that if a local department of social services receives a report or complaint of suspected child abuse or neglect on the basis of one or more of the aforementioned factors, the local department shall (a) conduct a family assessment, unless an investigation is required by law or is necessary to protect the safety of the child, and (b) develop a plan of safe care in accordance with federal law. The bill directs the State Board of Social Services to promulgate regulations to implement the provisions of the bill. This bill is identical to [SB 1086](#).

Law Advice: FYI - No Direct Impact

[HB1790 Administrative Process Act; development and periodic review of regulations, report.](#)

Chief Patron: Lingamfelter

Summary:

Requires agencies to develop regulations in the least burdensome and intrusive manner possible and provides guiding principles for the development, adoption, and repeal of regulations. The bill also requires each agency to establish a schedule over a 10-year period for the review of all regulations for which the agency is the primary responsible agency. The schedule shall provide for the annual review of at least 10 percent of an agency's regulations by July 1 of each year. Under the bill, the Governor will submit an annual report containing the findings of the regulation reviews by August 1 of each year to the chairmen of the standing committees of the House of Delegates and the Senate.

Law Advice: New Requirement

[HB1791 Conspiracy, incitement, etc., to riot; penalty when against public safety personnel.](#)

Chief Patron: Lingamfelter

Summary:

Provides that any person who conspires with others to cause or produce a riot against, or directs or incites other persons who participate in a riot to acts of force or violence against, a law-enforcement officer, firefighter, volunteer firefighter, or emergency medical services personnel, engaged in the performance of his public duties, or a member of the Virginia National Guard or the Virginia Defense Force on official state or federal duty is guilty of a Class 3 felony. The bill also eliminates the existing provision that prohibits any person from soliciting other persons to participate in a riot.

Law Advice: FYI - No Direct Impact

[HB1798 Human immunodeficiency virus \(HIV\); donation or acquisition of organs infected with virus.](#)

Chief Patron: O'Bannon

Summary:

Allows for the donation or acquisition of organs by persons infected with human immunodeficiency virus when (i) the recipient of such organ is informed that such organ is infected with human immunodeficiency virus and, following such notice, consents to the receipt of such organ and (ii) acquisition and transplantation of such organ is in compliance with the provisions of the HIV Organ Policy Equity Act, 42 U.S.C. § 274f-5.

Law Advice: FYI - No Direct Impact

HB1799 [Controlled substances; use of FDA-approved substance upon publication of final rule, etc.](#)

Companion Bill: SB1403

Chief Patron: O'Bannon

Summary:

Authorizes the Board of Pharmacy (Board) to designate, deschedule, or reschedule as a controlled substance any substance 30 days after publication in the Federal Register of a final or interim final order or rule designating such substance as a controlled substance or descheduling or rescheduling such substance. Under current law, the Board may act 120 days from such publication date. The bill also provides that a person is immune from prosecution for prescribing, administering, dispensing, or possessing pursuant to a valid prescription a substance approved as a prescription drug by the U.S. Food and Drug Administration on or after July 1, 2017, in accordance with a final or interim final order or rule despite the fact that such substance has not been scheduled by the Board. The immunity provided by the bill remains in effect until the earlier of (i) nine months from the date of the publication of the interim final order or rule or, if published within nine months of the interim final order or rule, the final order or rule or (ii) the substance is scheduled by the Board or by law. This bill is identical to [SB 1403](#).

Law Advice: FYI - No Direct Impact

HB1801 [Alcoholic beverage control; delivery privileges of persons granted a wine and beer license.](#)

Chief Patron: Knight

Summary:

Provides that notwithstanding any provision of law to the contrary, persons granted a wine and beer license may deliver such wine or beer in closed containers for off-premises consumption (i) to a person's vehicle if located in a designated parking area of the retailer's premises where such person has electronically ordered wine or beer in advance of the delivery or (ii) if the licensee holds a delivery permit issued by the ABC Board, to such other locations as may be permitted by Board regulation. The bill contains technical amendments.

Law Advice: FYI - No Direct Impact

HB1815 [Computer trespass; government computers and computers used for public utilities, penalty.](#)

Chief Patron: Yancey

Summary:

Increases the Class 1 misdemeanor computer trespass crimes to a Class 6 felony if the computer affected is one that is exclusively for the use of, or used by or for, the Commonwealth, a local government within the Commonwealth, or certain public utilities.

Law Advice: FYI - No Direct Impact

HB1825 [Ticket Resale Rights Act; limitations on reselling tickets on Internet ticketing platform, penalty.](#)

Companion Bill: SB1425

Chief Patron: Albo

Summary:

Prohibits any person that issues tickets for admission to a professional concert, professional sporting event, or professional theatrical production, open to the public for which tickets are ordinarily sold, from issuing the ticket solely through a delivery method that substantially prevents the ticket purchaser from lawfully reselling the ticket on the Internet ticketing platform of the ticket purchaser's choice. The measure also prohibits a person from being discriminated against or denied admission to an event solely on the basis that the person resold a ticket, or purchased a resold ticket, on a specific Internet ticketing platform. A person violating these prohibitions is subject to a civil penalty of not less than \$1,000 nor more than \$5,000. This bill is identical to [SB 1425](#).

Law Advice: New Requirement

Does not apply to student tickets for events at auxiliary facilities.

HB1840 [Human immunodeficiency virus \(HIV\); confidentiality of tests, release of information.](#)

Chief Patron: Stolle

Summary:

Clarifies that information about the results of tests to determine infection with human immunodeficiency virus shall be released only to persons or entities permitted or authorized to obtain protected health

information under any applicable federal or state law.

Law Advice: Change in Requirement

HB1842 [Alcoholic beverage control; neutral grain spirits or alcohol sold at government stores.](#)

Chief Patron: Knight

Summary:

Increases from 101 to 151 the proof of neutral grain spirits or alcohol that is without distinctive character, aroma, taste, or color that may be sold at government stores. The bill has an expiration date of July 1, 2022.

Law Advice: FYI - No Direct Impact

HB1846 [Death certificates; filing.](#)

Chief Patron: Cox

Summary:

Provides that a non-electronically filed death certificate may be filed in any registration district in the Commonwealth. Under current law, death certificates are required to be filed in the district in which the death occurs.

Law Advice: Change in Requirement

HB1854 [Conflicts of Interests Acts, State & Local Government & General Assembly, lobbyist; filing.](#)

Companion Bill: SB1312

Chief Patron: Gilbert

Summary:

Makes numerous changes to the laws governing lobbyist reporting, the conflict of interest acts, and the Virginia Conflict of Interest and Ethics Advisory Council (the Council), including (i) allowing the Secretary of the Commonwealth to suspend any penalty that could be assessed against a lobbyist's principal for failing to file the required disclosure if such failure is beyond the control of the principal; (ii) clarifying the procedures for terminating the services of a lobbyist; (iii) requiring that lobbyist registration forms be filed electronically; (iv) eliminating the requirement that a lobbyist list the names, addresses, and telephone numbers of all other lobbyists representing the same principal; (v) creating a separate statement for a lobbyist's principal to waive the principal signature requirement on the lobbyist disclosure form; (vi) granting the clerk of the local governing body or school board the same power as

the Council to redact from any disclosure form released to the public any residential address, personal telephone number, or signature; (vii) eliminating the minimum duration of the mandatory refresher ethics orientation session for General Assembly members; (viii) allowing written informal advice from the Council to confer immunity from prosecution upon individuals acting in accordance with such advice; (ix) clarifying the Council's authority to grant extensions from the filing deadline and imposing a \$250 civil penalty on agency heads or local clerks who fail to provide the disclosure forms to filers in a timely manner; (x) requiring lobbyists to provide a report of gifts made during a regular session of the General Assembly no later than three weeks after adjournment to legislators and certain executive branch officials who are required to file a session gift report; and (xi) directing that candidates for statewide office and the General Assembly are required to file a disclosure form with the State Board of Elections and candidates for a constitutional office are required to file a disclosure form with the local general registrar. The bill also extends the filing deadline for disclosure forms from January 15 to February 1 and clarifies the reporting period covered by the disclosure forms. The bill eliminates events open to individuals who share a common interest from the definition of a "widely attended event," attendance at which is not subject to the gift cap. The bill also exempts from the definition of a "gift" (a) gifts from a person's child-in-law; (b) gifts related to a person's volunteer service; (c) meals provided for attendance at an official meeting of the Commonwealth, its political subdivisions, or certain other entities; and (d) attendance at a reception or similar function. The bill also exempts members of the judiciary from certain provisions governing prohibited gifts and prohibited personal interests in a transaction where such members are already subject to similar or greater prohibitions under the Canons of Judicial Conduct for the State of Virginia. The bill also clarifies that a legislator may have a personal interest in a contract with a government agency, not including a legislative branch agency, when the Virginia Public Procurement Act allows the award of such contract without competition. The bill further clarifies the exceptions that allow state and local officers and employees who have a personal interest in a transaction to participate in the transaction. Finally, the bill contains technical amendments. The bill contains an emergency clause that applies to the changes described in clauses (x) and (xi). This bill is identical to [SB 1312](#).

Law Advice: Change in Requirement

See bill for effective dates of specific sections.

[HB1858 Small Business and Supplier Diversity, Department of; certification of certain businesses.](#)

Chief Patron: Lopez

Summary:

Authorizes the Director of the Department of Small Business and Supplier Diversity to adopt regulations that mandate certification without any additional paperwork of any small, women-owned, or minority-owned business that has obtained certification under any federal small, women-owned, and minority-owned business certification program.

Law Advice: FYI - No Direct Impact

[HB1876 Virginia Freedom of Information Act; public access to library records of](#)

minors.

Chief Patron: Pogge

Summary:

Excludes from mandatory disclosure library records that can be used to identify any library patron under the age of 18 years. The bill provides that access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

Law Advice: Change in Requirement

HB1883 Occupational safety and health laws; increases maximum amount of civil penalties.

Companion Bill: SB1542

Chief Patron: Kilgore

Summary:

Increases the maximum amount of civil penalties that may be assessed by the Commissioner of Labor and Industry for certain violations of occupational safety and health laws from \$7,000 to \$12,471 and for willful or repeated violations of such laws from \$70,000 to \$124,709. The measure also requires the Commissioner annually to increase the maximum civil penalty amounts, starting in 2018, by an amount that reflects the percentage increase, if any, in the consumer price index from the previous calendar year. This bill is identical to [SB 1542](#).

Law Advice: FYI - No Direct Impact

HB1885 Opioids; limit on amount prescribed, extends sunset provision.

Companion Bill: SB1232

Chief Patron: Hugo

Summary:

Requires a prescriber registered with the Prescription Monitoring Program (the Program) to 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 and exempts the prescriber from this requirement if the opioid is prescribed as part of treatment for a surgical or invasive procedure and such prescription is for no more than 14 consecutive days. Current law requires a registered prescriber to 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 14 consecutive days and exempts the prescriber from this requirement if the opioid is prescribed as part of a course of treatment for a surgical or invasive procedure and such prescription is not refillable. The bill extends the sunset for this requirement from July 1, 2019, to July 1, 2022.

Law Advice: Change in Requirement

HB1910 [Definition of mental health service provider.](#)

Companion Bill: SB1062

Chief Patron: Yost

Summary:

Adds physician assistant to the list of mental health service providers who have a duty to take precautions to protect third parties from violent behavior or other serious harm. This bill is identical to [SB 1062](#).

Law Advice: Change in Requirement

HB1911 [Higher educational institutions, public; resident assistants training in mental health.](#)

Chief Patron: Yost

Summary:

Requires each resident assistant in a student housing facility at a public institution of higher education to participate in Mental Health First Aid training or a similar program prior to the commencement of his duties.

Law Advice: New Requirement

Current RA training satisfies requirements of HB1911.

HB1921 [Battery; expands penalty when against health care provider.](#)

Companion Bill: SB973

Chief Patron: Robinson

Summary:

Expands the penalty for battery against a health care provider who is engaged in the performance of his duties to apply in hospitals or in emergency rooms on the premises of any clinic or other facility rendering emergency care. Under current law, the penalties only apply to a battery against an emergency health care provider. The bill requires the Department of Health to work with stakeholder groups to develop guidelines regarding the publication of penalties for battery on a health care provider and for the training of health care professionals and providers in violence prevention programs. This bill is identical to [SB 973](#).

Law Advice: FYI - No Direct Impact

[HB1944 Administrative Process Act; certain regulations for licensed providers by DMAS and DBHDS.](#)

Chief Patron: Peace

Summary:

Requires the Department of Planning and Budget to revise and reissue its economic impact analysis on proposed regulations of any agency subject to the Administrative Process Act within the time limits set forth in the Department's review of regulations at the final stage pursuant to the Governor's executive order for executive branch review if certain conditions are present that would materially change the Department's analysis. The bill also establishes certain requirements related to notice to stakeholders and opportunity for comment when the Department of Medical Assistance Services or the Department of Behavioral Health and Developmental Services posts a new regulation or final stage of a regulation to the Virginia Regulatory Town Hall, proposes a change to a provider manual, or proposes a change to guidance documents related to licensure requirements.

Law Advice: FYI - No Direct Impact

[HB1965 Two-Year College Transfer Grant Program; Expected Family Contribution.](#)

Companion Bill: SB1026

Chief Patron: Massie

Summary:

Broadens eligibility for the Two-Year College Transfer Grant Program by including students whose Expected Family Contribution, as calculated by the federal government using the family's financial information reported on the Free Application for Federal Student Aid (FAFSA), is no more than \$12,000. Currently the program is available only to students whose Expected Family Contribution is no more than \$8,000. The bill does not affect additional eligibility requirements for the Two-Year College Transfer Grant Program. This bill is identical to [SB 1026](#).

Law Advice: FYI - No Direct Impact

[HB1971 FOIA; record and meeting exclusions for multidisciplinary child abuse teams.](#)

Chief Patron: Massie

Summary:

Excludes the records of a multidisciplinary team as they relate to individual child abuse or neglect cases or sex offenses involving a child from mandatory disclosure under the Virginia Freedom of Information Act. The bill also provides an exemption from open meeting requirements to such teams and sexual assault response teams.

Law Advice: Change in Requirement

[HB1979 Contractors, Board of; exemptions, responsibility for contracting with unlicensed person.](#)

Companion Bill: SB1193

Chief Patron: Peace

Summary:

Exempts from licensure work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition valued at \$2,500 or less per project on behalf of a properly licensed contractor, provided that such contractor holds a valid license in the residential or commercial building contractor classification. The bill provides, however, that any construction services that require an individual license or certification shall be rendered only by an individual licensed or certified by the Board for Contractors. The bill also provides that any contractor that directly employs or otherwise contracts with a person who is not credentialed by the Board for Contractors for work requiring a credential shall be solely responsible for any monetary penalty or other sanction resulting from the act of employing or contracting with a person who lacks the proper credential based upon such person's failure to obtain or maintain the required credential. This bill is identical to [SB 1193](#).

Law Advice: FYI - No Direct Impact

[HB1998 Secure and Resilient Commonwealth Panel; revises membership and duties, report.](#)

Chief Patron: Lingamfelter

Summary:

Revises the membership of the Secure Commonwealth Panel, renamed the Secure and Resilient Commonwealth Panel, and requires the Panel to create an Emergency Management Awareness Group consisting of the Secretary of Public Safety and Homeland Security, the Lieutenant Governor, the Attorney General, the Executive Secretary of the Supreme Court of Virginia, and the Chairmen of the House Committee on Militia, Police and Public Safety and the Senate Committee on General Laws and Technology. The bill requires the Group to meet during a state of emergency to review critical information concerning such situation to facilitate communication between the executive, legislative, and judicial branches of state government. The bill dissolves the Virginia Emergency Response Council and transfers its duties to the Panel. The bill contains technical amendments.

Law Advice: FYI - No Direct Impact

HB2006 Va. Fair Housing Law; responsibilities with respect to use of an assistance animal in a dwelling.

Companion Bill: SB1228

Chief Patron: Carr

Summary:

Sets out the rights and responsibilities under the Virginia Fair Housing Law (§ 36-96.1 et seq.) with respect to maintaining an assistance animal in a dwelling. The bill establishes a process through which a person with a disability may submit a request for a reasonable accommodation to maintain an assistance animal in a dwelling, including any supporting documentation verifying the disability and disability-related need for an accommodation. Under the bill, a request for reasonable accommodation to maintain an assistance animal may be denied for any one of the following reasons: (i) the requester does not have a disability; (ii) the requester does not have a disability-related need for an assistance animal; (iii) the accommodation imposes an undue financial and administrative burden on the person receiving the request; or (iv) the accommodation would fundamentally alter the nature of the operations of the person receiving the request. The bill provides that whenever a request for a reasonable accommodation to maintain an assistance animal in a dwelling is denied for reasons other than that the requester does not have a disability or a disability-related need for an assistance animal, an interactive process shall be initiated to determine if there is an alternative accommodation that would effectively address the disability-related need. The bill also defines "assistance animal," "major life activities," "therapeutic relationship," and "physical or mental impairment." The bill provides that if any provision of its provisions is determined by the U.S. Department of Housing and Urban Development to be not substantially equivalent or otherwise inconsistent with the federal Fair Housing Act of 1968, 42 U.S.C. § 3601 et seq., as amended, such provision shall not be enforceable. As introduced, this bill was a recommendation of the Virginia Housing Commission. This bill is identical to [SB 1228](#).

Law Advice: New Requirement

HB2009 Stormwater and erosion management; administration of program by certified third party.

Chief Patron: Hodges

Summary:

Authorizes the hiring of certified third-party professionals to administer any or all aspects of a program for the management of stormwater and erosion, including plan review and inspection but not including enforcement, on behalf of (i) an erosion and stormwater management program authority, which is the State Water Control Board or a locality approved by the State Water Control Board, or (ii) a stormwater management program authority, which can be a locality, a state entity, or another type of entity.

Law Advice: FYI - No Direct Impact

HB2016 [Electric personal delivery devices; operation on sidewalks and shared-use paths.](#)

Companion Bill: SB1207

Chief Patron: Villanueva

Summary:

Allows for the operation of electric personal delivery devices on the sidewalks and shared-use paths and across roadways on crosswalks in the Commonwealth unless otherwise prohibited by a locality. The bill directs that such devices shall not be considered vehicles and are exempt from the motor carrier provisions of Title 46.2 (Motor Vehicles). This bill is identical to [SB 1207](#).

Law Advice: FYI - No Direct Impact

HB2037 [Health insurance; calculation of cost-sharing provisions.](#)

Chief Patron: Miller

Summary:

Provides that when there is no amount actually paid or payable by a health insurer, health services plan, or health maintenance organization to a provider for the services provided, the insurer, health services plan, or health maintenance organization shall use such insurer's, health services plan's, or health maintenance organization's pre-established allowed amount to calculate the amount payable by the insured for such services.

Law Advice: FYI - No Direct Impact

HB2040 [Postsecondary schools; enrollment agreement with each student.](#)

Chief Patron: Murphy

Summary:

Prohibits postsecondary schools that are required to be certified by the State Council of Higher Education for Virginia (the Council) from enrolling students without entering into an enrollment agreement with each student. The enrollment agreement is required to be signed by the student and an authorized representative of the school and to contain all disclosures prescribed by the Council.

Law Advice: FYI - No Direct Impact

Not applicable to public institutions of higher education.

HB2046 [Unused dispensed drugs; guidelines for provision of counseling and](#)

information on proper disposal.

Chief Patron: Murphy

Summary:

Requires the Board of Pharmacy to develop guidelines for the provision of counseling and information regarding proper disposal of unused dispensed drugs, including information about pharmacy drug disposal programs in which the pharmacy may participate, by pharmacists to patients for whom a prescription is dispensed.

Law Advice: New Requirement

HB2053 Direct primary care agreements; the Commonwealth's insurance laws do not apply.

Companion Bill: SB800

Chief Patron: Landes

Summary:

Provides that a direct agreement between a patient, the patient's legal representative, or the patient's employer and a health care provider for ongoing primary care services in exchange for the payment of a monthly periodic fee is not health insurance or a health maintenance organization, if patients are not required to pay monthly periodic fees prior to initiation of the direct agreement coverage period. The measure also provides that a health care provider who participates in a direct primary care practice may participate in a health insurance carrier network so long as the provider is willing and able to meet the terms and conditions of network membership set by the health insurance carrier. The measure establishes requirements for disclosures regarding direct primary care agreements, including a list of the services covered under the agreement. This bill is identical to [SB 800](#).

Law Advice: FYI - No Direct Impact

HB2066 National Crime Prevention and Privacy Compact of 1998; criminal history record information.

Chief Patron: Mullin

Summary:

Authorizes Virginia to become a signatory to the National Crime Prevention and Privacy Compact of 1998. The Compact allows member states to exchange criminal history records for noncriminal justice purposes according to the laws of the requesting state.

Law Advice: FYI - No Direct Impact

HB2067 [Law-enforcement officers; decertification, notification.](#)

Chief Patron: Mullin

Summary:

Requires persons obligated to notify the Criminal Justice Services Board when a law-enforcement officer or jail officer has committed an act or been convicted of a crime that requires decertification to notify the Criminal Justice Services Board within 48 hours of becoming aware of such act or conviction. The bill requires that, upon such notification, decertification be immediate. Any conviction of a misdemeanor that has been appealed to a court of record shall not be considered a conviction unless a final order of conviction is entered.

Law Advice: Change in Requirement

HB2076 [State Water Control Board; stormwater management programs, regulations, professional license.](#)

Companion Bill: SB1127

Chief Patron: Wilt

Summary:

Directs the State Water Control Board to adopt regulations requiring that all final plan elements, specifications, or calculations whose preparation requires a license in engineering, architecture, soil science, or a related profession be signed and sealed by a licensed professional. The bill requires the regulations to be effective no later than July 1, 2018, and exempts them from certain provisions of the Administrative Process Act. This bill is identical to [SB 1127](#).

Law Advice: FYI - No Direct Impact

HB2095 [Peer recovery specialists and qualified mental health professionals; registration.](#)

Companion Bill: SB1020

Chief Patron: Price

Summary:

Authorizes the registration of peer recovery specialists and qualified mental health professionals by the Board of Counseling. The bill defines "qualified mental health professional" as a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative mental health services for adults or children. The bill requires that a qualified mental health professional provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services or a provider licensed by the Department of Behavioral Health and Developmental Services. The bill defines "registered peer recovery specialist"

as a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative services to assist individuals in achieving sustained recovery from the effects of addiction or mental illness, or both. The bill requires that a registered peer recovery specialist provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, a provider licensed by the Department of Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued from the Department of Health Professions, or a facility licensed by the Department of Health. The bill adds qualified mental health professionals and registered peer recovery specialists to the list of mental health providers that are required to take actions to protect third parties under certain circumstances and notify clients of their right to report to the Department of Health Professions any unethical, fraudulent, or unprofessional conduct. The bill directs the Board of Counseling and the Board of Behavioral Health and Developmental Services to promulgate regulations to implement the provisions of the bill within 280 days of its enactment. This bill is identical to [SB 1020](#).

Law Advice: New Authority

HB2101 [Health care providers; data collection.](#)

Chief Patron: Byron

Summary:

Defines "charity care" and "bad debt" as used in the context of certificate of public need, establishes a uniform framework for determining the value of charity care provided, and requires health care providers to report data on (i) the total amount of charity care that the facility provides to indigent persons; (ii) the number of patients to whom charity care is provided; (iii) the specific services delivered to patients that are reported as charity care; and (iv) the portion of the total amount of charity care provided that each service represents. The bill also requires health care providers to report data and information for any parent or subsidiary company of the health care provider that operates in the Commonwealth and requires every hospital that receives a disproportionate share hospital adjustment to report the number of inpatient days attributed to patients eligible for Medicaid but not Medicare Part A and the total amount of the disproportionate share hospital adjustment received. Finally, the bill requires the Commissioner of Health to report to the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Finance and Education and Health, by November 1, 2018, a data analysis comparing the value of certain charity care services under various methods of valuation. The bill has a partial delayed effective date.

Law Advice: New Requirement

See bill for effective date of certain sections.

HB2107 [Health Insurance Reform Commission; assessment sent to Bureau of Insurance.](#)

Chief Patron: Byron

Summary:

Provides that the Chairman of the standing committee requesting the Health Insurance Reform Commission (the Commission) to assess a proposed mandated health insurance benefit or provider shall send a copy of such request to the Bureau of Insurance of the State Corporation Commission (the Bureau). The bill requires the Bureau to prepare an analysis of the proposed mandate upon receipt of the copy of the request. Current law requires the Commission to request the Bureau to prepare such assessment. The bill repeals the July 1, 2017, sunset provision for the Health Insurance Reform Commission.

Law Advice: FYI - No Direct Impact

HB2108 [Virginia Wireless Services Authority Act; rates and charges.](#)

Chief Patron: Byron

Summary:

Provides that a wireless services authority may fix rates, fees, and charges for services provided, or facilities owned, operated, or maintained by the authority, for which the authority has received loan funding. Currently, an authority may do so only if it has issued revenue bonds. A similar change authorizes rates to be set at levels to provide for payment of loans. The measure also requires each authority to maintain records demonstrating compliance with certain provisions and to make the records available for inspection and copying by the public pursuant to the Virginia Freedom of Information Act.

Law Advice: FYI - No Direct Impact

HB2113 [Breach of payroll data; notification requirement.](#)

Companion Bill: SB1033

Chief Patron: Keam

Summary:

Requires employers and payroll service providers to notify the Office of the Attorney General without unreasonable delay after discovery of a breach of computerized employee payroll data that compromises the confidentiality of such data, regardless of whether the breach triggers other database breach notification requirements. The bill requires such notice to provide the affected employer's name and federal employer identification number. Upon receipt of such notice, the Office of the Attorney General is required to notify the Department of Taxation of the breach. This bill is identical to [SB 1033](#).

Law Advice: New Requirement

HB2127 [Victims of sexual assault; rights of victims, physical evidence recovery kits.](#)

Chief Patron: Levine

Summary:

Requires that victims of sexual assault be advised by the investigating law-enforcement agency of their rights regarding physical evidence recovery kits. The bill requires the Division of Consolidated Laboratory Services of the Virginia Department of General Services and law-enforcement agencies to store a physical evidence recovery kit for an additional 10 years following a written objection to its destruction from the victim. The bill requires the law-enforcement agency to notify the victim at least 60 days prior to the intended date of destruction of the kit and provides that no victim of sexual assault shall be charged for the cost of collecting or storing a kit.

Law Advice: New Requirement

[HB2143 FOIA; training approved by Virginia Freedom of Information Advisory Council, online courses offered.](#)

Chief Patron: LeMunyon

Summary:

Requires the Freedom of Information Advisory Council to maintain on its website a listing of all FOIA officers, including name, contact information, and the name of the public body such FOIA officers serve. The bill requires the name and contact information of FOIA officers trained by legal counsel of a public body to be submitted to the Council by July 1 of each year on a form developed by the Council for that purpose and to be updated in a timely manner in the event of any changes to such information. The bill also provides that training through an online course offered by the Council shall satisfy the annual training requirement for FOIA officers.

Law Advice: New Requirement

[HB2146 Freedom of Information Advisory Council; online public comment form.](#)

Chief Patron: LeMunyon

Summary:

Requires the Freedom of Information Advisory Council to develop an online public comment form to be posted on its official public government website to enable any requester to comment on the quality of assistance provided to the requester by a public body. The bill also requires all state public bodies subject to the provisions of FOIA and any county or city, and any town with a population of more than 250, to post a link on its official public government website to the online public comment form.

Law Advice: New Requirement

[HB2149 Aircraft; aircraft to be registered with Department of Aviation.](#)

Chief Patron: Knight

Summary:

Updates terminology by changing "license" to "registration" to better reflect the responsibility of the Department of Aviation to locate and count aircraft. The bill removes from the Virginia Aviation Board the power and duty to promulgate rules for air traffic, construction and inspection of aircraft, qualifications and licensing of airmen, and stunt flying to better reflect the current regulatory responsibilities.

Law Advice: FYI - No Direct Impact

HB2153 [Durable Do Not Resuscitate Orders; reciprocity.](#)

Chief Patron: Rasoul

Summary:

Provides that a Durable Do Not Resuscitate order or other order regarding life-sustaining treatment executed in accordance with the laws of another state in which such order was executed shall be deemed to be valid and shall be given full effect in the Commonwealth.

Law Advice: New Requirement

HB2156 [Child welfare agencies; licensure for agencies operated by the Commonwealth.](#)

Chief Patron: Rasoul

Summary:

Provides for licensure of child welfare agencies operated by agencies of the Commonwealth.

Law Advice: New Requirement

UVa Child Care Centers are already licensed by the Virginia Department of Social Services.

HB2161 [Opioids; workgroup to establish guidelines for prescribing.](#)

Companion Bill: SB1179

Chief Patron: Pillion

Summary:

Requires the Secretary of Health and Human Resources to convene a workgroup that shall include representatives of the Departments of Behavioral Health and Developmental Services, Health, and Health Professions as well as representatives of the State Council of Higher Education for Virginia and each of the Commonwealth's medical schools, dental schools, schools of pharmacy, physician assistant education programs, and nursing education programs to develop educational standards and curricula for

training health care providers, including physicians, dentists, optometrists, pharmacists, physician assistants, and nurses, in the safe and appropriate use of opioids to treat pain while minimizing the risk of addiction and substance abuse. The workgroup shall report its progress and the outcomes of its activities to the Governor and the General Assembly by December 1, 2017. The bill contains an emergency clause. This bill is identical to [SB 1179](#).

Law Advice: Monitor and Track

Workgroup to include representatives from medical and nursing schools and physician assistant programs. Effective February 23, 2017.

HB2162 [Substance-exposed infants; study of barriers to treatment in Commonwealth.](#)

Chief Patron: Pillion

Summary:

Directs the Secretary of Health and Human Resources (the Secretary) to convene a work group to study barriers to treatment of substance-exposed infants in the Commonwealth. Such work group shall include representatives of the Departments of Behavioral Health and Developmental Services and Health and Social Services and such other stakeholders as the Secretary may deem appropriate and shall (i) review current policies and practices governing the identification and treatment of substance-exposed infants in the Commonwealth; (ii) identify barriers to treatment of substance-exposed infants in the Commonwealth, including barriers related to identification and reporting of such infants, data collection, interagency coordination and collaboration, service planning, service availability, and funding; and (iii) develop legislative, budgetary, and policy recommendations for the elimination of barriers to treatment of substance-exposed infants in the Commonwealth. The Secretary shall report his findings to the Governor and the General Assembly by December 1, 2017. The bill contains an emergency clause.

Law Advice: Monitor and Track

Effective February 23, 2017.

HB2163 [Buprenorphine without naloxone; prescription limitation.](#)

Companion Bill: SB1178

Chief Patron: Pillion

Summary:

Provides that prescriptions for products containing buprenorphine without naloxone shall be issued only (i) for patients who are pregnant, (ii) when converting a patient from methadone to buprenorphine containing naloxone for a period not to exceed seven days, or (iii) as permitted by regulations of the Board of Medicine or the Board of Nursing. The bill contains an emergency clause and has an expiration date of July 1, 2022. This bill is identical to [SB 1178](#).

Law Advice: New Requirement

Effective April 5, 2017.

HB2164 [Drugs of concern; drug of concern.](#)

Chief Patron: Pillion

Summary:

Adds any material, compound, mixture, or preparation containing any quantity of gabapentin, including any of its salts, to the list of drugs of concern. This bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective February 23, 2017.

HB2165 [Opiate prescriptions; electronic prescriptions.](#)

Companion Bill: SB1230

Chief Patron: Pillion

Summary:

Requires a prescription for any controlled substance containing an opiate to be issued as an electronic prescription and prohibits a pharmacist from dispensing a controlled substance that contains an opiate unless the prescription is issued as an electronic prescription, beginning July 1, 2020. The bill defines electronic prescription as a written prescription that is generated on an electronic application and provides that Schedule II through V prescriptions must be transmitted in accordance with federal regulations. The bill requires the Secretary of Health and Human Resources to convene a work group to review actions necessary for the implementation of the bill's provisions and to evaluate hardships on prescribers and the inability of prescribers to comply with the deadline for electronic prescribing and to make recommendations for any extension or exemption processes relative to compliance or disruptions due to natural or manmade disasters or technology gaps, failures, or interruptions of service. The bill requires the work group to report on its progress to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2017, and to issue a final report to such Chairmen by November 1, 2018.

Law Advice: New Requirement

Electronic prescriptions required beginning July 1, 2020.

HB2167 [Opioids and buprenorphine; Boards of Dentistry and Medicine to adopt regulations for prescribing.](#)

Chief Patron: Pillion

Summary:

Directs the Boards of Dentistry and Medicine to adopt regulations for the prescribing of opioids and products containing buprenorphine. The bill requires the Prescription Monitoring Program at the Department of Health Professions to provide an annual report to the Joint Commission on Health Care on the prescribing of opioids and benzodiazepines in the Commonwealth. The bill contains an emergency clause.

Law Advice: New Requirement

Similar to SB1180. Effective March 3, 2017.

HB2171 [Higher educational institutions, public; use of investment fund earnings.](#)

Chief Patron: Massie

Summary:

Requires the governing board of each public institution of higher education to annually report to the State Council of Higher Education for Virginia (i) the value of investments as reflected on the Statement of Net Position as of June 30 of the previous fiscal year, excluding any funds derived from endowment donations, endowment income, or other private philanthropy; (ii) the cash earnings on such balances in the previous fiscal year; and (iii) the use of the cash earnings on such balances. In the event that the commitment of any such investment earnings spans more than one fiscal year, the report shall reflect the commitments made in each future fiscal year. The bill excludes from such reporting requirements the investments of the Virginia Commonwealth University Health System Authority and the University of Virginia Medical Center.

Law Advice: New Requirement

HB2209 [Emergency Department Care Coordination Program; established.](#)

Companion Bill: SB1561

Chief Patron: O'Bannon

Summary:

Establishes the Emergency Department Care Coordination Program in the Department of Health to provide a single, statewide technology solution that connects all hospital emergency departments in the Commonwealth to facilitate real-time communication and collaboration between physicians, other health care providers, and other clinical and care management personnel for patients receiving services in hospital emergency departments, for the purpose of improving the quality of patient care services. The bill does not become effective unless and until the Commonwealth receives federal Health Information Technology for Economic and Clinical Health (HITECH) Act funds to implement its provisions. This bill is identical to [SB 1561](#).

Law Advice: New Requirement

Enactment contingent upon receipt of federal HITECH funds.

HB2214 [Transportation, Department of, and University of Virginia; use agreement.](#)

Chief Patron: Toscano

Summary:

Authorizes a use agreement between the Department of Transportation and the University of Virginia to permit the Department of Transportation use of the Shelburne Building on the University of Virginia Charlottesville campus for a period not to exceed 50 years.

Law Advice: Change in Authority

Allows for extension of lease of Shelburne Hall by the Virginia Transportation Research Council (VTRC).

HB2243 [Line of Duty Act; clarifies provisions of Act.](#)

Chief Patron: Jones

Summary:

Clarifies provisions of the Line of Duty Act, including clarifying that suspension or reinstatement of health insurance benefits begins and ends at the beginning of a health insurance plan year rather than in the middle of a plan year and recognizing current practice that the Line of Duty Act administrator provides materials for training. The bill codifies certain provisions of the Line of Duty Act that currently are in the appropriation act. The bill modifies the provision that would have disqualified, effective July 1, 2017, the surviving spouse of a deceased member who remarried from receiving health insurance benefits, by restricting the disqualification to surviving spouses who remarry on or after July 1, 2017. The bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective March 13, 2017.

HB2245 [Virginia Research Investment Committee; expands role of Committee.](#)

Companion Bill: SB1371

Chief Patron: Jones

Summary:

Expands the role of the Virginia Research Investment Committee (the Committee) to include, in addition

to awarding grants and loans from the Virginia Research Investment Fund, providing guidance and coordination in the use of public funds to support research and commercialization efforts throughout the Commonwealth. Effective January 1, 2018, the bill moves responsibility for the development of the Commonwealth Research and Technology Strategic Roadmap (the Roadmap) from the Center for Innovative Technology to the State Council of Higher Education for Virginia (the Council), which shall submit the plan to the Committee for approval. The Council would consult with public institutions of higher education, make recommendations on the industry sectors in which the Commonwealth should focus its research and development efforts, and establish a process for maintaining an inventory of the Commonwealth's current research and development efforts. Before implementation, the Council would submit the Roadmap to the Governor for final approval. The Roadmap would be used to determine areas of focus for awards from the Virginia Research Investment Fund and the Commonwealth Research Commercialization Fund.

The bill also clarifies that the exemption from mandatory disclosure of records under the Freedom of Information Act by applicants for grants and loans from the Committee applies to certain financial records, trade secrets, and research-related information. The bill requires an applicant seeking to invoke the protections of the exemption to submit a written request to the Committee identifying the records or data for which protection is sought and stating the reason why protection is necessary. Under the bill, the exemption also applies to documents prepared exclusively for the application review by the Committee, its staff, or a reviewing entity conducting a scientific review at the request of the Committee. The closed meeting exemption is also amended to include interviews of applicants by the Committee or a reviewing entity conducting a scientific review.

The bill contains technical amendments. This bill is identical to [SB 1371](#).

Law Advice: Change in Requirement

HB2248 [Capital outlay plan; revises six-year plan for projects.](#)

Companion Bill: SB1045

Chief Patron: Jones

Summary:

Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources. This bill is identical to [SB 1045](#).

Law Advice: FYI - No Direct Impact

HB2258 [Suicide; task force to raise public awareness, etc.](#)

Chief Patron: Filler-Corn

Summary:

Directs the Department of Behavioral Health and Developmental Services to report to the Governor and the General Assembly on its activities related to suicide prevention across the lifespan by December 1,

2017.

Law Advice: FYI - No Direct Impact

HB2262 [Online Virginia Network Authority; established, membership, report.](#)

Chief Patron: Cox

Summary:

Establishes the Online Virginia Network Authority (the Authority) as a political subdivision of the Commonwealth for the purpose of establishing the Online Virginia Network to coordinate the online delivery of courses that facilitate the completion of degrees at George Mason University and Old Dominion University. The bill requires the Authority to be governed by a 15-member board that consists of four members of the House of Delegates appointed by the Speaker of the House of Delegates, three members of the Senate appointed by the Senate Committee on Rules, three nonlegislative citizen members appointed by the Governor, one nonlegislative citizen member appointed by the board of visitors of George Mason University, one nonlegislative citizen member appointed by the board of visitors of Old Dominion University, the President of George Mason University, the President of Old Dominion University, and the Director of the State Council of Higher Education for Virginia. The bill sets forth several duties of the Authority and grants the Authority operational flexibility in the areas of procurement and information technology, provided that the Authority adopts and complies with certain policies.

Law Advice: New Authority

HB2267 [Health benefit plans; coverage for hormonal contraceptives.](#)

Chief Patron: Filler-Corn

Summary:

Requires any health benefit plan that is amended, renewed, or delivered on or after January 1, 2018, that provides coverage for hormonal contraceptives to cover up to a 12-month supply of hormonal contraceptives when dispensed or furnished at one time for a covered person or at a location licensed or otherwise authorized to dispense drugs or supplies. Such a plan is prohibited, in the absence of clinical contraindications, from imposing utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or furnished by a provider or pharmacy, or at a location licensed or otherwise authorized to dispense drugs or supplies, to an amount that is less than a 12-month supply. The measure does not require a provider to prescribe, furnish, or dispense 12 months of self-administered hormonal contraceptives at one time. The measure also provides that it shall not be construed to exclude coverage for hormonal contraceptives as prescribed by a provider for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to preserve the life or health of an enrollee.

Law Advice: FYI - No Direct Impact

HB2269 Motor vehicle safety inspection; Superintendent shall provide information upon written request.

Companion Bill: SB1250

Chief Patron: Villanueva

Summary:

Authorizes the Superintendent of State Police to provide, upon request, verification of the inspection status of a vehicle and to charge a reasonable fee for providing such information. Fees shall not be charged to government or other public entities. This bill is identical to [SB 1250](#).

Law Advice: FYI - No Direct Impact

HB2276 Death certificate; amendments other than correction of information.

Companion Bill: SB1048

Chief Patron: Wilt

Summary:

Establishes a process for amending death certificates to change the name of the deceased, the deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence of the deceased when the place of residence is outside the Commonwealth. This bill is identical to [SB 1048](#).

Law Advice: FYI - No Direct Impact

HB2277 Licensure of doctors of medicine, osteopathy, chiropractic, and podiatry; requirements.

Chief Patron: Marshall, D.W.

Summary:

Removes provisions related to licensure of graduates of an institution not approved by an accrediting agency recognized by the Board of Medicine. Under the bill, only graduates of institutions approved by an accrediting agency recognized by the Board of Medicine are eligible for licensure.

Law Advice: FYI - No Direct Impact

Similar to SB1046.

HB2296 African Americans, formerly enslaved; identification of history in Virginia.

Chief Patron: McQuinn

Summary:

Directs the Virginia Foundation for the Humanities to identify the history of formerly enslaved African Americans in Virginia and determine ways to preserve the history for educational and cultural purposes. Among other things, the Foundation would promote the identification, preservation, and conservation of historic sites significant to the history, presence, and contributions of formerly enslaved African Americans in Virginia; identify the contributions of African Americans to Virginia, the nation, and the world; identify historical sites significant to African American history in Virginia; and recommend ways to increase tourism and revenues associated with such sites. The bill creates a task force consisting of legislative and nonlegislative members to assist the Foundation in its work.

Law Advice: New Requirement

\$100,000 appropriated in FY2018 for implementation.

HB2300 [Health, Department of; frequency of inspections.](#)

Chief Patron: O'Bannon

Summary:

Provides that in cases in which inspections of emergency medical services agencies and vehicles, hospitals, hospices, home care organizations, restaurants, summer camps, campgrounds, and hotels are required, no licensee shall receive additional inspections until every other licensee in that category has been inspected, unless the additional inspection is (i) necessary to follow up on a preoperational inspection or one or more violations, (ii) required by a uniformly applied risk-based schedule established by the Department of Health, (iii) necessary to investigate a complaint, or (iv) otherwise deemed necessary to protect the public health and safety.

Law Advice: FYI - No Direct Impact

HB2301 [Nurses, licensed practical; administration of vaccinations.](#)

Chief Patron: O'Bannon

Summary:

Removes the requirement that the supervision of licensed practical nurses administering vaccinations by registered nurses be immediate and direct.

Law Advice: Change in Authority

HB2304 [Long-term care; requirements of Department of Medical Assistance Services.](#)

Chief Patron: Orrock

Summary:

Provides that the Department of Medical Assistance Services shall require all individuals who administer preadmission screenings for long-term care services to receive training on and be certified in the use of the Uniform Assessment Instrument; requires the Department to develop a program for the training and certification of preadmission screeners, develop guidelines for a standardized preadmission screening process, and strengthen oversight of the preadmission screening process to ensure that problems are identified and addressed promptly. The bill requires the Department to make a number of changes to contracts for long-term care services provided by managed care organizations; directs the Department to impose additional requirements related to submission of data and information by managed care organizations; and requires the Department to implement a number of spending and utilization control measures in conjunction with managed care organizations.

Law Advice: FYI - No Direct Impact

HB2317 [Harm reduction programs; public health emergency, etc.](#)

Chief Patron: O'Bannon

Summary:

Authorizes the Commissioner of Health (the Commissioner) to establish and operate local or regional comprehensive harm reduction programs during a declared public health emergency that include the provision of sterile and disposal of used hypodermic needles and syringes. The objectives of the programs are to reduce the spread of HIV, viral hepatitis, and other blood-borne diseases in Virginia, to reduce the transmission of blood-borne diseases through needlestick injuries to law-enforcement and other emergency personnel, and to provide information to individuals who inject drugs regarding addiction recovery treatment services. The programs will be located in at-risk communities, in accordance with criteria established by the Department of Health. The bill requires the Commissioner to establish standards and protocols for the comprehensive harm reduction programs and requires the Secretary of Health and Human Services and the Secretary of Public Safety to approve such standards and protocols.

The bill also provides that the Commissioner may authorize persons who are not otherwise authorized by law to dispense or distribute hypodermic needles and syringes to do so as part of a comprehensive harm reduction program during a declared public health emergency.

The bill requires the Department of Health to submit, to the Governor and to the General Assembly, a progress report concerning any such program established under this bill by October 1, 2018, and a report evaluating the effectiveness of any such program by October 1, 2019. The bill has an expiration date of July 1, 2020.

Law Advice: FYI - No Direct Impact

HB2318 [Virginia Birth-Related Neurological Injury Compensation Program;](#)

removes certain conditions.

Chief Patron: Stolle

Summary:

Removes from the definition of "birth-related neurological injury" a provision that the definition shall apply retroactively to any child born on and after January 1, 1988, who suffers from an injury to the brain or spinal cord caused by the deprivation of oxygen or mechanical injury occurring in the course of labor, delivery, or resuscitation in the immediate postdelivery period in a hospital. The measure includes an enactment clause stating that its provisions are declarative of existing law. The bill has a delayed effective date of January 1, 2018.

Law Advice: Change in Requirement

Effective January 1, 2018.

HB2336 Law-enforcement officer; report of officer involved in accident.

Companion Bill: SB1486

Chief Patron: Miller

Summary:

Provides that any law-enforcement officer who is listed as a driver in a motor vehicle accident report submitted to the Department of Motor Vehicles will not have the accident listed on his driving record if he was driving a motor vehicle provided by a law-enforcement agency in the course of his employment and was operating the motor vehicle in the performance of his official duties at the time of such accident. This bill is identical to [SB 1486](#).

Law Advice: FYI - No Direct Impact

HB2360 Virginia Information Technologies Agency; procurement of information technology.

Chief Patron: Albo

Summary:

Requires the Chief Information Officer of the Virginia Information Technologies Agency to develop policies, standards, and guidelines that require that any contract for information technology entered into by the Commonwealth's executive, legislative, and judicial branches and independent agencies require compliance with applicable federal laws and regulations pertaining to information security and privacy. The bill applies to contracts for information technology entered into on or after July 1, 2017.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB2366 Virginia Public Procurement Act; requirements for use of construction management contracts.

Companion Bill: SB1129

Chief Patron: Albo

Summary:

Establishes requirements for the procurement of construction using the construction management and design-build procurement methods by state and local public bodies and covered institutions of higher education, as defined in the bill, and the conditions under which such methods may be used. Public bodies must comply with procedures adopted by the Secretary of Administration for construction management or design-build projects. State public bodies and covered institutions must adopt procedures that include, among other things, a requirement that the state public body or covered institution make a written determination in advance that competitive sealed bidding is not practicable or fiscally advantageous and document the basis for the determination to use the construction management or design-build procurement method. The bill requires the Department of General Services (DGS) to evaluate the proposed procurement method of state public bodies and covered institutions and provide a recommendation regarding the procurement method within five days of receipt of the written determination. If a state public body or covered institution elects to proceed with the project using a construction management or design-build contract despite a DGS recommendation to the contrary, the state public body or covered institution must provide to DGS in writing its reasons for doing so. For local public bodies, construction management contracts may be used for projects whose cost is expected to be less than \$10 million, provided that the project is a complex project and the project procurement method is approved by the local governing body. The bill also requires DGS to report to the Governor and certain General Assembly committees annually by December 1 information pertaining to (i) the agency's evaluation of projects submitted by state public bodies and covered institutions and (ii) all completed capital projects in excess of \$2 million. This bill is identical to [SB 1129](#).

Law Advice: New Requirement

HB2377 Retail Sales and Use Tax; exemption of certain textbooks and other educational materials.

Chief Patron: Freitas

Summary:

Extends the sunset date from July 1, 2017, to July 1, 2022, for the sales and use tax exemption for textbooks and other educational materials that are withdrawn from inventory at book-publishing distribution facilities for free distribution to professors and other individuals who have an educational focus.

Law Advice: Change in Requirement

HB2391 Personnel Management Information System; state agency positions designated as sensitive.

Companion Bill: SB1293

Chief Patron: Holcomb

Summary:

Requires each state agency to continue to record in the Personnel Management Information System (PMIS) positions that it has designated as sensitive to ensure that the Department of Human Resources Management has a list of all such positions. The bill clarifies who would be subject to a criminal background investigation in a sensitive position. The bill expands the definition of sensitive position to include those positions (i) responsible for the health, safety, and welfare of citizens or the protection of critical infrastructures; (ii) that have access to sensitive information, including access to Federal Tax Information in approved exchange agreements with the Internal Revenue Service or Social Security Administration; and (iii) that are otherwise required by state or federal law to be designated as sensitive. The bill contains an emergency clause. This bill is identical to [SB 1293](#).

Law Advice: New Requirement

Effective March 13, 2017.

HB2396 Virginia Public Procurement Act; participation of employment services organizations.

Companion Bill: SB1538

Chief Patron: Hope

Summary:

Provides that contracts and subcontracts awarded to employment services organizations shall be credited toward the small business, women-owned, and minority-owned business contracting and subcontracting goals of state agencies as well as state contractors. This bill is identical to [SB 1538](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB2404 PANDAS and PANS; created, report.

Chief Patron: Filler-Corn

Summary:

Creates the Advisory Council on Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome to advise the

Commissioner of Health on research, diagnosis, treatment, and education relating to these identified disorders and syndrome referred to by the National Institute of Mental Health as PANDAS and PANS. The bill provides for a three-year sunset for the Advisory Council.

Law Advice: FYI - No Direct Impact

HB2411 [Health insurance; reinstating pre-Affordable Care Act provisions.](#)

Chief Patron: Byron

Summary:

Repeals provisions that were added, and restores provisions that were amended or repealed, by the General Assembly since 2011 in efforts to bring the laws of the Commonwealth in conformity with requirements of the federal Patient Protection and Affordable Care Act. The measure will become effective on the later of July 1, 2017, or the effective date of federal legislation repealing the Act.

Law Advice: Change in Requirement

HB2417 [Prepayment analytics; DMAS shall establish program relating to fraud prevention.](#)

Chief Patron: Landes

Summary:

Directs the Department of Medical Assistance Services to establish a program to mitigate, through the use of prepayment analytics, the risk of improper payments to providers of services that are paid through the Department's fee-for-service delivery system who commit fraud, abuse, or errors.

Law Advice: FYI - No Direct Impact

HB2425 [Administration, Secretary of; policy of the Commonwealth regarding state employment.](#)

Companion Bill: SB1530

Chief Patron: Anderson

Summary:

Provides that it is the policy of the Commonwealth to promote and increase the employment of individuals with disabilities. To further this policy, the bill establishes a goal to increase by five percent the level of individuals with disabilities employed by state government by fiscal year 2023. The bill designates the Secretary of Administration to coordinate efforts to achieve the goal and requires the Secretary to establish a reporting system for tracking and reporting the progress of state agencies toward meeting the employment goals and to report annually on the number of individuals with disabilities

employed by the state. The bill requires each state agency to submit a plan to increase employment opportunities for individuals with disabilities to the Secretary no later than December 31, 2017, and each July 1 thereafter. This bill is identical to [SB 1530](#).

Law Advice: New Requirement

HB2427 [Virginia Guaranteed Assistance Program; changes to Program, Commonwealth Award grants.](#)

Companion Bill: SB1527

Chief Patron: Cox

Summary:

Makes several changes to the Virginia Guaranteed Assistance Program, including adding requirements that (i) each student eligible for the Program receive a grant from the institution's appropriations for undergraduate student financial assistance before Commonwealth Award grants are awarded to students with equivalent remaining need, (ii) each eligible student receive a Program grant in an amount greater than Commonwealth Award grants awarded to students with equivalent remaining need, (iii) each eligible student receive a Program grant in an amount greater than the grant of each eligible student with equivalent remaining need in the next-lowest class level, and (iv) each Program grant be determined by a proportionate award schedule adopted by each institution and vary according to each student's remaining need and the total of tuition, fees, and other necessary charges, including books. This bill is identical to [SB 1527](#).

Law Advice: Change in Requirement

HB2436 [Auditor of Public Accounts; online database, register of funds expended.](#)

Companion Bill: SB1307

Chief Patron: Davis

Summary:

Requires the Commonwealth Data Point website administered by the Auditor of Public Accounts to include information for major categories of spending for each state agency and institution, including each independent agency. Currently, the Commonwealth Data Point website includes such information for only secretariats and major state agencies. In addition, the bill provides that the database shall include the name, phone number, and email address for a contact at each agency or institution. This bill is identical to [SB 1307](#).

Law Advice: FYI - No Direct Impact

HB2457 [Health and Human Resources Secretariat; agencies of Secretariat shall](#)

[share data, records, etc.](#)

Chief Patron: Garrett

Summary:

Requires that, as requested by the Secretary of Health and Human Resources and to the extent authorized by federal law, the agencies of the Secretariat of Health and Human Resources shall share data, records, and information about applicants for and recipients of services from the agencies of the Secretariat, including individually identifiable health information for the purposes of (i) streamlining administrative processes and reducing administrative burdens on the agencies, (ii) reducing paperwork and administrative burdens on the applicants and recipients, and (iii) improving access to and quality of services provided by the agencies. The bill requires the Secretary of Health and Human Resources to report on the implementation of the provisions of the bill by October 1, 2017.

Law Advice: FYI - No Direct Impact

HB2460 [Historic rehabilitation; limits amount of tax credits that may be claimed by each taxpayer.](#)

Companion Bill: SB1034

Chief Patron: Bloxom

Summary:

Limits the amount of historic rehabilitation tax credits that may be claimed by each taxpayer to \$5 million per year, including any amounts carried over from prior taxable years, for taxable years beginning on and after January 1, 2017, but before January 1, 2019. This bill is identical to [SB 1034](#).

Law Advice: FYI - No Direct Impact

HB2462 [Inpatient psychiatric hospital admission; defendant found incompetent.](#)

Companion Bill: SB935

Chief Patron: Bell, Robert B.

Summary:

Removes the prohibition on inpatient psychiatric hospital admission for defendants who have already been ordered to receive treatment to restore their competency to stand trial. This bill is identical to [SB 935](#).

Law Advice: FYI - No Direct Impact

HB2470 [Drug Control Act; Schedule II and Schedule V.](#)

Chief Patron: Jones

Summary:

Adds thiafentanil to Schedule II of the Drug Control Act and brivaracetam to Schedule V of the Drug Control Act.

Law Advice: FYI - No Direct Impact

HJ548 [National Suicide Prevention Week.](#)

Companion Bill: SJ251

Chief Patron: Bell, Richard P.

Summary:

Designates the week of September 10, in 2017 and in each succeeding year, as National Suicide Prevention Week in Virginia.

Law Advice: FYI - No Direct Impact

HJ684 [Commending Robert C. Vaughan III.](#)

Chief Patron: Toscano

Summary:

Commending Robert C. Vaughan III.

Law Advice: FYI - No Direct Impact

HJ745 [Substance-Exposed Infant Awareness Week; designating as first week of July 2017.](#)

Companion Bill: SJ282

Chief Patron: Stolle

Summary:

Designates the first week of July, in 2017 and in each succeeding year, as Substance-Exposed Infant Awareness Week in Virginia.

Law Advice: FYI - No Direct Impact

HJ780 [Self-Care Month.](#)

Chief Patron: Bell, Richard P.

Summary:

Designates February, in 2018 and in each succeeding year, as Self-Care Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ823 [Polycystic Ovarian Syndrome Awareness Month.](#)

Chief Patron: Price

Summary:

Designates September, in 2017 and in each succeeding year, as Polycystic Syndrome Awareness Month.

Law Advice: FYI - No Direct Impact

HR431 [Public institutions of higher education; free speech.](#)

Chief Patron: LaRock

Summary:

Encourages public institutions of higher education to protect free speech and communicates the urgent need for the governing board of each public institution of higher education in the Commonwealth to develop and adopt a policy on free speech that contains certain specifications relating to the institution's function and role with regard to public policy controversies.

Law Advice: FYI - No Direct Impact

Encourages adoption of policy to protect free speech on campus.

SB800 [Direct primary care agreements; the Commonwealth's insurance laws do not apply.](#)

Companion Bill: HB2053

Chief Patron: Stanley

Summary:

Provides that direct agreement between a patient, the patient's legal representative, or the patient's employer and a health care provider for ongoing primary care services in exchange for the payment of a monthly periodic fee is not health insurance or a health maintenance organization, if patients are not

required to pay monthly periodic fees prior to initiation of the direct agreement coverage period. The measure also provides that a health care provider who participates in a direct primary care practice may participate in a health insurance carrier network so long as the provider is willing and able to meet the terms and conditions of network membership set by the health insurance carrier. The measure establishes requirements for disclosures regarding direct primary care agreements, including a list of the services covered under the agreement. This bill is identical to [HB 2053](#).

Law Advice: FYI - No Direct Impact

SB840 [Civics Education, Commission on; renamed Commission on Civic Education, extends sunset provision.](#)

Companion Bill: HB1718

Chief Patron: Marsden

Summary:

Renames the Commission on Civics Education as the Commission on Civic Education and extends from July 1, 2017, to July 1, 2019, the expiration of such commission. This bill is identical to [HB 1718](#).

Law Advice: FYI - No Direct Impact

SB848 [Naloxone; dispensing for use in opioid overdose reversal, etc.](#)

Companion Bill: HB1453

Chief Patron: Wexton

Summary:

Allows a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration from the Board of Pharmacy pursuant to § 54.1-3423 to dispense naloxone to a person who has completed a training program on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber, (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, and (iii) without charge or compensation. The bill also provides that dispensing may occur at a site other than that of the controlled substance registration, provided that the entity possessing the controlled substance registration maintains records in accordance with regulations of the Board of Pharmacy. The bill further provides that a person who dispenses naloxone shall not be liable for civil damages of ordinary negligence for acts or omissions resulting from the rendering of such treatment if he acts in good faith and that a person to whom naloxone has been dispensed pursuant to the provisions of the bill may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. The bill contains an emergency clause. This bill is identical to [HB 1453](#).

Law Advice: New Authority

Effective February 20, 2017.

SB867 [Lien against person whose negligence causes injury; emergency medical services agency.](#)

Chief Patron: Stuart

Summary:

Clarifies that whenever any person sustains personal injuries caused by the alleged negligence of another and receives emergency medical services and transportation provided by an emergency medical services vehicle, the emergency medical services provider or agency shall have a lien for the amount of a just and reasonable charge for the services rendered, not to exceed \$200 for each emergency medical services provider or agency, on the claim of such injured person or of his personal representative against the person, firm, or corporation whose negligence is alleged to have caused such injuries.

Law Advice: FYI - No Direct Impact

SB869 [Alzheimer's Disease and Related Disorders Commission; sunset.](#)

Companion Bill: HB1716

Chief Patron: Ruff

Summary:

Extends the sunset date of the Alzheimer's Disease and Related Disorders Commission from July 1, 2017, to July 1, 2020, and makes a technical correction to the reporting requirement of the Commission. This bill is identical to [HB 1716](#).

Law Advice: FYI - No Direct Impact

SB880 [Genetic counselors; licensing; grandfather clause.](#)

Chief Patron: Howell

Summary:

Extends the deadline from July 1, 2016, to December 31, 2018, or to within 90 days of the effective date of the relevant regulations promulgated by the Board, whichever is later, by which individuals who have at least 20 years of documented work experience practicing genetic counseling and meet other certain requirements may receive a waiver from the Board of Medicine of the requirements of a master's degree and American Board of Genetic Counseling or American Board of Medical Genetics certification for licensure as a genetic counselor.

Law Advice: Change in Requirement

SB894 Commissioner of Behavioral Health and Developmental Svcs; reports of critical incidents or death.

Companion Bill: HB1508

Chief Patron: Favola

Summary:

Requires the Commissioner of Behavioral Health and Developmental Services to provide a written report setting forth the known facts of serious injuries or deaths of individuals receiving services in programs operated or licensed by the Department of Behavioral Health and Developmental Services to the Director of the Commonwealth's designated protection and advocacy system within 15 working days of the serious injury or death. Currently, reports are required only for critical incidents or deaths occurring at facilities operated by the Department. This bill is identical to [HB 1508](#).

Law Advice: FYI - No Direct Impact

SB897 Child care providers; criminal history background check; penalty.

Companion Bill: HB1568

Chief Patron: Wexton

Summary:

Requires the following individuals to undergo a fingerprint-based national criminal history background check: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as their agents and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. The bill also mandates that all background checks required pursuant to §§ 63.2-1720.1 and 63.2-1721.1 be completed by September 30, 2017, or by the date specified on any federal waiver obtained by the Commonwealth, and every five years thereafter. The bill has an expiration date of July 1, 2018. The bill further provides that if any provision of the federal Child Care and Development Block Grant Act of 2014 establishing a corresponding requirement is repealed prior to July 1, 2018, the provision of the bill establishing such requirement shall expire upon the date of such repeal. This bill is identical to [HB 1568](#).

Law Advice: Change in Requirement

SB907 [Higher educational institutions, public; certain positions require residency of the Commonwealth.](#)

Companion Bill: HB1402

Chief Patron: Surovell

Summary:

Requires the president or any one of the vice presidents of the board of visitors of Virginia Military Institute, the chairman or the vice-chairman of the State Board, and the rector or vice-rector of the governing board of each other public institution of higher education to be a resident of the Commonwealth. This bill is identical to [HB 1402](#).

Law Advice: New Requirement

SB913 [Uniform Trust Decanting Act; creation.](#)

Chief Patron: Edwards

Summary:

Codifies the Uniform Trust Decanting Act, which governs a trustee's ability to distribute assets from one trust into a second trust.

Law Advice: FYI - No Direct Impact

SB916 [Virginia Register Act; guidance documents; duty to file with the Registrar.](#)

Chief Patron: Edwards

Summary:

Consolidates provisions relating to the availability of guidance documents in a single section in the Virginia Register Act. In addition, the bill requires agencies that do not have regulatory authority to annually file with the Virginia Registrar of Regulations for publication in the Virginia Register of Regulations a list of any guidance documents upon which such agencies currently rely. Under current law, the requirement for filing guidance documents applies only to agencies with regulatory authority. As introduced, the bill is a recommendation of the Administrative Law Advisory Committee.

Law Advice: Change in Requirement

SB922 [DPOR and DHP; licensure, certification, registration, and permitting.](#)

Chief Patron: Petersen

Summary:

Provides that certain powers of the Department of Professional and Occupational Regulation, the Department of Health Professions, and health regulatory boards and certain requirements of persons regulated by such entities apply, inclusively, to permits as well as licenses, certifications, and registrations and to holders of permits as well as holders of such licenses, certifications, and registrations.

Law Advice: FYI - No Direct Impact

SB935 [Inpatient psychiatric hospital admission; defendant found incompetent.](#)

Companion Bill: HB2462

Chief Patron: Lucas

Summary:

Removes the prohibition on inpatient psychiatric hospital admission for defendants who have already been ordered to receive treatment to restore their competency to stand trial. This bill incorporates [SB 895](#) and is identical to [HB 2462](#).

Law Advice: FYI - No Direct Impact

SB944 [Institutions of higher education; possession and administration of epinephrine.](#)

Companion Bill: HB1746

Chief Patron: Chafin

Summary:

Authorizes and provides liability protection for employees of a public or private institution of higher education who are authorized by a prescriber and trained in the administration of epinephrine, insulin, or glucagon to possess and administer such epinephrine, insulin, or glucagon. This bill is identical to [HB 1746](#).

Law Advice: New Authority

SB973 [Assault and battery; health care providers; penalty.](#)

Companion Bill: HB1921

Chief Patron: Sturtevant

Summary:

Expands the penalty for battery against a health care provider who is engaged in the performance of his

duties to apply in hospitals or in emergency rooms on the premises of any clinic or other facility rendering emergency care. Under current law, the penalties only apply to a battery against an emergency health care provider. The bill requires the Department of Health to work with stakeholder groups to develop guidelines regarding the publication of penalties for battery on a health care provider and for the training of health care professionals and providers in violence prevention programs. This bill is identical to [HB 1921](#).

Law Advice: FYI - No Direct Impact

SB974 [Palliative care information and resources.](#)

Companion Bill: HB1675

Chief Patron: Lucas

Summary:

Requires the Department of Health to make information about and resources on palliative care available to the public, health care providers, and health care facilities on its website. This bill is identical to [HB 1675](#).

Law Advice: FYI - No Direct Impact

SB977 [Commonwealth's tax code; conformity with federal law; emergency.](#)

Companion Bill: HB1521

Chief Patron: Hanger

Summary:

Advances conformity with the federal tax code to December 31, 2016. The bill contains an emergency clause. This bill is identical to [HB 1521](#).

Law Advice: FYI - No Direct Impact

Effective February 13, 2017.

SB981 [Charity health care services; liability protection for administrators.](#)

Companion Bill: HB1748

Chief Patron: Stanley

Summary:

Provides that persons who administer, organize, arrange, or promote the rendering of services to patients

of certain clinics shall not be liable to patients of such clinics for any civil damages for any act or omission resulting from the rendering of such services unless the act or omission was the result of such persons' or the clinic's gross negligence or willful misconduct. This bill is identical to [HB 1748](#).

Law Advice: FYI - No Direct Impact

SB990 [Electric energy; consumption reduction goal, annual progress reports.](#)

Chief Patron: Dance

Summary:

Directs the Department of Mines, Minerals and Energy, in consultation with the staff of the State Corporation Commission, to report annually, commencing no later than December 15, 2018, on the progress the Commonwealth is making toward meeting the goal adopted in 2007 of reducing the consumption of electric energy by retail customers by the year 2022 by an amount equal to 10 percent of the amount of electric energy consumed by retail customers in 2006. The bill requires the reports to be made to the General Assembly, the Governor, and the Governor's Executive Committee on Energy Efficiency.

Law Advice: FYI - No Direct Impact

SB999 [Comprehensive community colleges; academic credit.](#)

Companion Bill: HB1592

Chief Patron: Ruff

Summary:

Requires the State Board for Community Colleges to require each comprehensive community college to develop policies and procedures for awarding academic credit to enrolled students who have successfully completed a state-approved registered apprenticeship credential. This bill is identical to [HB 1592](#).

Law Advice: FYI - No Direct Impact

SB1003 [Wireless E-911 Fund; distribution percentages.](#)

Companion Bill: HB1719

Chief Patron: Ebbin

Summary:

Postpones from July 1, 2017, to July 1, 2018, the date by which the Department of Taxation is required to conduct its first recalculation of the percentage of funds in the Wireless E-911 Fund that is required to

be distributed to each public safety answering point (PSAP). The recalculation is required to be based on the cost and call load data of each PSAP for the previous five fiscal years. This bill is identical to [HB 1719](#).

Law Advice: FYI - No Direct Impact

[SB1005 Community services boards and behavioral health authorities; services to be provided, report.](#)

Companion Bill: HB1549

Chief Patron: Hanger

Summary:

Provides that, effective July 1, 2019, the core of services provided by community services boards and behavioral health authorities shall include (i) same-day access to mental health screening services and (ii) outpatient primary care screening and monitoring services for physical health indicators and health risks and follow-up services for individuals identified as being in need of assistance with overcoming barriers to accessing primary health services. The bill provides that, effective July 1, 2021, the core of services provided by community services boards and behavioral health authorities shall include (a) crisis services for individuals with mental health or substance use disorders, (b) outpatient mental health and substance abuse services, (c) psychiatric rehabilitation services, (d) peer support and family support services, (e) mental health services for members of the armed forces located 50 miles or more from a military treatment facility and veterans located 40 miles or more from a Veterans Health Administration medical facility, (f) care coordination services, and (g) case management services. The bill also requires the Department of Behavioral Health and Developmental Services to report annually regarding progress in the implementation of the bill. This bill is identical to [HB 1549](#).

Law Advice: FYI - No Direct Impact

[SB1006 Commitment hearings; sharing of records and information.](#)

Companion Bill: HB1551

Chief Patron: Hanger

Summary:

Requires the Office of the Executive Secretary of the Supreme Court to provide electronic data, including individually identifiable information, on proceedings pursuant to the Psychiatric Treatment of Minors Act and the Emergency Custody of Voluntary and Involuntary Civil Admissions Act to the Department of Behavioral Health and Developmental Services upon request and provides that the Department may use such data for the purpose of developing and maintaining statistical archives, conducting research on the outcome of such proceedings, and preparing analyses and reports for use by the Department. The bill requires the Department to take all necessary steps to protect the security and privacy of the records and information provided pursuant to the provisions of the bill in accordance with the requirements of state and federal law and regulations governing health privacy. This bill is identical

to [HB 1551](#).

Law Advice: FYI - No Direct Impact

SB1008 [Barrier crimes; clarifies individual crimes, criminal history records checks.](#)

Chief Patron: Hanger

Summary:

Clarifies the individual crimes that constitute a barrier for (i) individuals seeking employment at nursing homes, home care organizations, hospices, state facilities, and private providers licensed by the Department of Behavioral Health and Developmental Services, community services boards, behavioral health authorities, assisted living facilities, adult day care centers, children's welfare agencies, family day homes approved by family day systems, and children's residential facilities; (ii) applicants for licensure, registration, or approval as assisted living facilities, child welfare agencies, or family day homes approved by family day systems; (iii) individuals with whom a local board of social services or child-placing agency is considering placing a child on an emergency, temporary, or permanent basis; (iv) foster and adoptive homes seeking approval from child-placing agencies; and (v) providers of adult services and adult foster care seeking approval by the Department of Social Services. The bill also adds certain offenses to the list of barrier crimes.

Law Advice: Change in Requirement

SB1009 [Telemedicine, practice of; prescribing controlled substances.](#)

Companion Bill: HB1767

Chief Patron: Dunnavant

Summary:

Provides that a health care practitioner who performs or has performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment, for the purpose of establishing a bona fide practitioner-patient relationship may prescribe Schedule II through VI controlled substances to the patient, provided that the prescribing of such controlled substance is in compliance with federal requirements for the practice of telemedicine. The bill also authorizes the Board of Pharmacy to register an entity at which a patient is treated by the use of instrumentation and diagnostic equipment for the purpose of establishing a bona fide practitioner-patient relationship and is prescribed Schedule II through VI controlled substances to possess and administer Schedule II through VI controlled substances when such prescribing is in compliance with federal requirements for the practice of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S. Drug Enforcement Administration. The bill contains an emergency clause. This bill is identical to [HB 1767](#).

Law Advice: New Authority

Effective February 20, 2017.

SB1018 Temporary exemption periods from retail sales and use taxes for qualifying items; sunset dates.

Companion Bill: HB1529

Chief Patron: Barker

Summary:

Extends from July 1, 2017, to July 1, 2022, the sunset dates for the sales tax holiday periods for school supplies and clothing, Energy Star and WaterSense products, and hurricane preparedness products. This bill is identical to [HB 1529](#).

Law Advice: Change in Requirement

SB1020 Peer recovery specialists and qualified mental health professionals; registration.

Companion Bill: HB2095

Chief Patron: Barker

Summary:

Authorizes the registration of peer recovery specialists and qualified mental health professionals by the Board of Counseling. The bill defines "qualified mental health professional" as a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative mental health services for adults or children. The bill requires that a qualified mental health professional provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services or a provider licensed by the Department of Behavioral Health and Developmental Services. The bill defines "registered peer recovery specialist" as a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative services to assist individuals in achieving sustained recovery from the effects of addiction or mental illness, or both. The bill requires that a registered peer recovery specialist provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, a provider licensed by the Department of Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued from the Department of Health Professions, or a facility licensed by the Department of Health. The bill adds qualified mental health professionals and registered peer recovery specialists to the list of mental health providers that are required to take actions to protect third parties under certain circumstances and notify clients of their right to report to the Department of Health Professions any unethical, fraudulent, or unprofessional conduct. The bill directs the Board of Counseling and the Board of Behavioral Health and Developmental Services to promulgate regulations to implement the provisions of the bill within 280 days of its enactment. This bill is identical to [HB 2095](#).

Law Advice: New Authority

SB1024 [Doctor of medicine, etc.; reporting disabilities of drivers to DMV, not subject to civil liability.](#)

Companion Bill: HB1514

Chief Patron: Dunnavant

Summary:

Provides that any doctor of medicine, osteopathy, chiropractic, or podiatry or any nurse practitioner, physician assistant, optometrist, physical therapist, or clinical psychologist who reports to the Department of Motor Vehicles the existence, or probable existence, of a mental or physical disability or infirmity of any person licensed to operate a motor vehicle that the reporting individual believes affects such person's ability to operate a motor vehicle safely is not subject to civil liability or deemed to have violated the practitioner-patient privilege unless he has acted in bad faith or with malicious intent. This bill is identical to [HB 1514](#).

Law Advice: FYI - No Direct Impact

SB1026 [Two-Year College Transfer Grant Program; Expected Family Contribution.](#)

Companion Bill: HB1965

Chief Patron: Dunnavant

Summary:

Broadens eligibility for the Two-Year College Transfer Grant Program by including students whose Expected Family Contribution, as calculated by the federal government using the family's financial information reported on the Free Application for Federal Student Aid (FAFSA), is no more than \$12,000. Currently the program is available only to students whose Expected Family Contribution is no more than \$8,000. The bill does not affect additional eligibility requirements for the Two-Year College Transfer Grant Program. This bill is identical to [HB 1965](#).

Law Advice: FYI - No Direct Impact

SB1027 [Cannabidiol oil and THC-A oil; permitting of pharmaceutical processors to manufacture and provide.](#)

Chief Patron: Marsden

Summary:

Authorizes a pharmaceutical processor, after obtaining a permit from the Board of Pharmacy (the Board) and under the supervision of a licensed pharmacist, to manufacture and provide cannabidiol oil and

THC-A oil to be used for the treatment of intractable epilepsy. The bill sets limits on the number of permits that the Board may issue and requires that the Board adopt regulations establishing health, safety, and security requirements for permitted processors. The bill provides that only a licensed practitioner of medicine or osteopathy who is a neurologist or who specializes in the treatment of epilepsy may issue a written certification to a patient for the use of cannabidiol oil or THC-A oil. The bill also requires that a practitioner who issues a written certification for cannabidiol oil or THC-A oil, the patient issued such certification, and, if the patient is a minor or incapacitated, the patient's parent or legal guardian register with the Board. The bill requires further that a pharmaceutical processor shall not provide cannabidiol oil or THC-A oil to a patient or a patient's parent or legal guardian without first verifying that the patient, the patient's parent or legal guardian if the patient is a minor or incapacitated, and the practitioner who issued the written certification have registered with the Board. Finally, the bill provides an affirmative defense for agents and employees of pharmaceutical processors in a prosecution for the manufacture, possession, or distribution of marijuana. The bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective March 16, 2017.

SB1031 [Naloxone or other opioid antagonist; possession and administration.](#)

Companion Bill: HB1642

Chief Patron: Marsden

Summary:

Adds employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, and employees of the Department of General Services Division of Consolidated Laboratory Services to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program. The bill contains an emergency clause. This bill is identical to [HB 1642](#).

Law Advice: FYI - No Direct Impact

Effective February 13, 2017.

SB1033 [Breach of payroll data; notification requirement.](#)

Companion Bill: HB2113

Chief Patron: Howell

Summary:

Requires employers and payroll service providers to notify the Office of the Attorney General without unreasonable delay after discovery of a breach of computerized employee payroll data that compromises the confidentiality of such data, regardless of whether the breach triggers other database breach notification requirements. The bill requires such notice to provide the affected employer's name and

federal employer identification number. Upon receipt of such notice, the Office of the Attorney General is required to notify the Department of Taxation of the breach. This bill is identical to [HB 2113](#).

Law Advice: New Requirement

SB1034 [Historic rehabilitation; limits amount of tax credits that may be claimed by each taxpayer.](#)

Companion Bill: HB2460

Chief Patron: Howell

Summary:

Limits the amount of historic rehabilitation tax credits that may be claimed by each taxpayer to \$5 million per year, including any amounts carried over from prior taxable years, for taxable years beginning on and after January 1, 2017, but before January 1, 2019. This bill is identical to [HB 2460](#).

Law Advice: FYI - No Direct Impact

SB1040 [FOIA; record exclusion for personal contact information, definition.](#)

Chief Patron: Hanger

Summary:

Provides that personal contact information provided to a public body for the purpose of receiving electronic mail from the public body is excluded from the mandatory disclosure provisions of FOIA, provided that the electronic mail recipient has requested that the public body not disclose such information. The bill defines "personal contact information" as the home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device. Current law excludes "personal information," which is defined as including a broader range of information than the limited definition of personal contact information in the bill.

Law Advice: Change in Requirement

SB1043 [Joint Commission on Health Care; sunset.](#)

Companion Bill: HB1736

Chief Patron: Dance

Summary:

Extends the expiration of the Joint Commission on Health Care from July 1, 2018, to July 1, 2022. This bill is identical to [HB 1736](#).

Law Advice: FYI - No Direct Impact

SB1045 [Capital outlay plan.](#)

Companion Bill: HB2248

Chief Patron: Hanger

Summary:

Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources. This bill is identical to [HB 2248](#).

Law Advice: FYI - No Direct Impact

SB1046 [Board of Medicine; requirements for licensure.](#)

Chief Patron: Stanley

Summary:

Removes provisions related to licensure of graduates of an institution not approved by an accrediting agency recognized by the Board of Medicine. Under the bill, only graduates of institutions approved by an accrediting agency recognized by the Board of Medicine are eligible for licensure.

Law Advice: FYI - No Direct Impact

Similar to HB2277.

SB1048 [Death certificate; amendments other than correction of information.](#)

Companion Bill: HB2276

Chief Patron: Hanger

Summary:

Establishes a process for amending death certificates to change the name of the deceased, the deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence of the deceased when the place of residence is outside the Commonwealth. This bill is identical to [HB 2276](#).

Law Advice: FYI - No Direct Impact

SB1050 [Virginia Foundation for Healthy Youth; mission.](#)

Companion Bill: HB1751

Chief Patron: Edwards

Summary:

Expands the mission of the Virginia Foundation for Healthy Youth to include the reduction and prevention of substance use by youth in the Commonwealth. This bill is identical to [HB 1751](#).

Law Advice: FYI - No Direct Impact

SB1060 [Female genital mutilation; criminal penalty and civil action.](#)

Chief Patron: Black

Summary:

Makes it a Class 1 misdemeanor for any person to knowingly circumcise, excise, or infibulate the labia major, labia minora, or clitoris of a minor. The bill makes it a Class 1 misdemeanor for any parent, guardian, or other person responsible for the care of a minor to consent to such circumcision, excision, or infibulation. The bill also makes it a Class 1 misdemeanor for any parent, guardian, or other person responsible for the care of a minor to knowingly remove or cause or permit the removal of such minor from the Commonwealth for the purposes of performing such circumcision, excision, or infibulation. The bill also provides a civil cause of action for any person injured by such circumcision, excision, or infibulation. The bill provides that any of these offenses shall be a separate and distinct offense and shall not preclude prosecution under any other statute.

Law Advice: FYI - No Direct Impact

SB1062 [Definition of mental health service provider.](#)

Companion Bill: HB1910

Chief Patron: Deeds

Summary:

Adds physician assistant to the list of mental health service providers who have a duty to take precautions to protect third parties from violent behavior or other serious harm. This bill is identical to [HB 1910](#).

Law Advice: Change in Requirement

SB1086 [In utero exposure to a controlled substance; departments of social services to collect information.](#)

Companion Bill: HB1786

Chief Patron: Wexton

Summary:

Requires local departments of social services to collect information during a family assessment to determine whether the mother of a child who was exposed in utero to a controlled substance sought substance abuse counseling or treatment prior to the child's birth. The bill requires mandated reporters of suspected child abuse or neglect to make a report if a finding is made by a health care provider (i) within six weeks following a child's birth that the child was born affected by substance abuse or experiencing withdrawal symptoms resulting from in utero drug exposure; (ii) within four years following a child's birth that the child has an illness, disease, or condition that is attributable to maternal abuse of a controlled substance during pregnancy; or (iii) within four years following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. The bill provides that if a local department of social services receives a report or complaint of suspected child abuse or neglect on the basis of one or more of the aforementioned factors, the local department shall (a) conduct a family assessment, unless an investigation is required by law or is necessary to protect the safety of the child, and (b) develop a plan of safe care in accordance with federal law. The bill directs the State Board of Social Services to promulgate regulations to implement the provisions of the bill. This bill is identical to [HB 1786](#).

Law Advice: FYI - No Direct Impact

SB1127 [State Water Control Board; stormwater management programs, regulations, professional license.](#)

Companion Bill: HB2076

Chief Patron: Obenshain

Summary:

Directs the State Water Control Board to adopt regulations requiring that all final plan elements, specifications, or calculations whose preparation requires a license in engineering, architecture, soil science, or a related profession be signed and sealed by a licensed professional. The bill requires the regulations to be effective no later than July 1, 2018, and exempts them from certain provisions of the Administrative Process Act. This bill is identical to [HB 2076](#).

Law Advice: FYI - No Direct Impact

SB1129 [Virginia Public Procurement Act; requirements for use of construction management contracts.](#)

Companion Bill: HB2366

Chief Patron: Ruff

Summary:

Establishes requirements for the procurement of construction using the construction management and design-build procurement methods by state and local public bodies and covered institutions of higher education, as defined in the bill, and the conditions under which such methods may be used. Public bodies must comply with procedures adopted by the Secretary of Administration for construction management or design-build projects. State public bodies and covered institutions must adopt procedures that include, among other things, a requirement that the state public body or covered institution make a written determination in advance that competitive sealed bidding is not practicable or fiscally advantageous and document the basis for the determination to use the construction management or design-build procurement method. The bill requires the Department of General Services (DGS) to evaluate the proposed procurement method of state public bodies and covered institutions and provide a recommendation regarding the procurement method within five days of receipt of the written determination. If a state public body or covered institution elects to proceed with the project using a construction management or design-build contract despite a DGS recommendation to the contrary, the state public body or covered institution must provide to DGS in writing its reasons for doing so. For local public bodies, construction management contracts may be used for projects whose cost is expected to be less than \$10 million, provided that the project is a complex project and the project procurement method is approved by the local governing body. The bill also requires DGS to report to the Governor and certain General Assembly committees annually by December 1 information pertaining to (i) the agency's evaluation of projects submitted by state public bodies and covered institutions and (ii) all completed capital projects in excess of \$2 million. This bill is identical to [HB 2366](#).

Law Advice: New Requirement

SB1140 [Legal malpractice; estate planning.](#)

Companion Bill: HB1617

Chief Patron: Sturtevant

Summary:

Provides that the statute of limitations for legal malpractice related to estate planning is five years if the legal representation was based on a written contract and three years if the legal representation was based on an unwritten contract. The bill provides that the accrual date for such an action is the date of completion of the representation. The bill further provides that a person who is not party to the representation shall have standing to maintain such an action only if there is a written agreement between the individual who is the subject of the estate planning and the defendant that expressly grants standing to such person. This bill is in response to *Thorsen v. Richmond Society for the Prevention of Cruelty to Animals*, 786 S.E.2d 453 (Va. 2016) and is identical to [HB 1617](#).

Law Advice: FYI - No Direct Impact

SB1150 [Alcoholic beverage control; ABC Board to require bar bystander training.](#)

Chief Patron: Favola

Summary:

Directs the Alcoholic Beverage Control Board to promulgate regulations that establish and make available to all retail on-premises licensees and permittees for which on-premises consumption of alcoholic beverages is allowed and employees of such licensees and permittees who serve as a bartender or otherwise sell, serve, or dispense alcoholic beverages for on-premises consumption a bar bystander training module, which shall include (i) information that enables licensees, permittees, and their employees to recognize situations that may lead to sexual assault and (ii) intervention strategies to prevent such situations from culminating in sexual assault.

Law Advice: FYI - No Direct Impact

SB1175 [Workers' compensation; employer's lien, third party actions.](#)

Companion Bill: HB1659

Chief Patron: Chafin

Summary:

Requires that any arbitration proceeding regarding the exercise of an employer's right of subrogation to an employee's claim against a third party shall be limited solely to arbitrating the amount and validity of the employer's lien and shall not affect the employee's rights in any way. Such arbitration shall not be held unless (i) any contested expenses remaining have been submitted to the Virginia Workers' Compensation Commission (the Commission) for a determination of their validity and the Commission has made such determination of validity prior to the commencement of the arbitration; (ii) prior to the commencement of such arbitration the employer has provided the injured employee and his attorney, if any, with an itemization of the expenses associated with the lien that is the subject of the arbitration; (iii) upon receipt of the itemization of the lien, the employee shall have 21 days to provide a written objection to any expenses included in the lien to the employer, and if the employee does not do so any objections to the lien to be arbitrated shall be deemed waived; and (iv) the employer shall have 14 days after receipt of the written objection to notify the employee of any contested expenses that the employer does not agree to remove from the lien, and if the employer does not do so any itemized expense objected to by the employee shall be deemed withdrawn and not included in the arbitration. This bill is identical to [HB 1659](#).

Law Advice: New Requirement

SB1176 [Nonexoneration of debts on property of decedent; notice to creditor and beneficiaries.](#)

Companion Bill: HB1618

Chief Patron: Chafin

Summary:

Provides a procedure by which a personal representative of a decedent's estate may notify a creditor of a debt on certain property in the decedent's estate that such property passes without the right of exoneration. The bill provides the method by which such notice shall be sent. The bill provides that if

such procedure is used, the creditor may file a claim for such debt with the commissioner of accounts, and if the creditor does not timely file such claim, the personal representative shall be liable for the debt up to an amount not exceeding the assets of the decedent remaining in possession of the personal representative and available for application to the debt. The bill does not have an effect on either the liability of the estate for such debt to the extent of the decedent's assets remaining at the time a claim is filed or the liability of the beneficiaries that receive the decedent's assets to the extent of such receipt. This bill is identical to [HB 1618](#).

Law Advice: FYI - No Direct Impact

SB1178 [Buprenorphine without naloxone; prescription limitation.](#)

Companion Bill: HB2163

Chief Patron: Chafin

Summary:

Provides that prescriptions for products containing buprenorphine without naloxone shall be issued only (i) for patients who are pregnant, (ii) when converting a patient from methadone to buprenorphine containing naloxone for a period not to exceed seven days, or (iii) as permitted by regulations of the Board of Medicine or the Board of Nursing. The bill contains an emergency clause and has an expiration date of July 1, 2022. This bill is identical to [HB 2163](#).

Law Advice: New Requirement

Effective April 5, 2017.

SB1179 [Opioids; workgroup to establish guidelines for prescribing.](#)

Companion Bill: HB2161

Chief Patron: Chafin

Summary:

Requires the Secretary of Health and Human Resources to convene a workgroup that shall include representatives of the Departments of Behavioral Health and Developmental Services, Health, and Health Professions as well as representatives of the State Council of Higher Education for Virginia and each of the Commonwealth's medical schools, dental schools, schools of pharmacy, physician assistant education programs, and nursing education programs to develop educational standards and curricula for training health care providers, including physicians, dentists, optometrists, pharmacists, physician assistants, and nurses, in the safe and appropriate use of opioids to treat pain while minimizing the risk of addiction and substance abuse. The workgroup shall report its progress and the outcomes of its activities to the Governor and the General Assembly by December 1, 2017. The bill contains an emergency clause. This bill is identical to [HB 2161](#).

Law Advice: Monitor and Track

Workgroup to include representatives from medical and nursing schools and physician assistant programs. Effective February 23, 2017.

SB1180 Opioids and buprenorphine; Boards of Dentistry and Medicine to adopt regulations for prescribing.

Chief Patron: Chafin

Summary:

Directs the Boards of Dentistry and Medicine to adopt regulations for the prescribing of opioids and products containing buprenorphine. The bill requires the Prescription Monitoring Program at the Department of Health Professions to annually provide a report to the Joint Commission on Health Care and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on the prescribing of opioids and benzodiazepines in the Commonwealth that includes data on reporting of unusual patterns of prescribing or dispensing of a covered substance by an individual prescriber or dispenser or on potential misuse of a covered substance by a recipient. The bill contains an emergency clause.

Law Advice: New Requirement

Similar to HB2167. Effective March 20, 2017.

SB1192 Small Business and Supplier Diversity, Department of; powers of the Director.

Chief Patron: Reeves

Summary:

Requires, as a prerequisite for approval, that any out-of-state business applying with the Department of Small Business and Supplier Diversity for certification in Virginia as a small, women-owned, or minority-owned business possess the equivalent certification in the business's state of origin. The bill exempts an out-of-state business located in a state that does not have a small, women-owned, or minority-owned business certification program.

Law Advice: FYI - No Direct Impact

SB1193 Contractors, Board of; exemptions, responsibility for contracting with unlicensed person.

Companion Bill: HB1979

Chief Patron: Stuart

Summary:

Exempts from licensure work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition valued at \$2,500 or less per project on behalf of a properly licensed contractor, provided that such contractor holds a valid license in the residential or commercial building contractor classification. The bill provides, however, that any construction services that require an individual license or certification shall be rendered only by an individual licensed or certified by the Board for Contractors. The bill also provides that any contractor that directly employs or otherwise contracts with a person who is not credentialed by the Board for Contractors for work requiring a credential shall be solely responsible for any monetary penalty or other sanction resulting from the act of employing or contracting with a person who lacks the proper credential based upon such person's failure to obtain or maintain the required credential. This bill is identical to [HB 1979](#).

Law Advice: FYI - No Direct Impact

SB1201 [Workers' compensation; suitably equipped automobile for incapacitated employee.](#)

Chief Patron: Lewis

Summary:

Authorizes the Workers' Compensation Commission to require an employer to provide funds for the purchase of a suitably equipped automobile for an incapacitated employee if it finds that it is medically necessary and that modifications to the employee's automobile are not technically feasible or will cost more than the funds available for a replacement automobile. The total of the costs of the automobile and of any bedside lifts, adjustable beds, and modification of the employee's principal home are limited to \$42,000, which is the amount of the existing cap on expenses for modifications to the injured employee's automobile and home.

Law Advice: Change in Requirement

SB1207 [Electric personal delivery devices; operation on sidewalks and shared-use paths.](#)

Companion Bill: HB2016

Chief Patron: DeSteph

Summary:

Allows for the operation of electric personal delivery devices on the sidewalks and shared-use paths and across roadways on crosswalks in the Commonwealth unless otherwise prohibited by a locality. The bill directs that such devices shall not be considered vehicles and are exempt from the motor carrier provisions of Title 46.2 (Motor Vehicles). This bill is identical to [HB 2016](#).

Law Advice: FYI - No Direct Impact

SB1216 [Alcoholic beverage control; availability of food when spirits served.](#)

Chief Patron: DeSteph

Summary:

Directs the Alcoholic Beverage Control Board to promulgate regulations that require mixed beverage licensees to have food, cooked or prepared on the licensed premises, available for on-premises consumption until at least 30 minutes prior to an establishment's closing. The bill requires that such food be available in all areas of the licensed premises in which spirits are sold or served.

Law Advice: New Requirement

SB1221 [Emergency custody or involuntary admission process; alternative transportation model.](#)

Companion Bill: HB1426

Chief Patron: Barker

Summary:

Directs the Commissioner of Behavioral Health and Developmental Services and the Director of Criminal Justice Services, in conjunction with the relevant stakeholders, to develop a comprehensive model for the use of alternative transportation providers to provide safe and efficient transportation of individuals involved in the emergency custody or involuntary admission process as an alternative to transportation by law enforcement. The bill requires that the model be completed by October 1, 2017, and reported to the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century, the House Committee for Courts of Justice, and the Senate Committee for Courts of Justice. This bill is identical to [HB 1426](#).

Law Advice: FYI - No Direct Impact

SB1226 [Virginia Freedom of Information Act; proprietary records and trade secrets.](#)

Chief Patron: Edwards

Summary:

Excludes from the mandatory disclosure provisions of FOIA proprietary information, voluntarily provided by a private business under a promise of confidentiality from a public body, used by the public body for a solar services agreement. The bill requires the private business to specify the records for which protection is sought before submitting them to the public body and to state the reasons why protection is necessary. The bill also (i) allows a solar services agreement contractor or provider to designate specific provisions in a solar services agreement as proprietary information not subject to disclosure and (ii) authorizes a city to withhold from disclosure such information provided by a private

entity in connection with a franchise, lease, or use under a solar services agreement.

Law Advice: Change in Authority

SB1228 [Va. Fair Housing Law; responsibilities with respect to use of an assistance animal in a dwelling.](#)

Companion Bill: HB2006

Chief Patron: Barker

Summary:

Sets out the rights and responsibilities under the Virginia Fair Housing Law (§ 36-96.1 et seq.) with respect to maintaining an assistance animal in a dwelling. The bill establishes a process through which a person with a disability may submit a request for a reasonable accommodation to maintain an assistance animal in a dwelling, including any supporting documentation verifying the disability and disability-related need for an accommodation. Under the bill, a request for reasonable accommodation to maintain an assistance animal may be denied for any one of the following reasons: (i) the requester does not have a disability; (ii) the requester does not have a disability-related need for an assistance animal; (iii) the accommodation imposes an undue financial and administrative burden on the person receiving the request; or (iv) the accommodation would fundamentally alter the nature of the operations of the person receiving the request. The bill provides that whenever a request for a reasonable accommodation to maintain an assistance animal in a dwelling is denied for reasons other than that the requester does not have a disability or a disability-related need for an assistance animal, an interactive process shall be initiated to determine if there is an alternative accommodation that would effectively address the disability-related need. The bill also defines "assistance animal," "major life activities," "therapeutic relationship," and "physical or mental impairment." The bill provides that if any provision of its provisions is determined by the U.S. Department of Housing and Urban Development to be not substantially equivalent or otherwise inconsistent with the federal Fair Housing Act of 1968, 42 U.S.C. § 3601 et seq., as amended, such provision shall not be enforceable. As introduced, this bill was a recommendation of the Virginia Housing Commission. This bill is identical to [HB 2006](#).

Law Advice: New Requirement

SB1230 [Opiate prescriptions; electronic prescriptions.](#)

Companion Bill: HB2165

Chief Patron: Dunnivant

Summary:

Requires a prescription for any controlled substance containing an opiate to be issued as an electronic prescription and prohibits a pharmacist from dispensing a controlled substance that contains an opiate unless the prescription is issued as an electronic prescription, beginning July 1, 2020. The bill defines electronic prescription as a written prescription that is generated on an electronic application in accordance with federal regulations and is transmitted to a pharmacy as an electronic data file. The bill

requires the Secretary of Health and Human Resources to convene a work group of interested stakeholders to review actions necessary for the implementation of the bill's provisions, to evaluate hardships on prescribers and the inability of prescribers to comply with the deadline for electronic prescribing, and to make recommendations for any extension or exemption processes relative to compliance or disruptions due to natural or manmade disasters or technology gaps, failures, or interruptions of services. The work group shall report on the work group's progress to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2017, and a final report to such Chairmen by November 1, 2018.

Law Advice: New Requirement

Electronic prescriptions required beginning July 1, 2020.

SB1232 [Opioids; limit on amount prescribed, extends sunset provision.](#)

Companion Bill: HB1885

Chief Patron: Dunnavant

Summary:

Requires a prescriber registered with the Prescription Monitoring Program (the Program) to 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 and exempts the prescriber from this requirement if the opioid is prescribed as part of treatment for a surgical or invasive procedure and such prescription is for no more than 14 consecutive days. Current law requires a registered prescriber to 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 14 consecutive days and exempts the prescriber from this requirement if the opioid is prescribed as part of a course of treatment for a surgical or invasive procedure and such prescription is not refillable. The bill extends the sunset for this requirement from July 1, 2019, to July 1, 2022.

Law Advice: Change in Requirement

SB1234 [Higher educational institutions, public; SCHEV to develop a passport credit program.](#)

Chief Patron: Dunnavant

Summary:

Requires the State Council of Higher Education for Virginia (the Council) and each public institution of higher education to develop a passport credit program that will be offered at each associate-degree-granting public institution of higher education. Under the program, each passport credit course shall satisfy a lower division general education requirement at any public institution of higher education. The bill requires the Council to develop such program by July 1, 2020, and each associate-degree-granting public institution of higher education to offer such program by the 2020-2021 academic year.

Law Advice: New Requirement

[SB1242 Advance directives; persons authorized to provide assistance in completing, training programs.](#)

Companion Bill: HB1747

Chief Patron: Dunnavant

Summary:

Defines "qualified advance directive facilitator" as a person who has successfully completed a training program approved by the Department of Health for providing assistance in completing and executing a written advance directive; establishes requirements for training programs for qualified advance directive facilitators; and provides that distribution of a form for an advance directive that meets the requirements of § 54.1-2984 and the provision of ministerial assistance to a person with regard to the completion or execution of such form shall not constitute the unauthorized practice of law. This bill is identical to [HB 1747](#).

Law Advice: FYI - No Direct Impact

[SB1250 Motor vehicle safety inspection; Superintendent shall provide information upon written request.](#)

Companion Bill: HB2269

Chief Patron: Carrico

Summary:

Authorizes the Superintendent of State Police to provide, upon request, verification of the inspection status of a vehicle and to charge a reasonable fee for providing such information. Fees shall not be charged to government or other public entities. This bill is identical to [HB 2269](#).

Law Advice: FYI - No Direct Impact

[SB1258 Virginia Solar Energy Development and Energy Storage Authority; increases membership.](#)

Chief Patron: Ebbin

Summary:

Continues the Virginia Solar Energy Development Authority and renames it the Virginia Solar Energy Development and Energy Storage Authority. The measure expands the purposes of the authority to include positioning the Commonwealth as a leader in research, development, commercialization,

manufacturing, and deployment of energy storage technology. The powers of the Authority are expanded to include (i) promoting collaborative efforts among Virginia's public and private institutions of higher education in research, development, and commercialization efforts related to energy storage; (ii) monitoring relevant developments nationally and globally; and (iii) identifying and working with the Commonwealth's industries and nonprofit partners. The size of the Authority is expanded from 11 to 15 members.

Law Advice: FYI - No Direct Impact

Membership may include representatives of higher education who have expertise in energy technology.

SB1265 [General Services, Department of; maintenance of property records.](#)

Chief Patron: Chafin

Summary:

Requires the Department of General Services to maintain records relating to all property interests held by the Commonwealth and under the control of or occupied by any of its departments, agencies, or institutions, with the exception of records relating to (i) real estate or rights-of-way acquired by the Department of Transportation for the construction of highways; (ii) ungranted shores of the sea, marsh, and meadowlands as defined in § 28.2-1500; or (iii) real estate or rights-of-way acquired by the Department of Rail and Public Transportation for the construction of railway lines or rail or public transportation facilities or the retention of rail corridors for public purposes. The bill also provides for the Department to submit a quarterly report, in electronic form, to the General Assembly that includes renewal and termination dates for inventoried property pursuant to the lease, license, permit, or other agreement administered by the Department. The information will include property that serves as a branch office of a state agency and all renewals and terminations scheduled to occur within 90 days of the report date.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB1282 [Wireless communications infrastructure; procedure for approved by localities.](#)

Chief Patron: McDougle

Summary:

Provides a uniform procedure for the way in which small cell facilities on existing structures are approved by localities and approved and installed in public rights-of-way. The measure includes provisions that establish requirements applicable to the location of micro-wireless facilities. The measure also addresses restrictions by localities and the Department of Transportation regarding the use of public rights-of-way or easements and specifies when a permittee may be required to relocate wireless support structures.

Law Advice: FYI - No Direct Impact

SB1293 [State agencies; criminal background checks for certain positions.](#)

Companion Bill: HB2391

Chief Patron: McDougle

Summary:

Requires each state agency to continue to record in the Personnel Management Information System (PMIS) positions that it has designated as sensitive to ensure that the Department of Human Resources Management has a list of all such positions. The bill clarifies who would be subject to a criminal background investigation in a sensitive position. The bill expands the definition of sensitive position to include those positions (i) responsible for the health, safety, and welfare of citizens or the protection of critical infrastructures; (ii) that have access to sensitive information, including access to Federal Tax Information in approved exchange agreements with the Internal Revenue Service or Social Security Administration; and (iii) that are otherwise required by state or federal law to be designated as sensitive. The bill contains an emergency clause. This bill is identical to [HB 2391](#).

Law Advice: New Requirement

Effective March 13, 2017.

SB1296 [County food and beverage tax; referendum.](#)

Chief Patron: Vogel

Summary:

Prohibits a county from holding a new referendum on the levy of a food and beverage tax in the three calendar years subsequent to its electoral defeat, but only if such referendum is initiated by a resolution of the board of supervisors. The bill also requires the ballot for any such referendum to state the total tax, as a percentage, that would be imposed on food and beverage if the referendum were to pass, based upon a four percent food and beverage tax and any other ad valorem taxes applicable to the purchase of prepared food and beverage in the county.

Law Advice: FYI - No Direct Impact

SB1307 [Auditor of Public Accounts; register of funds expended, etc.](#)

Companion Bill: HB2436

Chief Patron: Vogel

Summary:

Requires the Commonwealth Data Point website administered by the Auditor of Public Accounts to include information for major categories of spending for each state agency and institution, including each independent agency. Currently, the Commonwealth Data Point website includes such information for only secretariats and major state agencies. In addition, the bill provides that the database shall include the name, phone number, and email address for a contact at each agency or institution. This bill is identical to [HB 2436](#).

Law Advice: FYI - No Direct Impact

SB1312 Conflicts of Interests Acts, State & Local Government & General Assembly, lobbyist; filing.

Companion Bill: HB1854

Chief Patron: Norment

Summary:

Makes numerous changes to the laws governing lobbyist reporting, the conflict of interest acts, and the Virginia Conflict of Interest and Ethics Advisory Council (the Council), including (i) allowing the Secretary of the Commonwealth to suspend any penalty that could be assessed against a lobbyist's principal for failing to file the required disclosure if such failure is beyond the control of the principal; (ii) clarifying the procedures for terminating the services of a lobbyist; (iii) requiring that lobbyist registration forms be filed electronically; (iv) eliminating the requirement that a lobbyist list the names, addresses, and telephone numbers of all other lobbyists representing the same principal; (v) creating a separate statement for a lobbyist's principal to waive the principal signature requirement on the lobbyist disclosure form; (vi) granting the clerk of the local governing body or school board the same power as the Council to redact from any disclosure form released to the public any residential address, personal telephone number, or signature; (vii) eliminating the minimum duration of the mandatory refresher ethics orientation session for General Assembly members; (viii) allowing written informal advice from the Council to confer immunity from prosecution upon individuals acting in accordance with such advice; (ix) clarifying the Council's authority to grant extensions from the filing deadline and imposing a \$250 civil penalty on agency heads or local clerks who fail to provide the disclosure forms to filers in a timely manner; (x) requiring lobbyists to provide a report of gifts made during a regular session of the General Assembly no later than three weeks after adjournment to legislators and certain executive branch officials who are required to file a session gift report; and (xi) directing that candidates for statewide office and the General Assembly are required to file a disclosure form with the State Board of Elections and candidates for a constitutional office are required to file a disclosure form with the local general registrar. The bill also extends the filing deadline for disclosure forms from January 15 to February 1 and clarifies the reporting period covered by the disclosure forms. The bill eliminates events open to individuals who share a common interest from the definition of a "widely attended event," attendance at which is not subject to the gift cap. The bill also exempts from the definition of a "gift" (a) gifts from a person's child-in-law; (b) gifts related to a person's volunteer service; (c) meals provided for attendance at an official meeting of the Commonwealth, its political subdivisions, or certain other entities; and (d) attendance at a reception or similar function. The bill also exempts members of the judiciary from certain provisions governing prohibited gifts and prohibited personal interests in a transaction where such members are already subject to similar or greater prohibitions under the Canons of Judicial Conduct for the State of Virginia. The bill also clarifies that a legislator may have a personal interest in a contract with

a government agency, not including a legislative branch agency, when the Virginia Public Procurement Act allows the award of such contract without competition. The bill further clarifies the exceptions that allow state and local officers and employees who have a personal interest in a transaction to participate in the transaction. Finally, the bill contains technical amendments. The bill contains an emergency clause that applies to the changes described in clauses (x) and (xi). This bill is identical to [HB 1854](#).

Law Advice: Change in Requirement

See bill for effective dates of specific sections.

[SB1321 Ophthalmic prescriptions; definitions, who may provide prescriptions, requirements.](#)

Companion Bill: HB1497

Chief Patron: Carrico

Summary:

Requires, for ophthalmic prescriptions written on or after July 1, 2017, that an ophthalmologist or optometrist establish a bona fide provider-patient relationship with a patient prior to prescribing spectacles, eyeglasses, lenses, or contact lenses, and sets out requirements for establishing such relationship, which includes options for examination of the patient either in person or through face-to-face interactive, two-way, real-time communication or store-and-forward technologies. This bill is identical to [HB 1497](#).

Law Advice: New Requirement

[SB1323 Neonatal abstinence syndrome; Board of Health to adopt regulations to include as reportable disease.](#)

Companion Bill: HB1467

Chief Patron: Carrico

Summary:

Requires the Board of Health to adopt regulations to include neonatal abstinence syndrome on the list of diseases that shall be required to be reported. This bill is identical to [HB 1467](#).

Law Advice: New Requirement

[SB1330 Critical incident stress management team; peer support team privileged communications.](#)

Chief Patron: Carrico

Summary:

Provides that certain communications regarding a critical incident to a peer support team member are included in the critical incident stress management team privilege. Under current law, the privilege applies only to members of a critical incident stress management team. The bill specifies that a peer support team shall be headed by a Virginia-licensed clinical psychologist, Virginia-licensed psychiatrist, Virginia-licensed clinical social worker, or Virginia-licensed professional counselor with at least five years of experience as a mental health consultant who works directly with emergency medical services personnel or public safety personnel to meet the accreditation standards. Finally, the bill defines a critical incident as an incident that induces an abnormally high level of negative emotions in response to a perceived loss of control and is often related to a threat to the well-being of emergency medical services personnel or public safety personnel or to the well-being of another individual for whom such personnel has some obligation of personal or professional concern.

Law Advice: FYI - No Direct Impact

SB1333 [Garnishment; form of summons, maximum portion of disposable earnings subject to garnishment.](#)

Companion Bill: HB1646

Chief Patron: McDougle

Summary:

Provides that the form of garnishment summons will state that an employee who makes the minimum wage or less for his week's earnings will ordinarily get to keep 40 times the minimum hourly wage when such earnings are subject to a garnishment, not 30 times as stated in Title 8.01, Civil Remedies and Procedures. The bill is intended to reflect the current statutory requirement for exemptions in Title 34, Homestead and Other Exemptions, and is technical in nature. The bill further directs the Office of the Executive Secretary of the Supreme Court to update the form of garnishment summons accordingly. This bill is identical to [HB 1646](#).

Law Advice: FYI - No Direct Impact

SB1334 [Virginia Public Procurement Act; small business enhancement program, limitations.](#)

Chief Patron: Ruff

Summary:

Provides that any enhancement or remedial measure authorized by the Governor for state public bodies may allow for small businesses certified by the Department of Small Business and Supplier Diversity or a subcategory of small businesses established as a part of the enhancement program to have a price preference over noncertified businesses competing for the same contract award, provided that the certified small business or the business in such subcategory of small businesses does not exceed the low bid by more than five percent.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB1341 [Government records; digital certification.](#)

Chief Patron: Surovell

Summary:

Provides for the Secretary of the Commonwealth, in cooperation with the Virginia Information Technologies Agency, to develop standards for the use of digital signatures by government agencies on electronic records generated by such agencies. The bill further provides that such agencies may provide copies of digital records, via a website or upon request, and may charge a fee of \$5 for each digitally certified copy of an electronic record. Any digitally certified record submitted to a court in the Commonwealth shall be deemed to be authenticated by the custodian of the record. The bill defines "agency" to include all state agencies and local government entities, including constitutional officers, except circuit court clerks.

Law Advice: New Authority

SB1363 [Statewide one-stop online portal for address changes; Secretary of Transportation to study.](#)

Chief Patron: Obenshain

Summary:

Requires the Secretary of Transportation or his designee to convene a task force to study the feasibility of establishing a one-stop online portal for citizen address changes in order to develop a single statewide address database for utilization by state entities. The task force shall submit to the Governor and the General Assembly a report on its findings and recommendations by November 1, 2017. The bill has an expiration date of July 1, 2018.

Law Advice: FYI - No Direct Impact

SB1371 [Virginia Research Investment Committee; expands role of Committee.](#)

Companion Bill: HB2245

Chief Patron: Saslaw

Summary:

Expands the role of the Virginia Research Investment Committee (the Committee) to include, in addition to awarding grants and loans from the Virginia Research Investment Fund, providing guidance and

coordination in the use of public funds to support research and commercialization efforts throughout the Commonwealth. Effective January 1, 2018, the bill moves responsibility for the development of the Commonwealth Research and Technology Strategic Roadmap (the Roadmap) from the Center for Innovative Technology to the State Council of Higher Education for Virginia (the Council), which shall submit the plan to the Committee for approval. The Council would consult with public institutions of higher education, make recommendations on the industry sectors in which the Commonwealth should focus its research and development efforts, and establish a process for maintaining an inventory of the Commonwealth's current research and development efforts. Before implementation, the Council would submit the Roadmap to the Governor for final approval. The Roadmap would be used to determine areas of focus for awards from the Virginia Research Investment Fund and the Commonwealth Research Commercialization Fund.

The bill also clarifies that the exemption from mandatory disclosure of records under the Freedom of Information Act by applicants for grants and loans from the Committee applies to certain financial records, trade secrets, and research-related information. The bill requires an applicant seeking to invoke the protections of the exemption to submit a written request to the Committee identifying the records or data for which protection is sought and stating the reason why protection is necessary. Under the bill, the exemption also applies to documents prepared exclusively for the application review by the Committee, its staff, or a reviewing entity conducting a scientific review at the request of the Committee. The closed meeting exemption is also amended to include interviews of applicants by the Committee or a reviewing entity conducting a scientific review.

The bill contains technical amendments. This bill is identical to [HB 2245](#).

Law Advice: Change in Requirement

SB1376 [Higher educational institutions, public; public notice of proposed undergraduate tuition increase.](#)

Chief Patron: Petersen

Summary:

Prohibits the governing board of a public institution of higher education from approving an increase in undergraduate tuition or mandatory fees without first providing students and the public a projected range of the planned increase, an explanation of the need for the increase, and notice of the date and location of any vote on the increase at least 30 days prior to such vote.

Law Advice: New Requirement

SB1382 [Alcoholic beverage control; applications for retail license.](#)

Chief Patron: Ebbin

Summary:

Requires applicants for retail licenses for establishments that serve food or are otherwise required to obtain a food establishment permit from the Department of Health or an inspection by the Department of

Agriculture and Consumer Services to provide a copy of such permit, proof of inspection, or proof of a pending request for such permit or inspection. The bill provides that if the applicant provides such documentation, a license may be issued to the applicant, which shall authorize the licensee to purchase alcoholic beverages; however, if the license was granted on the basis of a pending request for a permit or inspection, the licensee shall not sell or serve alcoholic beverages until a permit is issued or an inspection is completed.

Law Advice: FYI - No Direct Impact

SB1387 Joint Legislative Audit and Review Commission; operational and programmatic efficiency.

Chief Patron: Sturtevant

Summary:

Authorizes the Joint Legislative Audit and Review Commission to establish an operational and programmatic efficiency and effectiveness review and assessment of state agencies, under a contract with a United States-based private management consulting firm. The purpose of the review and assessment is to provide an objective and independent cost-savings assessment of the Commonwealth's organizational structure and its programs in order to provide information to the Governor and the General Assembly to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The bill also (i) provides certain required terms for the contract with the private entity and (ii) requires the Commission to submit a report to the General Assembly on the results of any review and assessment by December 1 of the year in which the review is conducted.

Law Advice: Monitor and Track

SB1393 Electric utilities; community solar pilot programs.

Chief Patron: Wagner

Summary:

Requires Dominion Virginia Power and Appalachian Power to conduct a community solar pilot program for retail customers. A pilot program will authorize the participating utility to sell electric power to subscribing customers under a voluntary companion rate schedule, and the utility will generate or purchase the electric power from eligible generation facilities selected for inclusion in the pilot program. An eligible generation facility is an electrical generation facility that (i) exclusively uses energy derived from sunlight; (ii) is placed in service on or after July 1, 2017; (iii) is not constructed by an investor-owned utility but is acquired by an investor-owned utility through an asset purchase agreement or is subject to a power purchase agreement under which the utility purchases the facility's output from a third party; and (iv) has a generating capacity not exceeding two megawatts, subject to an exception. Pilot programs will have a three-year duration unless renewed or made permanent by appropriate legislation. The measure requires an investor-owned utility to select eligible generating facilities for dedication to its pilot program through a request for proposal (RFP) process. The minimum generating capacity of the

eligible generating facilities in Appalachian Power's pilot program is 0.5 MW and in Dominion's pilot program is 10 MW. The maximum generating capacity of the eligible generating facilities in Appalachian Power's pilot program is 10 MW and in Dominion's pilot program is 40 MW. The measure establishes a procedure through which an investor-owned utility may increase the generating capacity of facilities in its pilot program above the amount most recently approved by the State Corporation Commission. The measure provides that an investor-owned utility may recover pilot program costs that are not recovered through the voluntary companion rate schedule through variable-output contracts with participating third parties. A subscribing customer's usage above the amount subscribed for the voluntary companion rate schedule shall be billed under the customer's applicable standard rate. The measure authorizes a utility consumer services cooperative to conduct a pilot program and gives the cooperative flexibility in designing its program and voluntary companion rate schedule. The measure declares that the participation of retail customers in a pilot program is in the public interest and that the voluntary companion rate schedules approved are necessary in order to acquire information that is in furtherance of the public interest. The measure requires the Commission to approve the recovery of pilot program costs that it deems to be reasonable and prudent, the pilot program design, the voluntary companion rate schedule, and the portfolio of participating generating facilities. Commission review or approval is not required for individual participating generating facilities, agreements, sites, or RFPs. The measure provides that an approved voluntary companion rate schedule shall not be considered a tariff for electric energy provided 100 percent from renewable energy. An enactment clause directs investor-owned utilities, prior to submitting a proposal for a pilot program, to examine, in cooperation with representatives of relevant governmental, nonprofit, and for-profit entities, options to facilitate the subscribing by low-income customers to the utility's pilot program. Another enactment clause requires participating utilities to disclose to subscribing customers the cost difference between the voluntary companion rate schedule and rate the customer would pay if it was not a subscriber.

Law Advice: FYI - No Direct Impact

[SB1403 Controlled substances; use of FDA-approved substance upon publication of final rule, etc.](#)

Companion Bill: HB1799

Chief Patron: Dunnavant

Summary:

Authorizes the Board of Pharmacy (Board) to designate, deschedule, or reschedule as a controlled substance any substance 30 days after publication in the Federal Register of a final or interim final order or rule designating such substance as a controlled substance or descheduling or rescheduling such substance. Under current law, the Board may act 120 days from such publication date. The bill also provides that a person is immune from prosecution for prescribing, administering, dispensing, or possessing pursuant to a valid prescription a substance approved as a prescription drug by the U.S. Food and Drug Administration on or after July 1, 2017, in accordance with a final or interim final order or rule despite the fact that such substance has not been scheduled by the Board. The immunity provided by the bill remains in effect until the earlier of (i) nine months from the date of the publication of the interim final order or rule or, if published within nine months of the interim final order or rule, the final order or rule or (ii) the substance is scheduled by the Board or by law. This bill is identical to [HB 1799](#).

Law Advice: FYI - No Direct Impact

SB1425 [Ticket Resale Rights Act; limitations on reselling tickets on Internet ticketing platform, penalty.](#)

Companion Bill: HB1825

Chief Patron: Stanley

Summary:

Prohibits any person that issues tickets for admission to a professional concert, professional sporting event, or professional theatrical production, open to the public for which tickets are ordinarily sold, from issuing the ticket solely through a delivery method that substantially prevents the ticket purchaser from lawfully reselling the ticket on the Internet ticketing platform of the ticket purchaser's choice. The measure also prohibits a person from being discriminated against or denied admission to an event solely on the basis that the person resold a ticket, or purchased a resold ticket, on a specific Internet ticketing platform. A person violating these prohibitions is subject to a civil penalty of not less than \$1,000 nor more than \$5,000. This bill is identical to [HB 1825](#).

Law Advice: New Requirement

Does not apply to student tickets for events at auxiliary facilities.

SB1430 [Higher educational institutions; student-death-related crisis.](#)

Chief Patron: Reeves

Summary:

Requires baccalaureate public institutions of higher education to develop and implement policies that ensure that after a student suicide, affected students have access to reasonable medical and behavioral health services, including postvention services. The bill defines postvention services as services designed to facilitate the grieving or adjustment process, stabilize the environment, reduce the risk of negative behaviors, and prevent suicide contagion.

Law Advice: New Requirement

Requires implementation of policy around postvention services which as defined in SB1430 are included in the University's current suicide prevention plan/protocol.

SB1461 [Foster care; local in the Commonwealth's program of medical assistance.](#)

Chief Patron: McPike

Summary:

Directs local departments of social services to ensure that any individual who was in foster care on his

eighteenth birthday is enrolled, unless the individual objects, in the Commonwealth's program of medical assistance, provided that such individual is eligible to receive such health care services and was enrolled in such program on his eighteenth birthday. The bill requires local departments to provide basic information about such health care services and inform such individuals that, if eligible, they will be enrolled in the Commonwealth's program of medical assistance unless they object. The bill directs the State Board of Social Services to promulgate regulations to implement the provisions of the bill.

Law Advice: FYI - No Direct Impact

SB1463 [Virginia Tobacco Region Revolving Fund; revises definition of project.](#)

Chief Patron: Ruff

Summary:

Defines "equity" under the Virginia Tobacco Region Revolving Fund to mean any contribution to a project other than debt financing, including a federal, state, or local grant, except that the grant shall not be a Virginia Tobacco Region Revitalization Commission grant. The bill includes in the definition of "project" any other proposal recommended for evaluation and disbursement by the Commission and credit approved by the Virginia Resources Authority, subject to such conditions and policies as agreed to by the Commission and the Authority. Projects other than those defined in § 62.1-199 shall be eligible to borrow from the Fund only in the event that other funding for the project equal to 25 percent of the total cost of the project is available through equity.

Law Advice: FYI - No Direct Impact

SB1469 [Alcoholic beverage control; disposable containers.](#)

Companion Bill: HB1744

Chief Patron: Chafin

Summary:

Includes a single original metal can in the list of allowable disposable containers that a beer licensee, a wine and beer licensee, and certain mixed beverage licensees may use to sell alcoholic beverages. This bill is identical to [HB 1744](#).

Law Advice: FYI - No Direct Impact

SB1473 [Electric utilities; recovery of costs of undergrounding distribution lines.](#)

Chief Patron: Saslaw

Summary:

Declares that the replacement of any subset of an investor-owned electric utility's existing overhead

distribution tap lines that have, in the aggregate, an average of nine or more total unplanned outage events-per-mile over a preceding 10-year period with new underground facilities in order to improve electric service reliability is in the public interest. The measure also provides that there shall be a rebuttable presumption that (i) the conversion of such facilities will provide local and system-wide benefits, (ii) the new underground facilities are cost beneficial, and (iii) the costs associated with the new underground facilities are reasonably and prudently incurred. An enactment clause provides that the measure shall apply to any applications pending with the Commission regarding new underground facilities on or after January 1, 2017. Another enactment clause directs an investor-owned incumbent electric utility to provide written notice to any cable operator of a cable television system that has attached its facilities to its poles that will be replaced in a project to underground existing overhead distribution tap lines not less than 90 days prior to relocating the utility's overhead distribution lines. The clause also establishes a procedure for negotiating a common shared underground easement.

Law Advice: FYI - No Direct Impact

[SB1484 Prescription Monitoring Program; disclosure of information to certain physicians or pharmacists.](#)

Chief Patron: Hanger

Summary:

Provides that the information in the possession of the Prescription Monitoring Program disclosed by the Director of Health Professions about a specific recipient who is a member of a Virginia Medicaid managed care program to a physician or pharmacist employed by the Virginia Medicaid managed care program may be disclosed to such physician's or pharmacist's clinical designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Virginia Medicaid managed care program.

Law Advice: FYI - No Direct Impact

[SB1486 Law-enforcement officer; report of officer involved in accident.](#)

Companion Bill: HB2336

Chief Patron: Stuart

Summary:

Provides that any law-enforcement officer who is listed as a driver in a motor vehicle accident report submitted to the Department of Motor Vehicles will not have the accident listed on his driving record if he was driving a motor vehicle provided by a law-enforcement agency in the course of his employment and was operating the motor vehicle in the performance of his official duties at the time of such accident. This bill is identical to [HB 2336](#).

Law Advice: FYI - No Direct Impact

SB1501 Physical evidence recovery kit; victim's right to notification of scientific analysis information.

Chief Patron: Favola

Summary:

Provides that for any physical evidence recovery kit that was received by a law-enforcement agency prior to July 1, 2016, and submitted for analysis, the victim, a parent or guardian of a minor victim, or the next of kin of a deceased victim shall be notified of the completion of the analysis and shall, upon request, receive information regarding the results of any analysis from the law-enforcement agency. The bill provides that law enforcement shall not be required to disclose the results of any analysis to an alleged perpetrator. The bill contains technical amendments.

Law Advice: New Requirement

SB1511 Advance directives; admission of person for mental health treatment, capacity determinations.

Companion Bill: HB1548

Chief Patron: Deeds

Summary:

Provides that in cases in which a person has executed an advance directive granting an agent the authority to consent to the person's admission to a facility for mental health treatment and the advance directive so authorizes, the person's agent may exercise such authority after a determination that the person is incapable of making an informed decision regarding such admission has been made by (i) the attending physician, (ii) a psychiatrist or licensed clinical psychologist, (iii) a licensed psychiatric nurse practitioner, (iv) a licensed clinical social worker, or (v) a designee of the local community services board as defined in § 37.2-809. The bill also provides that a person's agent may make a health care decision over the protest of the person if, in addition to other factors, at the time the advance directive was made, a licensed physician, licensed clinical psychologist, licensed physician assistant, licensed nurse practitioner, licensed professional counselor, or licensed clinical social worker who is familiar with the person attested in writing that the person was capable of making an informed decision and understood the consequences of the provision. This bill is identical to [HB 1548](#).

Law Advice: New Requirement

SB1527 Virginia Guaranteed Assistance Program; changes to Program, Commonwealth Award grants.

Companion Bill: HB2427

Chief Patron: Saslaw

Summary:

Makes several changes to the Virginia Guaranteed Assistance Program, including adding requirements that (i) each student eligible for the Program receive a grant from the institution's appropriations for undergraduate student financial assistance before Commonwealth Award grants are awarded to students with equivalent remaining need, (ii) each eligible student receive a Program grant in an amount greater than Commonwealth Award grants awarded to students with equivalent remaining need, (iii) each eligible student receive a Program grant in an amount greater than the grant of each eligible student with equivalent remaining need in the next-lowest class level, and (iv) each Program grant be determined by a proportionate award schedule adopted by each institution and vary according to each student's remaining need and the total of tuition, fees, and other necessary charges, including books. This bill is identical to [HB 2427](#).

Law Advice: Change in Requirement

[SB1530 Administration, Secretary of; policy of the Commonwealth regarding state employment.](#)

Companion Bill: HB2425

Chief Patron: Vogel

Summary:

Provides that it is the policy of the Commonwealth to promote and increase the employment of individuals with disabilities. To further this policy, the bill establishes a goal to increase by five percent the level of individuals with disabilities employed by state government by fiscal year 2023. The bill designates the Secretary of Administration to coordinate efforts to achieve the goal and requires the Secretary to establish a reporting system for tracking and reporting the progress of state agencies toward meeting the employment and contracting goals and to report annually on the number of individuals with disabilities employed by the state. The bill requires each state agency to submit a plan to increase employment opportunities for individuals with disabilities to the Secretary no later than December 31, 2017, and each July 1 thereafter. This bill is identical to [HB 2425](#).

Law Advice: New Requirement

[SB1534 Higher educational institutions, public; general education course credit, dual enrollment courses.](#)

Companion Bill: HB1662

Chief Patron: Sturtevant

Summary:

Requires the State Council of Higher Education for Virginia (SCHEV), in consultation with each public institution of higher education, to establish a policy for granting undergraduate general education course credit to any entering freshman student who has successfully completed a dual enrollment course. The bill requires SCHEV and each public institution of higher education to make the policy available to the

public on the SCHEV and institution's websites. This bill is identical to [HB 1662](#).

Law Advice: New Requirement

SB1538 [Virginia Public Procurement Act; participation of employment services organizations.](#)

Companion Bill: HB2396

Chief Patron: Hanger

Summary:

Provides that contracts and subcontracts awarded to employment services organizations shall be credited toward the small business, women-owned, and minority-owned business contracting and subcontracting goals of state agencies as well as state contractors. The bill is identical to [HB 2396](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB1542 [Occupational safety and health laws; increases maximum amount of civil penalties.](#)

Companion Bill: HB1883

Chief Patron: Saslaw

Summary:

Increases the maximum amount of civil penalties that may be assessed by the Commissioner of Labor and Industry for certain violations of occupational safety and health laws from \$7,000 to \$12,471 and for willful or repeated violations of such laws from \$70,000 to \$124,709. The measure also requires the Commissioner annually to increase the maximum civil penalty amounts, starting in 2018, by an amount that reflects the percentage increase, if any, in the consumer price index from the previous calendar year. This bill is identical to [HB 1883](#).

Law Advice: FYI - No Direct Impact

SB1546 [Drug Control Act; adds certain chemical substances to Schedule I.](#)

Companion Bill: HB1610

Chief Patron: Vogel

Summary:

Adds certain chemical substances to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. The bill also removes two substances, benzylfentanyl and thienylfentanyl, from Schedule I. The bill contains technical amendments. This bill is identical to [HB 1610](#).

Law Advice: FYI - No Direct Impact

SB1548 [Virginia Public Procurement Act; public body may purchase from contract of Va. Sheriffs' Association](#)

Chief Patron: Reeves

Summary:

Provides that a public body may purchase from the contract of the Virginia Sheriffs' Association.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB1561 [Emergency Department Care Coordination Program; established.](#)

Companion Bill: HB2209

Chief Patron: Dunnavant

Summary:

Establishes the Emergency Department Care Coordination Program in the Department of Health to provide a single, statewide technology solution that connects all hospital emergency departments in the Commonwealth to facilitate real-time communication and collaboration between physicians, other health care providers, and other clinical and care management personnel for patients receiving services in hospital emergency departments, for the purpose of improving the quality of patient care services. The bill does not become effective unless and until the Commonwealth receives federal Health Information Technology for Economic and Clinical Health (HITECH) Act funds to implement its provisions. This bill is identical to [HB 2209](#).

Law Advice: New Requirement

Enactment contingent upon receipt of federal HITECH funds.

SJ251 [National Suicide Prevention Week.](#)

Companion Bill: HJ548

Chief Patron: Hanger

Summary:

Designates the week of September 10, in 2017 and in each succeeding year, as National Suicide Prevention Week in Virginia.

Law Advice: FYI - No Direct Impact

SJ282 [Substance-Exposed Infant Awareness Week.](#)

Companion Bill: HJ745

Chief Patron: Dunnavant

Summary:

Designates the first week of July, in 2017 and in each succeeding year, as Substance-Exposed Infant Awareness Week in Virginia.

Law Advice: FYI - No Direct Impact

SJ308 [Governor; confirming appointments.](#)

Chief Patron: Vogel

Summary:

Confirms appointments of certain persons made by Governor McAuliffe and communicated to the General Assembly on August 1, 2016.

Law Advice: FYI - No Direct Impact

SJ324 [Commending the Virginia Health Care Foundation.](#)

Chief Patron: Hanger

Summary:

Law Advice: FYI - No Direct Impact