

University of Virginia -- Office of State Governmental Relations
LAW REPORT
Tuesday, June 20, 2023

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HB1400 [Budget Bill.](#)

Companion Bill: SB800

Chief Patron: Knight

Summary:

Amends items of and adds items to Chapter 2 of the Acts of Assembly of 2022, Special Session I.

Law Advice:

HB1403 [Higher educational institutions, certain public; provision of university housing at no cost, etc.](#)

Chief Patron: Tata

Summary:

Requires any public institution of higher education that maintains and operates university housing during scheduled intersessions to provide access to such housing at no cost to any student who is eligible for a certain tuition and fee grant based on his placement in foster care at age 18 and satisfaction of several other enumerated criteria, provided that the student (i) is a registered student for the immediately following academic term and (ii) meets the definitions and conditions of the federal McKinney-Vento Homeless Assistance Act, as amended.

Law Advice: New Requirement

codifies existing requirement in the budget bill

HB1409 [Drug Control act; distribution of hypodermic needles.](#)

Companion Bill: SB1198

Chief Patron: Brewer

Summary:

Provides an exception to the prohibition of distribution of hypodermic needles for the distribution of hypodermic needles that are designed to be used with a reusable injector pen for the administration of insulin. This bill is identical to [SB 1198](#).

Law Advice: Change in Authority

HB1410 [Workers' compensation; presumption for arson and hazardous materials investigators.](#)

Companion Bill: SB1038

Chief Patron: Marshall

Summary:

Expands the workers' compensation presumption of compensability for certain cancers causing the death or disability of certain employees who have completed five years of service in their position to include (i) arson investigators or bomb investigators employed by the Department of State Police and (ii) members of the State Police Officers' Retirement System who collect, analyze, or handle hazardous materials, infectious biological substances and radiological agents, fentanyl, or methamphetamine. This bill is identical to [SB 1038](#).

Law Advice: Change in Requirement

HB1422 [Concealed handgun permits; demonstration of competence.](#)

Companion Bill: SB898

Chief Patron: Coyner

Summary:

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

Law Advice: FYI - No Direct Impact

HB1426 [Human trafficking; continuing education required for biennial renewal of licensure.](#)

Companion Bill: SB1147

Chief Patron: Tata

Summary:

Requires that, of the hours of continuing education required for renewal of licensure, any licensee of the Board of Medicine may be required by the Board of Medicine to complete up to two hours of continuing learning activities or courses in a specific subject area. Under the bill, if the Board of Medicine designates a subject area for continuing learning activities or courses, the first subject area shall be on the topic of human trafficking. This bill is identical to [SB 1147](#).

Law Advice: FYI - No Direct Impact

HB1433 [Counseling Compact; licensure of professional counselors.](#)

Companion Bill: SB802

Chief Patron: Scott, P.A.

Summary:

Authorizes Virginia to become a signatory to the Counseling Compact. The Compact permits eligible licensed professional counselors to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2024, and directs the Board of Counseling to adopt emergency regulations to implement the provisions of the bill. This bill is identical to [SB 802](#).

Law Advice: New Authority

effective January 1, 2024

HB1446 [Certified nursing facilities; minimum staffing standards, administrative sanctions.](#)

Companion Bill: SB1339

Chief Patron: Orrock

Summary:

Sets nursing staffing requirements for certified nursing facilities, imposes administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, provides for exemptions to the administrative sanctions under certain circumstances, and directs the promulgation of regulations consistent with the bill. The bill has a delayed effective date of July 1, 2025. This bill is identical to [SB 1339](#).

Law Advice: FYI - No Direct Impact

effective July 1, 2025

HB1447 [Controlled substances; administration by emergency medical providers.](#)

Companion Bill: SB1426

Chief Patron: Orrock

Summary:

Allows persons who are employed or engaged at a medical care facility who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed

or engaged at the medical care facility to administer drugs and devices at the medical care facility pursuant to an oral or written order or standing protocol. This bill is identical to [SB 1426](#).

Law Advice: New Authority

HB1449 [Emergency medical services providers; administration of prescription medication.](#)

Chief Patron: Orrock

Summary:

Directs the Secretary of Health and Human Resources to consider adopting a process to allow emergency medical services providers to administer prescription medication to persons under certain circumstances.

Law Advice: FYI - No Direct Impact

HB1450 [Individuals with disabilities; terminology.](#)

Companion Bill: SB798

Chief Patron: Orrock

Summary:

Replaces various instances of the terms "handicap," "handicapped," and similar variations throughout the Code of Virginia with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment." The bill contains technical amendments. As introduced, this bill was a recommendation of the Virginia Disability Commission. This bill is identical to [SB 798](#).

Law Advice: FYI - No Direct Impact

HB1452 [Medicaid Fraud Control Unit; appointment of sworn unit investigators to Unit, powers and duties.](#)

Chief Patron: Orrock

Summary:

Allows the Attorney General to designate up to 30 persons in the Medicaid Fraud Control Unit as sworn unit investigators, sworn only to enforce the provisions of law related to the provision and receipt of medical assistance services in the Commonwealth. The bill defines sworn unit investigators as law-enforcement officers and specifies that sworn unit investigators will remain subject to the federal requirements authorizing State Medicaid Fraud Control Units and are required to notify and request assistance from the State Police or the local law-enforcement agency in order to execute a search warrant issued for a place of abode.

Law Advice: FYI - No Direct Impact

HB1459 [Law-enforcement officers, retired state; retention of badge.](#)

Chief Patron: Wilt

Summary:

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

Law Advice: New Requirement

HB1471 [Health insurance; electronic prior authorization and disclosure of certain information.](#)

Companion Bill: SB1261

Chief Patron: Fowler

Summary:

Requires each health insurance carrier, beginning July 1, 2025, to establish and maintain an online process that (i) links directly to all e-prescribing systems and electronic health record systems that utilize the National Council for Prescription Drug Programs SCRIPT standard and the National Council for Prescription Drug Programs Real Time Benefit Standard; (ii) can accept electronic prior authorization requests from a provider; (iii) can approve electronic prior authorization requests (a) for which no additional information is needed by the carrier to process the prior authorization request, (b) for which no clinical review is required, and (c) that meet the carrier's criteria for approval; (iv) links directly to real-time patient out-of-pocket costs for the office visit; and (v) otherwise meets the requirements for contracts between carriers and participating health care providers. The bill prohibits a carrier from (a) imposing a fee or charge on any person for accessing the required online process who is required to do so or (b) accessing, absent provider consent, provider data via the online process other than for the enrollee. The bill also requires carriers, no later than July 1, 2024, to provide contact information of any third-party vendor or other entity the carrier will use to meet the requirements of the bill to any provider that requests such information. The carrier may post such information on its website to meet such requirement.

The bill requires participating health care providers, beginning July 1, 2025, to ensure that any e-prescribing system or electronic health record system owned by or contracted for the provider to maintain an enrollee's health record has the ability to access, at the point of prescribing, the electronic prior authorization process established by a carrier and real-time patient-specific benefit information, including out-of-pocket costs and more affordable medication alternatives made available by a carrier.

The bill provides that a provider may request a waiver of compliance for undue hardship for a period not to exceed 12 months. The bill requires any carrier or its pharmacy benefits manager to provide real-time patient-specific information to enrollees and contracted providers for the office visit, including any out-of-pocket costs and more affordable medication alternatives or prior authorization requirements, and to ensure that the data is accurate. The bill requires that such cost information data be available to the provider at the point of prescribing in an accessible and understandable format, such as through the provider's e-prescribing system or electronic health record system that the carrier or pharmacy benefits manager or its designated subcontractor has adopted that utilizes the National Council for Prescription Drug Programs SCRIPT standard and the National Council for Prescription Drug Programs Real Time Benefit Standard from which the provider makes the request.

The bill requires the State Corporation Commission's Bureau of Insurance to, in coordination with the Secretary of Health and Human Resources, establish a work group to assess implementation and develop recommendations for electronic prior authorization and real-time cost benefit information for prescription drugs, to evaluate and make recommendations to establish a process for electronic prior authorization for surgery and other procedures, and to evaluate and make recommendations to establish an online process for a real-time link at the point of prescribing for any available prescription coupons. The work group shall report its findings and recommendations to the Chairmen of the Senate Committees on Commerce and Labor and Education and Health and the House Committees on Commerce and Energy and Health, Welfare and Institutions annually by November 1 and shall make its final report by November 1, 2025. This bill is identical to [SB 1261](#).

Law Advice: New Requirement

see bill for effective dates; monitor work group findings and recommendations due by November 1 each year (through November 1, 2025)

[HB1472 Emergency medical services agencies; ordinances or resolutions, designation as emergency response.](#)

Companion Bill: SB1246

Chief Patron: Fowler

Summary:

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

Law Advice: FYI - No Direct Impact

[HB1490 Virginia Public Procurement Act; certain construction contracts, performance and payment bonds.](#)

Chief Patron: Davis

Summary:

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

Law Advice: FYI - No Direct Impact

HB1504 [Telephone solicitation calls via text message; Jt. Commission on Technology & Science to consider.](#)

Chief Patron: Orrock

Summary:

Directs the Joint Commission on Technology and Science to consider the practice of unwanted telephone solicitation calls and telephone solicitation calls via text message and develop recommendations related to requiring a telephone solicitor to permit any person to opt out of receiving such calls or messages. The bill requires the Joint Commission on Technology and Science to report its findings and recommendations by November 1, 2023, to the Chairs of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor.

Law Advice: FYI - No Direct Impact

monitor Joint Commission findings and recommendations due by November 1, 2023

HB1510 [Urban green space; local incentives.](#)

Chief Patron: Adams, D.M.

Summary:

Authorizes localities to establish programs to provide regulatory flexibility to encourage the preservation, restoration, or development of urban green space, defined in the bill. The regulatory flexibility may include (i) a reduction in permit fees or (ii) a streamlined process for the approval of permits.

Law Advice: FYI - No Direct Impact

HB1511 [Midwifery; administration of medication.](#)

Companion Bill: SB1275

Chief Patron: Adams, D.M.

Summary:

Allows licensed midwives to obtain, possess, and administer drugs and devices within the scope of their practice. The bill requires the Board of Medicine to develop and publish best practice and standards of care guidance for all such drugs. The bill limits the liability of entities that provide or dispense drugs or devices to a licensed midwife and that rely in good faith upon the license information provided by the licensed midwife. Under the bill, completing all Alliance for Innovation on Maternal Health patient safety bundles advanced by the Virginia Neonatal Perinatal Collaborative is required of any licensed midwife who obtains, possesses, and administers drugs and devices within the scope of his practice. This bill is identical to [SB 1275](#).

Law Advice: FYI - No Direct Impact

HB1512 [Medical assistance services; durable medical equipment, complex rehabilitation technology.](#)

Chief Patron: Adams, D.M.

Summary:

Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for payment of medical assistance for the initial purchase or replacement of complex rehabilitative technology manual and power wheelchair bases and related accessories. The bill directs the Board to adopt emergency regulations to implement the provisions of the bill.

Law Advice: FYI - No Direct Impact

HB1525 [Peer recovery specialists; barrier crime exceptions.](#)

Companion Bill: SB846

Chief Patron: Coyner

Summary:

Permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist. This bill is identical to [SB 846](#).

Law Advice: New Authority

HB1526 [Student literacy measures; scope, students in grades four through eight, English SOLs.](#)

Chief Patron: Coyner

Summary:

Expands several provisions of the Virginia Literacy Act, enacted during the 2022 Regular Session of the General Assembly, effective with the 2024–2025 school year, and currently applicable to students in kindergarten through grade three, to students in grades four through eight, including (i) requiring each local school board to provide a program of literacy instruction to such students that is aligned with science-based reading research and provides evidenced-based literacy instruction; (ii) requiring each local school board to provide reading intervention services to such students who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department of Education; (iii) permitting the reading plan required for certain students in grades six through eight to include a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in such plan; (iv) requiring the Department to develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for such students; (v) requiring each local school board to employ one reading specialist for each 550 students in kindergarten through grade eight; (vi) requiring the Board of Education to provide guidance on and each local school board to provide high-quality professional development and training in science-based reading research and evidence-based literacy instruction for certain middle school personnel; and (vii) requiring each divisionwide comprehensive plan to include a divisionwide literacy plan for such students.

Law Advice: FYI - No Direct Impact

[HB1555 Higher educational institutions; human trafficking awareness and prevention training required.](#)

Companion Bill: SB1373

Chief Patron: Brewer

Summary:

Directs the governing board of each public institution of higher education to develop and implement policies requiring that a trauma-informed human trafficking awareness and prevention training program be provided to and completed by all first-year students as a part of such institution's first-year orientation program. The bill also directs the State Council of Higher Education for Virginia to encourage private institutions of higher education to develop and implement policies to provide such a human trafficking awareness and prevention training program as a part of their first-year orientation programs. This bill is identical to [SB 1373](#).

Law Advice: New Requirement

[HB1567 Perinatal health; VDH, et al., to evaluate strategies to reduce maternal & infant mortality rates.](#)

Chief Patron: Rasoul

Summary:

Directs the Department of Health, in collaboration with the Virginia Neonatal Perinatal Collaborative, the Virginia Maternal Quality Care Alliance, and Urban Baby Beginnings, to convene a work group of stakeholders to evaluate strategies to reduce maternal and infant mortality rates and make recommendations to enhance maternal health and public health support systems through expansion of the perinatal health hub model. The bill directs the Department of Health to report on the results and recommendations of the work group to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by December 1, 2023.

Law Advice: FYI - No Direct Impact

monitor work group findings and recommendations due by December 1, 2023

HB1569 [Virginia Freedom of Information Act; disclosure of personnel records.](#)

Chief Patron: Walker

Summary:

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

Law Advice: Change in Authority

HB1572 [False emergency communication to emergency personnel; false information, penalties, report.](#)

Companion Bill: SB1291

Chief Patron: Walker

Summary:

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

Law Advice: FYI - No Direct Impact

HB1573 Mental health conditions & impairment; health regulatory board w/in DHP to amend its applications.

Companion Bill: SB970

Chief Patron: Walker

Summary:

Directs each health regulatory board within the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment and to include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients? and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause. This bill is identical to [SB 970](#).

Law Advice: New Requirement

effective March 16, 2023

HB1591 Data Governance and Analytics, Office of; repeals sunset provision.

Companion Bill: SB914

Chief Patron: Davis

Summary:

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

Law Advice: FYI - No Direct Impact

HB1595 Internal Revenue Code; conformity of the Commonwealth's taxation system.

Companion Bill: SB882

Chief Patron: Robinson

Summary:

Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2021, to December 31, 2022. The bill enacts Chapters 6 and 18 of the Acts of Assembly of 2022, Special Session

I. The bill contains an emergency clause. This bill is identical to [SB 882](#).

Law Advice: FYI - No Direct Impact

[HB1598 Medical cannabis program; transition from Bd. of Pharmacy to Va. Cannabis Control Authority, report.](#)

Companion Bill: SB788

Chief Patron: Robinson

Summary:

Transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. The bill has a delayed effective date of January 1, 2024, and is identical to [SB 788](#).

Law Advice: FYI - No Direct Impact

effective January 1, 2024

[HB1602 State plan for medical assistance services; telemedicine, in-state presence.](#)

Companion Bill: SB1418

Chief Patron: Robinson

Summary:

Establishes that health care providers are not required to maintain a physical presence in the Commonwealth to maintain eligibility to enroll as a Medicaid provider. Additionally, the bill establishes that telemedicine services provider groups with health care providers duly licensed by the Commonwealth are not required to maintain an in-state service address to maintain eligibility to enroll as a Medicaid vendor or Medicaid provider group. This bill is identical to [SB 1418](#).

Law Advice: FYI - No Direct Impact

[HB1606 Antisemitism; adoption of non-legally binding Working Definition of Antisemitism as a tool & guide.](#)

Chief Patron: Tata

Summary:

Provides that the Commonwealth adopts the non-legally binding Working Definition of Antisemitism adopted by the International Holocaust Remembrance Alliance on May 26, 2016, including the contemporary examples of antisemitism set forth therein, exclusively as a tool and guide for training,

education, recognizing, and combating antisemitic hate crimes or discrimination and for tracking and reporting antisemitic incidents in the Commonwealth.

Law Advice: FYI - No Direct Impact

HB1622 [Health regulatory boards; delegation of authority to conduct informal fact-finding proceedings.](#)

Chief Patron: Wright

Summary:

Removes the requirement that a health regulatory board receive information that a practitioner may be subject to a disciplinary action in order for the board to delegate to an appropriately qualified agency subordinate the authority to conduct informal fact-finding proceedings.

Law Advice: FYI - No Direct Impact

HB1633 [Virginia Contractor Transaction Recovery Fund; recovery, arbitration.](#)

Chief Patron: Bulova

Summary:

Allows a person who has a judgment entered in conformity with an order confirming an arbitration award from a court of competent jurisdiction in the Commonwealth against a contractor that involves improper or dishonest conduct in connection with a transaction involving contracting to file a verified claim with the Director of the Department of Professional and Occupational Regulation to obtain a directive ordering payment from the Virginia Contractor Transaction Recovery Fund of the amount unpaid upon the judgment, subject to certain conditions outlined in the bill.

Law Advice: FYI - No Direct Impact

HB1683 [Voter registration; final day of registration, notice requirements.](#)

Chief Patron: Ransone

Summary:

Requires notice of the last day of voter registration to be published at least once in a newspaper of general circulation in the county or city, if one is available. Such notice is also required to be posted on the official website of the county or city.

Law Advice: FYI - No Direct Impact

HB1684 [Worker misclassification; debarment procedures.](#)

Companion Bill: SB1354

Chief Patron: Orrock

Summary:

Revises the procedure under which a contractor may be debarred from public contracts for misclassification of workers. The bill requires the Department of Taxation to notify an employer of a determination that the employer failed to properly classify an individual and allows the employer to apply for judicial or administrative review. Upon a subsequent violation, and once the opportunity for appeals has been exhausted, the Department is required to provide notice to all public bodies that they shall not award a contract to firms associated with the offending employer for specified periods. Under current law, notice to all public bodies is required after the first violation determined by the Department, and debarment is required without reference to the timing of appeals. This bill is identical to [SB 1354](#).

Law Advice: FYI - No Direct Impact

HB1701 [Private schools, certain; disclosure of certain employee records for purpose of accreditation.](#)

Chief Patron: Cherry

Summary:

Permits private elementary and secondary schools to disclose to the Virginia Council for Private Education criminal history record information received for current employees for the purpose of seeking or maintaining Council accreditation.

Law Advice: FYI - No Direct Impact

HB1737 [Optometry; reorganizes portions of the law regulating practice, etc.](#)

Chief Patron: Robinson

Summary:

Reorganizes provisions regulating the practice of optometry; updates licensing requirements by removing specific requirements for the Board of Optometry's examination procedures; and expands possible Board actions for the issuance, revocation, and suspension of licenses and for the reprimand of licensees. The bill specifies that any student, intern, or trainee in optometry may perform optometric services under the direct supervision of a licensed optometrist or ophthalmologist as part of a course of study at an accredited institution of higher education and removes the option for the Board to approve alternative continuing education courses at the request of a licensee. The bill contains technical amendments.

Law Advice: New Authority

HB1738 [Virginia Freedom of Information Act; state public bodies, meetings, virtual public access.](#)

Chief Patron: Carr

Summary:

Provides that all state public bodies may provide public access to meetings through electronic communication means and may provide the public with the opportunity to comment at such meetings through the use of such electronic communication means when public comment is customarily received.

Law Advice: FYI - No Direct Impact

HB1754 [Telemedicine; practitioner-patient relationship, continuity of care.](#)

Companion Bill: SB1119

Chief Patron: Head

Summary:

Allows for continuity of care through telemedicine when a practitioner with whom a patient has previously established a practitioner-patient relationship is unavailable at the time in which the patient seeks continuity of care. The bill allows another practitioner of the same subspecialty at the same practice group with access to the patient's treatment history to provide continuity of care using telemedicine services until the practitioner with whom the patient has a previously established practitioner-patient relationship becomes available. This bill is identical to [SB 1119](#).

Law Advice: New Authority

HB1759 [Veterans; Commissioner of Dept. of Veterans Services to study strategic plan making VA. the best.](#)

Chief Patron: Reid

Summary:

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

Law Advice: FYI - No Direct Impact

monitor workgroup findings and recommendations due by January 1, 2024

HB1769 [MEI Project Approval Commission; review procedures.](#)

Chief Patron: Marshall

Summary:

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

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

Law Advice: New Requirement

applicable if/when UVA is involved in a proposed economic development incentive package

HB1770 [Virginia Electric Utility Regulation Act; retail competitiveness, review proceedings, etc.](#)

Companion Bill: SB1265

Chief Patron: Kilgore

Summary:

Authorizes Dominion Energy Virginia, on or before July 1, 2024, to petition the State Corporation Commission (the Commission) for a financing order for deferred fuel costs. The bill sets forth specific transaction terms and other provisions related to the financing order. Before granting a financing order, the Commission is required to find that (i) the proposed issuance of deferred fuel cost bonds is in the public interest and the associated deferred fuel cost charges are just and reasonable and (ii) the structuring and pricing of the deferred fuel cost bonds are reasonably expected to result in reasonable deferred fuel cost charges consistent with market conditions at the time the deferred fuel cost bonds are

priced and the terms set forth in such financing order. The bill requires the financing order to include, among other things: (a) the amount of deferred fuel costs to be financed using deferred fuel cost bonds; (b) a requirement that deferred fuel cost charges authorized under a financing order are non-bypassable and paid by all retail customers of the electric utility, irrespective of the generation supplier of such customer, except for certain exempt customers; (c) a formula-based true-up mechanism for making annual adjustments to the deferred fuel cost charges; and (d) a method of tracing funds collected as deferred fuel cost charges. The bill requires the utility to permit certain retail customers to opt out of financing the customer's pro rata obligation for the deferred fuel cost charges through deferred fuel cost bonds. Under the bill, the financing order is irrevocable.

The bill creates the deferred fuel cost charge and provides that the revenues generated by this charge, known as deferred fuel cost property, is a property right that can be transferred and pledged as security for the deferred fuel cost bonds. The bill establishes the procedures for creating, perfecting, and enforcing the security interest in deferred fuel cost property. The bill includes a state non-impairment obligation. Under the bill if the deferred fuel cost bonds are issued, the Commonwealth and its agencies, including the Commission, agree not to take any action that would limit or alter the deferred fuel cost charges until the deferred fuel cost bonds have been paid and performed in full.

The bill makes various changes to procedures under which the Commission reviews the earnings and sets the rates of investor-owned incumbent electric utilities. The bill provides that, in lieu of the triennial review proceedings required under current law, Dominion Energy Virginia, beginning in 2023, will be subject to biennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services. The bill requires that if, during a biennial review filed on or before December 31, 2023, the Commission determines that the utility has earned more than 70 basis points above its fair combined rate of return on its generation and distribution services, the Commission will direct that 85 percent of the amount of such overearnings be credited to customers' bills. For a biennial review filed after December 31, 2023, the bill requires that if the Commission determines that the utility has earned above its fair combined rate of return on its generation and distribution services, the Commission will direct that 85 percent of the amount of such overearnings be credited to customers' bills and that all of any such overearnings that were more than 150 basis points above the utility's fair combined rate of return on its generation and distribution services be credited to customers' bills.

The bill requires that the Commission, in determining a fair rate of return on common equity for an investor-owned electric utility in any biennial review initiated prior to December 31, 2023, set such rate at 9.70 percent, which is based on the simple average of the authorized returns for vertically integrated electric utilities by the applicable regulatory commissions in the peer group jurisdictions of Florida, Georgia, Texas, Tennessee, West Virginia, Kentucky, and North Carolina. The bill provides that for any review after December 31, 2023, the Commission may use any methodology to determine such return it finds consistent with the public interest. The bill provides that the Commission may increase or decrease an electric utility's combined rate of return for generation and distribution services by up to 50 basis points based on factors that may include reliability, generating plant performance, customer service, operating efficiency of a utility, and load forecasting. The bill requires the Commission, before December 31, 2023, to direct the initiation of a proceeding to review and determine the appropriate protocols and standards applicable to implementing any such performance-based adjustments.

The bill provides that in any proceeding to establish base rates for Appalachian Electric Power or Dominion Energy Virginia conducted by the Commission, if the Commission determines in its sole discretion that the utility's existing base rates will, on a going-forward basis, either produce (1) revenues in excess of the utility's authorized rate of return or (2) revenues below the utility's authorized rate of return, then the Commission is required to order any reductions or increases, as applicable and

necessary, to such base rates that it deems appropriate to ensure the resulting base rates (A) are just and reasonable and (B) provide the utility an opportunity to recover its costs of providing services over the rate period and earn a fair rate of return.

The bill requires Dominion Energy Virginia, in its 2023 biennial review, to combine certain rate adjustment clauses having a combined annual revenue requirement of at least \$350 million with the utility's base rates. The bill provides that the combination of such rate adjustment clauses is subject to audit by the Commission in the utility's 2023 biennial review filing. The bill authorizes the Commission to, in its discretion, direct the consolidation of any previously implemented rate adjustment clauses in the interest of judicial economy, customer transparency, or other factors the Commission determines to be appropriate.

The bill requires the Commission to include in its report to the Commission on Electric Utility Regulation and the Governor any information concerning the reliability impacts of generation unit additions and retirement determinations by Appalachian Power and Dominion Energy Virginia, along with the potential impact on the purchase of power from generation assets outside the Virginia jurisdiction used to serve the utility's native load.

The bill requires Dominion Energy Virginia, through December 31, 2024, to undertake reasonable efforts to maintain, subject to audit by the Commission, its common equity capitalization to total capitalization ratio at a level equal to 52.10 percent. This bill is identical to [SB 1265](#).

Law Advice: FYI - No Direct Impact

[HB1775 Workers' compensation; anxiety disorder or depressive disorder incurred by law-enforcement officers.](#)

Companion Bill: SB904

Chief Patron: O'Quinn

Summary:

Provides that an anxiety disorder or depressive disorder, as both are defined in the bill, incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act on the same basis as post-traumatic stress disorder, except in the case of responding to crime scenes for investigation. The bill provides that a mental health professional must diagnose the covered individual as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, defined in the bill as an incident or exposure occurring in the line of duty on or after July 1, 2023, and includes other conditions for compensability. This bill is identical to [SB 904](#).

Law Advice: New Requirement

[HB1777 Phase I Utilities; financing for certain deferred fuel costs, biennial reviews, etc.](#)

Companion Bill: SB1075

Summary:

Authorizes Appalachian Power to petition the State Corporation Commission (the Commission) for a financing order for deferred fuel costs. The bill sets forth specific transaction terms and other provisions related to the financing order. Before granting a financing order, the Commission is required to find that (i) the proposed issuance of deferred fuel cost bonds is in the public interest and the associated deferred fuel cost charges are just and reasonable and (ii) the structuring and pricing of the deferred fuel cost bonds are reasonably expected to result in reasonable deferred fuel cost charges consistent with market conditions at the time the deferred fuel cost bonds are priced and the terms set forth in such financing order. The bill requires the financing order to include, among other things: (a) the amount of deferred fuel costs to be financed using deferred fuel cost bonds; (b) a requirement that deferred fuel cost charges authorized under a financing order are non-bypassable and paid by all retail customers of the electric utility, irrespective of the generation supplier of such customer, except for certain exempt customers; (c) a formula-based true-up mechanism for making annual adjustments to the deferred fuel cost charges; and (d) a method of tracing funds collected as deferred fuel cost charges. The bill requires the utility to permit certain retail customers to opt out of financing the customer's pro rata obligation for the deferred fuel cost charges through deferred fuel cost bonds. Under the bill, the financing order is irrevocable.

The bill creates the deferred fuel cost charge and provides that the revenues generated by this charge, known as deferred fuel cost property, are a property right that can be transferred and pledged as security for the deferred fuel cost bonds. The bill establishes the procedures for creating, perfecting, and enforcing the security interest in deferred fuel cost property. The bill includes a state non-impairment obligation. Under the bill, if the deferred fuel cost bonds are issued, the Commonwealth and its agencies, including the Commission, agree not to take any action that would limit or alter the deferred fuel cost charges until the deferred fuel cost bonds have been paid and performed in full.

The bill makes various changes to procedures under which the Commission reviews the earnings and sets the rates of Appalachian Power. The bill provides that, in lieu of the triennial review proceedings required under current law, Appalachian Power will be subject to biennial reviews of their rates, terms, and conditions for generation and distribution services, with the first review commencing on March 31, 2024.

The bill requires the Commission, in each biennial review, to conduct a proceeding to review all rates, terms, and conditions for generation and distribution services, with such proceeding utilizing the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted. The bill provides that in each biennial review proceeding, the Commission will set the fair rate of return on common equity applicable to the generation and distribution services of the utility for the two such services combined and for certain approved rate adjustment clauses. The bill provides that the Commission may use any methodology it finds consistent with the public interest to determine Appalachian Power's fair rate of return on common equity. Additionally, the bill provides that the Commission may increase or decrease the combined rate of return for generation and distribution services by up to 50 basis points based on the reliability, generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. The bill requires the Commission, before December 31, 2023, to direct the initiation of a proceeding to review and determine the appropriate protocols and standards applicable to implementing any such performance-based adjustments.

The bill provides that if the Commission determines in its sole discretion that the utility's existing rates

for generation and distribution services will, on a going-forward basis, either produce (1) revenues in excess of the utility's authorized rate of return or (2) revenues below the utility's authorized rate of return, then the Commission is required to order any reductions or increases, as applicable and necessary, to such rates for generation and distribution services that it deems appropriate to ensure the resulting rates for generation and distribution services (A) are just and reasonable and (B) provide the utility an opportunity to recover its costs.

The bill provides that, if in any biennial review, the Commission finds that, during the test period under review, the utility has earned more than 100 basis points above the authorized fair combined rate of return on its generation or distribution services, the Commission will direct that 100 percent of the amount of such earnings that were more than 100 basis points above such fair combined rate of return be credited to customers' bills. The bill requires the Commission to authorize deferred recovery for reasonable (I) actual costs associated with severe weather events and (II) actual costs associated with natural disasters, not currently in rates, and provides that the Commission shall allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The bill provides that the Commission is authorized to determine during any biennial review the reasonableness or prudence of any cost subject to the rate review incurred or projected to be incurred by the utility.

The bill removes the requirement for Appalachian Power to file an integrated resource plan with the Commission. This bill is identical to [SB 1075](#).

Law Advice: FYI - No Direct Impact

HB1778 [Financial institutions; certain investments by banks permitted.](#)

Companion Bill: SB1153

Chief Patron: O'Quinn

Summary:

Provides that the prohibition on a bank from investing its funds in certain entities does not prevent a bank from (i) investing in (a) a community development corporation; (b) an entity formed primarily to support community-based economic development; (c) an entity qualifying for the federal new markets tax credit; (d) an entity formed for a predominantly civic, community, or public purpose; (e) an entity making qualified rehabilitation expenditures with respect to a qualified rehabilitated building or certified historic structure, or a similar state historic tax credit program; or (f) a rural business investment company; (ii) engaging in any tax equity finance transaction permissible for a national bank or federal savings association; or (iii) investing, subject to such conditions as the Commissioner of Financial Institutions may prescribe, in any community and economic development entity, community development project, or other public welfare investment. This bill is identical to [SB 1153](#).

Law Advice: FYI - No Direct Impact

HB1779 [Nuclear Education Grant Fund and Program; established.](#)

Chief Patron: O'Quinn

Summary:

Establishes the Nuclear Education Grant Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of awarding grants on a competitive basis to any public institution of higher education or private institution of higher education in the Commonwealth that seeks to establish or expand a nuclear education program, defined in the bill as an instructional program that leads to a degree or credential that specifically supports the nuclear power industry, including nuclear engineering and nuclear welding. The bill permits the Council to establish such rules, policies, and procedures as it deems necessary for the administration of the Program, including rules, policies, and procedures for Program applications and grant awards.

Law Advice: FYI - No Direct Impact

HB1792 [Temp. detention in hospital; testing, etc., mental/physical condition resulting from intoxication.](#)

Companion Bill: SB1302

Chief Patron: Ransone

Summary:

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

Law Advice: New Authority

HB1807 [Flood plain management; state agency compliance with regulations.](#)

Companion Bill: SB1392

Chief Patron: Bloxom

Summary:

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

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

Law Advice: New Requirement

monitor standards to be established by September 30, 2023

HB1833 [Over-the-counter and prescription hearing aids; licensure not required by certain corporations, etc.](#)

Companion Bill: SB1279

Chief Patron: Walker

Summary:

Clarifies that licensure by the Board for Hearing Aid Specialists and Opticians is not required for a corporation, partnership, trust, association, or other like organization engaged in the business of selling prescription hearing aids, defined in the bill as a hearing aid that is not an over-the-counter hearing aid, provided that it employs only licensed practitioners in the direct sale and fitting of prescription hearing aids. This bill is identical to [SB 1279](#).

Law Advice: FYI - No Direct Impact

HB1835 [Health care providers; threats made against providers, penalty.](#)

Chief Patron: Bell

Summary:

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

Law Advice: FYI - No Direct Impact

HB1840 [Eastern Virginia Health Sciences Center; establishing at Old Dominion University.](#)

Companion Bill: SB1211

Chief Patron: Knight

Summary:

Repeals provisions establishing and relating to Eastern Virginia Medical School and designates the schools and divisions previously existing as Eastern Virginia Medical School and such other academic units of Old Dominion University related to the health sciences as may be identified by the Old Dominion University Board of Visitors as the Eastern Virginia Health Sciences Center at Old Dominion University (the Health Sciences Center). The bill permits Old Dominion University to provide medical and health sciences education and related research through the teaching hospitals and related health care and health maintenance facilities at the Health Sciences Center and contains provisions relating to the operations of the Health Sciences Center, including provisions relating to cooperative arrangements and joint ventures. This bill is identical to [SB 1211](#) and has a delayed effective date of January 1, 2024.

Law Advice: FYI - No Direct Impact

effective January 1, 2024

HB1842 [Virginia Business Ready Sites Acquisition Fund and Program; created.](#)

Chief Patron: Knight

Summary:

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

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

Law Advice: FYI - No Direct Impact

HB1843 [Capital outlay plan; updates the six-year capital outlay for projects to be funded.](#)

Companion Bill: SB1068

Chief Patron: Knight

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 1068](#).

Law Advice: FYI - No Direct Impact

HB1844 [Virginia Public Records Act; confidentiality of certain archived records.](#)

Companion Bill: SB1024

Chief Patron: Taylor

Summary:

Provides that medical and educational records made confidential by law shall remain so after being archived by The Library of Virginia. This bill is identical to [SB 1024](#).

Law Advice: FYI - No Direct Impact

HB1846 [Medical marijuana program; product, registration, dispensing, and recordkeeping requirements.](#)

Companion Bill: SB1337

Chief Patron: Head

Summary:

Allows a practitioner to issue a written certification via telemedicine to a patient who is located on the premises of a pharmaceutical processor or cannabis dispensing facility. The bill allows pharmaceutical processors and cannabis dispensing facilities to make available on their premises technology that uncertified persons may use to contact a practitioner of the person's choice to request a written certification. The bill amends and adds numerous provisions regarding the Commonwealth's medical marijuana program, including provisions related to recordkeeping, product registration, expiration dates, allowable deviations, dispensing, packaging, labeling, and advertising. The bill requires pharmaceutical processors and cannabis dispensing facilities to collect and provide to the Board of Pharmacy by July 1, 2024, data regarding implementation of the bill. The bill also requires the Board of Pharmacy to make certain amendments to its regulations. This bill is identical to [SB 1337](#).

Law Advice: FYI - No Direct Impact

HB1857 [Ticket resale; deceptive trade practices prohibited, definitions.](#)

Companion Bill: SB1249

Chief Patron: Bennett-Parker

Summary:

Prohibits an Internet ticketing platform or reseller, as defined in the bill, from using or displaying any trademarked or copyrighted URL or other mark or symbol of an operator, a rights holder, or a primary ticket provider without the consent of such operator, rights holder, or ticket provider and prohibits the use or display of text, images, website graphics, website display, or website addresses substantially similar to an operator's website in a manner that could reasonably be expected to mislead a potential purchaser. A violation of the provisions of the bill constitutes a prohibited practice under the Virginia Consumer Protection Act. This bill is identical to [SB 1249](#).

Law Advice: FYI - No Direct Impact

[HB1859 Applicant Fingerprint Database; participation in FBI Next Generation Identification Rap Back Serv.](#)

Companion Bill: SB1183

Chief Patron: Webert

Summary:

Requires the Department of State Police to participate in the Federal Bureau of Investigation's Next Generation Identification Record of Arrest and Prosecution (Rap) Back Service, through the Virginia Rap Back Service, for the purpose of allowing those agencies and governmental entities that require a fingerprint-based criminal background check as a condition of (i) providing care to (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service to be advised when an individual subject to such screening is arrested for, or convicted of, a criminal offense. The bill provides that fingerprints submitted to the FBI through the Virginia Rap Back Service may be used for future searches, including latent searches.

The bill requires the Department to ensure that notification is made to the participating entity, defined in the bill, when an FBI Rap Back report is received. Any unauthorized use of the information submitted to the Service is prohibited; any willful violation with the intent to harass or intimidate another is a Class 1 misdemeanor. The bill requires the Department to promulgate regulations governing the Service and the removal and destruction of records on persons who are deceased or are no longer enrolled in the Service. The bill provides that such regulations shall provide that a participating entity shall disenroll any individual who is deceased or is no longer an individual, as defined in the bill, within 30 days of death or such event that no longer requires such individual to be enrolled in the Virginia Rap Back Service in order to ensure the prompt removal and destruction of records from the Virginia Rap Back Service. The bill authorizes the Department to charge a \$12 fee per individual enrolled in the Service, paid by any participating entity enrolling the individual in the Service, and provides that when more than one participating agency enrolls the same individual in the Service, both entities shall be responsible for paying the full cost for maintenance and notification. The bill requires that any fees collected shall be deposited in a special account to offset costs of subscription fees, maintenance fees, and enhancements related to the Criminal and Rap Back Information System.

Under current law, the Department maintains an Applicant Fingerprint Database that functions similarly to the Service. The bill transitions the Department from using the Database and requires the Service to be

operational no later than July 1, 2025, contingent upon appropriation of funds. This bill is identical to [SB 1183](#).

Law Advice: FYI - No Direct Impact

[HB1870 Higher educational institutions; immunity from disciplinary action in certain cases.](#)

Chief Patron: Helmer

Summary:

Removes the exemption of the Virginia Military Institute Board of Visitors from the requirement to include in its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action for certain individuals who make good faith reports of acts of sexual violence but permits Virginia Military Institute to include a provision stipulating that in the event that a cadet discloses personal consumption of drugs or alcohol in conjunction with a good faith report of an act of sexual violence and the superintendent of the Virginia Military Institute determines that such cadet's personal consumption of drugs or alcohol constitutes a threat to the cadet's well-being or the well-being of others, the superintendent may require such cadet to attend drug or substance use disorder counseling. The bill also requires the governing board of each public and nonprofit private institution of higher education to extend such provision of disciplinary immunity to disclosures of curfew violation where such disclosure is made in conjunction with a good faith report of an act of sexual violence. Under current law, such boards are only required to include a provision for disciplinary immunity from disclosures of personal consumption of drugs or alcohol made in conjunction with a good faith report of an act of sexual violence.

Law Advice: Change in Requirement

[HB1895 Sexual harassment; nondisclosure or confidentiality agreement.](#)

Chief Patron: Filler-Corn

Summary:

Provides that no employer may require an employee or prospective employee to execute or renew any provision in a nondisclosure or confidentiality agreement, including any provision regarding nondisparagement, that has the purpose or effect of concealing the details of a sexual harassment claim. Any such provision is against public policy and is void and unenforceable.

Law Advice: Change in Requirement

applicable only to Classified Staff

[HB1911 Conflict of Interests Act, State and Local Government; certain gifts prohibited, foreign countries.](#)

Companion Bill: SB1002

Chief Patron: Batten

Summary:

Prohibits officers and employees of state and local governments, including legislators or members of their immediate family who may accept such a gift on behalf of the Commonwealth, from receiving a gift with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged from foreign countries of concern, defined in the bill. This bill is identical to [SB 1002](#).

Law Advice: New Requirement

UVA already complies with the provisions of HB1911/SB1002

HB1912 [Treasury Board; powers and duties.](#)

Companion Bill: SB1094

Chief Patron: Batten

Summary:

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

Law Advice: FYI - No Direct Impact

exempt under Restructuring

HB1916 [Higher educational institutions, public; threat assessment teams, powers and duties.](#)

Companion Bill: SB910

Chief Patron: Batten

Summary:

Makes several changes to the powers and duties of the threat assessment team at each public institution of higher education, including requiring, upon a preliminary determination that an individual poses an articulable and significant threat of violence to others, each such team to (i) obtain any available criminal history record information and health records for such individual; (ii) notify in writing within 24 hours upon making such preliminary determination (a) the campus police department; (b) local law

enforcement for the city or county in which the public institution of higher education is located, local law enforcement for the city or county in which the individual resides, and, if known to the threat assessment team, local law enforcement for the city or county in which the individual is located; and (c) the local attorney for the Commonwealth in any jurisdiction where the threat assessment team has notified local law enforcement; and (iii) disclose any specific threat of violence posed by the individual as part of such notification, and permitting each such team to invite nonmember representatives from campus to participate in individual cases. This bill is identical to [SB 910](#).

Law Advice: Change in Requirement

HB1924 [Minimum wage; employees with disabilities.](#)

Chief Patron: Hope

Summary:

Provides that individuals with disabilities that are paid at subminimum wage pursuant to the federal Fair Labor Standards Act are employees for the purposes of the Virginia Minimum Wage Act. The bill requires every employer of such employees to pay such employees wages at a rate not less than (i) from July 1, 2023, until July 1, 2024, \$9.50 per hour; (ii) from July 1, 2024, until July 1, 2025, \$10.50 per hour; and (iii) from July 1, 2025, until July 1, 2026, \$11.50 per hour. The bill requires that from and after July 1, 2026, every employer of such employees pay such employees at a rate equivalent to all other employees covered by the Virginia Minimum Wage Act.

Law Advice: New Requirement

UVA already complies with the provisions of HB1924

HB1932 [Stationary vehicles; yielding or reducing speed for vehicles displaying hazard lights, etc.](#)

Companion Bill: SB982

Chief Patron: Runion

Summary:

Requires drivers to make a lane change or reduce speed when passing stationary vehicles that have activated the vehicular hazard warning signal flashers, displayed caution signs, or been marked with properly lit flares or torches on certain highways when safe and reasonable to do so and makes a violation of this requirement a traffic infraction. This bill is identical to [SB 982](#).

Law Advice: FYI - No Direct Impact

HB1946 [Behavior analysts or assistant behavior analysts; licensure criteria, certifying entities.](#)

Companion Bill: SB1406

Chief Patron: Wachsmann

Summary:

Provides in the criteria for licensure as a behavior analyst or assistant behavior analyst established by the Board of Medicine that certain documentation must be provided by the Behavior Analyst Certification Board or its successor. Under current law, such documentation must be provided by the Behavior Analyst Certification Board or any other entity that is nationally accredited to certify practitioners of behavior analysis. This bill is identical to [SB 1406](#).

Law Advice: Change in Requirement

HB1948 [Absentee voting; removes witness requirement, required information on return ballot envelope.](#)

Chief Patron: Bloxom

Summary:

Removes the witness requirement for absentee ballots and replaces it with the requirement that the voter provide the last four digits of his social security number and his date of birth. The bill provides that the unique identifier assigned to the voter in the voter registration system will also be accepted in place of the last four digits of the voter's social security number for such purposes.

Law Advice: FYI - No Direct Impact

HB1963 [Individuals with developmental disabilities; financial flexibility, report.](#)

Companion Bill: SB945

Chief Patron: Runion

Summary:

Directs the Department of Medical Assistance Services to take steps to amend the Family and Individual Supports, Community Living, and Building Independence waivers to provide greater financial flexibility to individuals with developmental disabilities who are receiving waiver services. The bill requires the Department to report on its progress to the Governor and the General Assembly by December 1, 2023. This bill is identical to [SB 945](#).

Law Advice: FYI - No Direct Impact

HB1968 ['Green Book;' Department of Historic Resources to designate historic sites.](#)

Chief Patron: Mullin

Summary:

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

Law Advice: FYI - No Direct Impact

HB1976 [Involuntary admission; release of individual.](#)

Companion Bill: SB1299

Chief Patron: Bell

Summary:

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

Law Advice: New Authority

HB1979 [Alcoholic beverage control; displays of wine and beer, report.](#)

Companion Bill: SB809

Chief Patron: Leftwich

Summary:

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

Law Advice: FYI - No Direct Impact

HB1998 [Native plant species; state agencies to prioritize use on state properties.](#)

Chief Patron: Krizek

Summary:

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

Law Advice: FYI - No Direct Impact

HB2006 [Virginia Freedom of Information Act; public records charges, electronic payment method.](#)

Chief Patron: Roem

Summary:

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

Law Advice: FYI - No Direct Impact

HB2007 [Virginia Freedom of Information Act; posting of fee policy by a public body.](#)

Chief Patron: Roem

Summary:

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

Law Advice: New Requirement

may require additional policy

HB2008 [Tick-borne diseases; VDH to study reducing occurrence & impact.](#)

Chief Patron: Adams, L.R.

Summary:

Directs the Department of Health to convene a work group to study and make recommendations for reducing the occurrence and impact of tick-borne diseases in the Commonwealth. The work group shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2023.

Law Advice: FYI - No Direct Impact

monitor work group findings and recommendations due by November 1, 2023

HB2014 [Motor vehicles, certain; use of handheld personal communication devices.](#)

Companion Bill: SB995

Chief Patron: Adams, L.R.

Summary:

Clarifies the penalty structure for a first offense and a second or subsequent offense of using a handheld personal communication device in certain motor vehicles, as well as the mandatory fine for a violation within a highway work zone, to accommodate the Supreme Court's case management system. The bill contains technical amendments. This bill is declarative of existing law and is identical to [SB 995](#).

Law Advice: FYI - No Direct Impact

HB2026 [Renewable energy; biomass-fired facilities, Department of Forestry advisory panel, report.](#)

Companion Bill: SB1231

Chief Patron: O'Quinn

Summary:

Removes the renewable energy requirement for each Phase I and Phase II Utility to retire all biomass-fired electric generating units that do not co-fire with coal by December 31, 2028. The bill provides that biomass-fired facilities may qualify as renewable energy standard eligible sources, provided that they are in operation as of January 1, 2023, and (i) supply no more than 10 percent of their annual net electrical generation to the electric grid or no more than 15 percent of their annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected and are fueled by forest-product manufacturing materials harvested in accordance with best management practices or (ii) are owned by a Phase I or Phase II Utility, have less than 52 megawatts capacity, and are fueled by forest-product manufacturing residuals, biowastes, or biomass harvested in accordance with best management practices. The bill directs the Department of Forestry to convene an advisory panel to examine the use of forest-related materials, agricultural-related materials, and solid woody waste materials for biomass-fired electric generating units in the Commonwealth and to submit a report of the advisory panel's findings and any recommendations to the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor no later than December 1, 2024. The bill further

directs the Department of Forestry to develop by December 1, 2023, best management practices for the sustainable harvesting of biomass for biomass-fired electric generating units that are subject to the provisions of the bill. This bill is identical to [SB 1231](#).

Law Advice: FYI - No Direct Impact

HB2033 [Audiology and Speech-Language Pathology Interstate Compact; Va. to become a signatory to Compact.](#)

Chief Patron: Sewell

Summary:

Authorizes Virginia to become a signatory to the Audiology and Speech-Language Pathology Interstate Compact. The Compact increases public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses for such services. The Compact has been enacted in 23 states and the Audiology and Speech-Language Pathology Compact Commission is currently preparing rules and bylaws in order for the member states to be fully integrated in the Compact's data system.

Law Advice: FYI - No Direct Impact

HB2038 [State employees; health insurance coverage, incapacitated adult children.](#)

Chief Patron: Shin

Summary:

Provides that the plan established by the Department of Human Resource Management for the provision of health insurance coverage for state employees shall allow for an incapacitated child, defined in the bill, to be enrolled under a participating state employee's coverage without regard to whether such child lives with the covered employee as a member of the employee's household so long as the child is dependent upon the employee for more than half of the child's financial support and the child is receiving residential support services.

Law Advice: FYI - No Direct Impact

HB2096 [Noxious weeds; invasive plant species.](#)

Chief Patron: Bulova

Summary:

Removes the current prohibition on the movement, transportation, delivery, shipment, or offering for shipment of any noxious weed into or within the Commonwealth without a permit from the Commissioner of Agriculture and Consumer Services and grants the Board of Agriculture and Consumer Services the authority to adopt regulations governing the conditions under which a permit will be

required for such actions. The bill also adds requirements related to invasive plant species, including directing the Department of Conservation and Recreation to create an invasive plant species list and update it quadrennially. The bill directs the Department of Conservation and Recreation to convene the Virginia Invasive Species Working Group to develop industry resources and recommendations to be submitted to the Chairmen of the Senate Committees on Agriculture, Conservation and Natural Resources and Finance and Appropriations and the House Committees on Agriculture, Chesapeake and Natural Resources and Appropriations.

Law Advice: FYI - No Direct Impact

HB2132 [Underground Utility Damage Prevention Act; various changes to Act.](#)

Companion Bill: SB1145

Chief Patron: Wilt

Summary:

Makes various changes to the Underground Utility Damage Prevention Act. The bill (i) requires excavators to review updates in the 811 positive response system and conduct additional safety verifications before digging, (ii) allows an excavator to schedule a locate request 12 days in advance, (iii) creates a criminal penalty for any person who knowingly and intentionally excavates after being notified by a representative of the Commission of a determination that such excavation constitutes an immediate threat to safety or property and such representative requests that excavation cease, (iv) increases from \$2,500 to \$10,000 the maximum civil penalty for violations of the Act, and (v) updates notification requirements. This bill is identical to [SB 1145](#).

Law Advice: Change in Requirement

HB2133 [State Fire Marshal; limitation on authority.](#)

Chief Patron: Wilt

Summary:

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

Law Advice: FYI - No Direct Impact

HB2139 [Prescription refills; authority of pharmacists to refill prescriptions for insulin.](#)

Chief Patron: Delaney

Summary:

Allows pharmacists to refill prescriptions for insulin without authorization from the prescriber in emergencies.

Law Advice: New Authority

HB2140 [Epinephrine; policies for possession & administration at early childhood care, etc.](#)

Companion Bill: SB1146

Chief Patron: Delaney

Summary:

Limits, in the context of early childhood care and education entities, the requirement for the implementation of policies for the possession and administration of epinephrine to child day centers. Under current law, such requirement applies to all early childhood care and education entities, which include child day centers, family day homes, and family day systems serving children younger than the age of five. The bill also requires the Board of Education to amend its regulations to require each family day home provider or at least one other caregiver employed by such provider in the family day home to be trained in the administration of epinephrine and to notify the parents of each child who receives care in such family day home whether the provider stores an appropriate weight-based dosage of epinephrine in the residence or home in which the family day home operates. This bill is identical to [SB 1146](#).

Law Advice: FYI - No Direct Impact

HB2147 [Prescriptions; Bd. of Pharmacy to evaluate translated directions for use.](#)

Chief Patron: Guzman

Summary:

Directs the Board of Pharmacy to convene a work group to study the provision of translated directions for the use of prescriptions. The bill directs the work group to report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2023.

Law Advice: FYI - No Direct Impact

monitor work group findings and recommendations due by December 1, 2023

HB2150 [Trace evidence collection kit; collection, retention, and storage of kits, effective date.](#)

Chief Patron: Delaney

Summary:

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

Law Advice: New Requirement

effective July 1, 2025

HB2153 [Employment of person with a disability; alternative application process.](#)

Chief Patron: Guzman

Summary:

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

Law Advice: FYI - No Direct Impact

HB2155 [Behavioral Health Commission; repeals provision that provided temporary alternative funding.](#)

Companion Bill: SB1381

Chief Patron: Watts

Summary:

Repeals provisions that provided temporary alternative funding for and contingent expiration of the Behavioral Health Commission in the event that the Commission was not funded in the general appropriation act. This bill is identical to [SB 1381](#).

Law Advice: FYI - No Direct Impact

HB2156 [Behavioral Health Commission; agency assistance, access Commission records.](#)

Companion Bill: SB1170

Chief Patron: Watts

Summary:

Clarifies the duty of agencies and political subdivisions of the Commonwealth to cooperate with and assist the Behavioral Health Commission in the performance of its duties and requires such agencies and political subdivisions to provide to the Commission (i) to the fullest extent possible and except as prohibited by law, any records, including data and information, requested by the Commission and (ii) upon request and availability, access to the facilities of any such agency or political subdivision. The bill also excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act records of the Commission. This bill is identical to [SB 1170](#).

Law Advice: New Requirement

HB2157 [Interjurisdictional compacts; criminal history record checks.](#)

Companion Bill: SB1054

Chief Patron: Fariss

Summary:

Provides that when an interjurisdictional compact requires criminal history record checks as a condition of participation, the applicable health regulatory board shall require each applicant to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. This bill is identical to [SB 1054](#).

Law Advice: FYI - No Direct Impact

HB2172 [Rights of persons with disabilities; definitions, mobility-impaired person.](#)

Chief Patron: Sickles

Summary:

Removes from the definition of "mobility-impaired person" the requirement that such person complete training to use a dog for service or support as a prerequisite to invoking the rights of persons with disabilities under Chapter 9 (§ 51.5-40 et seq.) of Title 51.5.

Law Advice: FYI - No Direct Impact

HB2180 [Professional and Occupational Regulation, Department of; universal license recognition.](#)

Companion Bill: SB1213

Chief Patron: Morefield

Summary:

Establishes criteria for an individual licensed, certified, or having work experience in another state to apply to a regulatory board within the Department of Professional and Occupational Regulation and be issued an occupational license or government certification if certain conditions are met. This bill is identical to [SB 1213](#).

Law Advice: FYI - No Direct Impact

HB2182 [Behavioral Health Commission; powers and duties, process to solicit and receive input.](#)

Chief Patron: Robinson

Summary:

Provides that the Behavioral Health Commission shall have the power and duty to implement a process to solicit and receive input from (i) individuals who are currently receiving or have received behavioral health services or (ii) individuals with intellectual or developmental disabilities or autism spectrum disorders or the family members of such individuals to inform the work of the Commission.

Law Advice: FYI - No Direct Impact

HB2190 [Managed care organizations; data collections and reporting requirements, report.](#)

Companion Bill: SB1270

Chief Patron: Rasoul

Summary:

Requires the Department of Medical Assistance Services to collect data for each fiscal year from fiscal year 2018 through fiscal year 2022 regarding (i) the number and percentage of claims submitted to managed care organizations that were denied and the reasons for such denials and (ii) the number and percentage of claims submitted to managed care organizations that required resubmission prior to payment and the reasons for such resubmissions and to examine such data and identify barriers that providers encounter when accepting and treating patients enrolled in the state plan for medical assistance services. Under the bill, the Department shall report such data and analysis by November 1, 2023, to the Joint Commission on Health Care and the Joint Subcommittee for Health and Human Resources Oversight. As introduced, this bill was a recommendation of the Joint Commission on Health Care. This bill is identical to [SB 1270](#).

Law Advice: FYI - No Direct Impact

HB2193 [Income tax, state; rolling conformity, report.](#)

Companion Bill: SB1405

Chief Patron: McNamara

Summary:

Provides that Virginia shall generally conform to federal tax laws on a rolling basis, meaning that Virginia tax laws incorporate changes to federal income tax law as soon as Congress enacts them on or after January 1, 2023. However, the bill provides that Virginia shall not conform to (i) any changes in a single act of Congress with an impact of more than \$15 million on revenues in the year in which the amendment was enacted or any of the next four years and (ii) all amendments in a year with a cumulative projected impact of more than \$75 million in the year in which the amendments were enacted or any of the next four years. For any amendment enacted on or after January 1, 2024, the \$15 million per act impact threshold shall be adjusted annually by the change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous year. This bill is identical to [SB 1405](#).

Law Advice: FYI - No Direct Impact

HB2195 [Workforce development; consolidation of policies and programs, etc.](#)

Companion Bill: SB1470

Chief Patron: Byron

Summary:

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

Law Advice: FYI - No Direct Impact

HB2198 [Essential health benefits benchmark plan; Bureau of Insurance to select a](#)

[new plan.](#)

Companion Bill: SB1399

Chief Patron: Byron

Summary:

Requires the Bureau of Insurance to select a new essential health benefits benchmark plan for the 2025 plan year that includes, in addition to the essential health benefits package included in the existing benchmark plan, coverage for prosthetic devices and components and formula and enteral nutrition products as medicine. The bill contains an emergency clause. As introduced, this bill was a recommendation of the Health Insurance Reform Commission. This bill is identical to [SB 1399.](#)

Law Advice: FYI - No Direct Impact

see bill for effective dates

HB2199 [Health Insurance Reform Commission; review of essential health benefits benchmark plan.](#)

Companion Bill: SB1397

Chief Patron: Byron

Summary:

Requires that the Health Insurance Reform Commission review the essential health benefits benchmark plan and establish a process for such review. The bill requires the Commission, in coordination with the Bureau of Insurance, to conduct a review of the essential health benefits benchmark plan in 2025 and every five years thereafter. The bill requires during such review (i) the Bureau to convene a stakeholder work group to make recommendations to the Commission, (ii) the Bureau to estimate the effects of certain referred legislation on the costs of health coverage in the Commonwealth, (iii) the Commission to determine if any changes are to be made to the benchmark plan and to identify such changes, (iv) the Bureau to conduct an actuarial analysis of any changes identified by the Commission, and (v) the Commission to determine which changes will be recommended and to make a recommendation to the General Assembly in the form of a bill that directs the Bureau to select a new benchmark plan that includes any such changes at the next regular session of the General Assembly. The bill (a) requires public hearings to be held throughout the process, (b) establishes a timeline for each step of the process, and (c) requires the Bureau to maintain a website to convey relevant information regarding the process to the public. As introduced, this bill was a recommendation of the Health Insurance Reform Commission. This bill is identical to [SB 1397.](#)

Law Advice: FYI - No Direct Impact

HB2211 [Graduates of foreign nursing education programs; licensure requirements.](#)

Chief Patron: Tran

Summary:

Requires that applicants for licensure to practice professional nursing who are graduates of a nursing education program in a foreign country have (i) graduated or be eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program or have graduated from an approved foreign RN or LPN/VN prelicensure education program and (ii) if a graduate of a foreign RN or LPN/VN prelicensure education program not taught in English or if English is not the applicant's native language, successfully passed an English proficiency examination. The bill requires the Board of Nursing to (a) identify multiple approved entities to provide language examinations and multiple approved entities to evaluate and verify credentials earned from a nursing education program in a foreign country and (b) make the list of approved entities publicly available on the Board of Nursing website.

Law Advice: FYI - No Direct Impact

HB2216 Health insurance; coverage for mobile crisis response services and residential crisis units.

Companion Bill: SB1347

Chief Patron: Leftwich

Summary:

Requires health insurance carriers to provide coverage for mobile crisis response services, defined in the bill, and support and stabilization services provided in a residential crisis stabilization unit, defined in the bill, to the extent that such services are covered in other settings or modalities, regardless of any difference in billing codes. The bill requires the State Corporation Commission, in consultation with the Secretary of Health and Human Resources, to convene a stakeholder work group to examine network standards for mobile crisis response services and the current availability of mobile crisis response services in the Commonwealth. The bill requires the work group to make recommendations regarding (i) the definition and standards of care for mobile crisis response services and short-term residential crisis stabilization services as they apply to the commercial insurance market, including balance billing protections; (ii) the licensure or accreditation required for such services in the Commonwealth; and (iii) how cost-sharing and deductibles will be addressed as part of accessing such services for commercially insured individuals. The bill requires the Commission to report the findings of the work group to the Health Insurance Reform Commission and the Governor no later than September 1, 2023. This bill is identical to [SB 1347](#).

Law Advice: FYI - No Direct Impact

monitor work group findings due by September 1, 2023

HB2220 GO Virginia Grants; matching funds, sunset.

Chief Patron: Wampler

Summary:

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

Law Advice: FYI - No Direct Impact

[HB2222 Surgical technologists and surgical assistants; practice prior to certification of licensure.](#)

Chief Patron: Hayes

Summary:

Allows persons who have successfully completed an accredited surgical assistant training program to practice under certain conditions prior to licensure. The bill allows such person to practice as a surgical assistant with the title "surgical assistant, license applicant" until he has received a failing score on the national certification examination or six months from the date of graduation, whichever occurs sooner.

Law Advice: New Authority

[HB2224 Newborn screening program; VDH & DGS, et al., to evaluate current funding model.](#)

Chief Patron: Murphy

Summary:

Directs the Department of Health and the Department of General Services to convene a work group to evaluate the current funding model for the Commonwealth's newborn screening program. The bill directs the Departments to report their findings and recommendations to the General Assembly by December 1, 2023.

Law Advice: FYI - No Direct Impact

[HB2231 Social Work, Board of; expands powers and duties.](#)

Chief Patron: Sickles

Summary:

Expands the powers and duties of the Board of Social Work to require the Board to maintain a list of the names and contact information of persons approved by the Board to supervise candidates for licensure as a clinical social worker and allows supervisees pursuing licensure as a clinical social worker to change or add a supervisor from the Board's list of currently approved supervisors without prior approval from the Board.

Law Advice: FYI - No Direct Impact

HB2238 [Precision Plastic Manufacturing Grant Fund; created.](#)

Companion Bill: SB1134

Chief Patron: Cherry

Summary:

Establishes the Precision Plastic Manufacturing Grant Fund to provide up to \$56 million in grants between July 1, 2027, and July 1, 2035, to a qualified company that engages in the manufacture and distribution of precision plastic products in an eligible county and that between June 1, 2022, and December 31, 2035, is expected to make a capital investment of at least \$1 billion and create at least 1,761 new full-time jobs related to or supportive of its business. This bill is identical to [SB 1134](#).

Law Advice: FYI - No Direct Impact

HB2250 [Criminal Justice Services, Department of; powers and duties, training for law-enforcement personnel.](#)

Chief Patron: Cordoza

Summary:

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

Law Advice: FYI - No Direct Impact

HB2255 [DBHDS; review of regulations that impact providers.](#)

Companion Bill: SB1155

Chief Patron: Hodges

Summary:

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

Law Advice: FYI - No Direct Impact

monitor recommendations due by November 1, 2023

HB2258 [Alcoholic beverage control; beer distribution.](#)

Chief Patron: Robinson

Summary:

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

Law Advice: FYI - No Direct Impact

effective July 1, 2024

HB2262 [Health insurance; online credentialing system, processing of new applications.](#)

Companion Bill: SB1154

Chief Patron: Hodges

Summary:

Requires a health insurance carrier that credentials the physicians, mental health professionals, or other providers in its network to establish reasonable protocols and procedures for processing of new provider credentialing applications. The bill requires that if the carrier accepts applications through an online credentialing system, the carrier must notify a new provider applicant through the online credentialing system that the application is received. If the carrier does not accept applications through an online credentialing system, the bill requires the carrier to provide, within 10 days of receiving an application, notification to the new provider applicant that the application was received. The bill provides that, beginning January 1, 2024, a new provider applicant's application will be deemed complete within 30 days of the carrier receiving the application, unless the carrier has provided notice that the application is not complete. Under the bill, a carrier must approve or deny new provider applicant credentialing applications within 60 days of receiving a completed application and claims submitted according to carrier claims submittal policies must be adjudicated and paid no later than 40 days after the new provider applicant is credentialed and contracted. The bill directs the Virginia Department of Health to

adopt emergency regulations to implement the provisions of the bill. This bill is identical to [SB 1154](#).

Law Advice: FYI - No Direct Impact

see bill for effective dates

[HB2266 Absentee ballot; SB to adopt policy regarding counting, etc., in a central absentee voter precinct.](#)

Chief Patron: Ransone

Summary:

Directs the State Board of Elections to adopt a policy regarding the counting and reporting of absentee ballots in a central absentee voter precinct in order to ensure that (i) the results of absentee ballots cast early in person are reported separately from mailed absentee ballots and are posted promptly on the State Board website and (ii) the results of all absentee ballots cast by voters are reported by precinct in accordance with law and are posted on the State Board website no later than noon on the seventh calendar day following the election. The bill requires such policy to be adopted no later than September 1, 2023, and the Chairmen of the House and Senate Committees on Privileges and Elections to be notified of such policy within seven days of its adoption.

Law Advice: FYI - No Direct Impact

[HB2272 Norfolk State University & Va. State University; reduced rate tuition charges for certain students.](#)

Companion Bill: SB1448

Chief Patron: Cherry

Summary:

Permits the Norfolk State University Board of Visitors and the Virginia State University Board of Visitors to charge reduced rate tuition to any non-Virginia student who has completed at least 30 credit hours of coursework and is enrolled in a program at the relevant institution that leads to employment in a high-demand field, as determined by the board of visitors of the relevant institution based on data compiled and provided by the Virginia Office of Education Economics. The bill provides that in the event that a non-Virginia student who was charged reduced rate tuition at the relevant institution in accordance with the provisions of the bill withdraws from the program that leads to employment in a high-demand field and enrolls in a program that does not lead to employment in a high-demand field, such student will forfeit eligibility for such reduced rate tuition charge and shall be charged tuition at the full rate for non-Virginia students. The bill further provides that any non-Virginia student at Norfolk State University or Virginia State University who was initially enrolled in a program that does not lead to employment in a high-demand field but withdraws from that program and enrolls in a program that does lead to employment in a high-demand field may be charged reduced rate tuition in accordance with the provisions of the bill. This bill is identical to [SB 1448](#).

Law Advice: FYI - No Direct Impact

[HB2274 Pharmacist scope of practice; initiation of treatment for certain diseases and conditions.](#)

Companion Bill: SB948

Chief Patron: Kilgore

Summary:

Allows pharmacists to initiate treatment with, dispense, or administer controlled substances or devices for the initiation of treatment of group A Streptococcus bacteria infection, influenza virus infection, COVID-19 virus infection, and urinary tract infection to persons 18 years of age or older with whom the pharmacist has a bona fide pharmacist-patient relationship in accordance with regulations set forth by the Board of Pharmacy. The bill directs the Board of Pharmacy to adopt a statewide protocol for the initiation of treatment with and dispensing and administering of drugs and devices by pharmacists in accordance with the provisions of the bill by November 1, 2023. The bill provides that such protocol shall be developed by a work group consisting of representatives from the Board of Pharmacy, the Board of Medicine, and the Department of Health and directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill. This bill is identical to [SB 948](#).

Law Advice: New Authority

monitor protocol to be adopted by November 1, 2023

[HB2275 Energy planning & electric utility oversight; membership for Com. on Electricity Utility Regulation.](#)

Companion Bill: SB1166

Chief Patron: Kilgore

Summary:

Increases from 10 to 13 the membership of the Commission on Electric Utility Regulation (the Commission) by adding three nonlegislative citizen members; requires the Commission to annually elect a chairman and vice-chairman, meet twice annually, and receive an annual report from the State Corporation Commission by November 1 regarding the implementation of the Virginia Electric Utility Regulation Act; requires newly appointed members of the Commission to receive an orientation on electric utility regulation from the State Corporation Commission; authorizes the Commission to employ an executive director and such other persons as it deems necessary and to employ experts who have knowledge of the issues before it; and extends the expiration of the Commission from July 1, 2024, to July 1, 2029. The bill requires the Commission to (i) monitor applications by the Commonwealth for grants and awards for energy projects from the federal government, (ii) consider legislation referred to it during any session of the General Assembly or other requests by members of the General Assembly, and (iii) conduct studies and gather information and data in order to accomplish its purposes.

The bill requires the Division of Renewable Energy and Energy Efficiency of the Department of Energy to present a draft of the Virginia Energy Plan or any updates to the Plan to the Virginia Coal and Energy Commission and the Commission at a public meeting and to present the final Plan to the Commission at a public meeting.

The bill changes the date by which an electric utility is required to file its updated integrated resource plan from May 1 to October 15, in each year immediately preceding the year the utility is subject to a review of rates for generation and distribution services filing, and provides that after January 1, 2024, each electric utility not subject to an annual review shall file an annual update to the integrated resource plan by October 15, in each year that the utility is subject to review of rates for generation and distribution services filing. The bill requires electric utilities, as part of preparing any integrated resource plan, to conduct outreach to engage the public in a stakeholder review process and provide opportunities for the public to contribute information, input, and ideas on the utility's integrated resource plan including the plan's development methodology, modeling inputs, and assumptions, as well as the ability for the public to make relevant inquiries, to the utility when formulating its integrated resource plan and to report its public outreach efforts to the Commission. This bill is identical to [SB 1166](#).

Law Advice: FYI - No Direct Impact

[HB2284 Waterworks & Wastewater Works Operators & Onsite Sewage System Professionals, Bd. for; membership.](#)

Chief Patron: Wiley

Summary:

Removes from the membership of the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals a faculty member of a public institution of higher education in the Commonwealth whose principal field of teaching is management or operation of waterworks or wastewater works and adds to the Board's membership a local or regional representative of the Department of Health.

Law Advice: FYI - No Direct Impact

[HB2294 Industrial hemp; regulated hemp products, etc.](#)

Chief Patron: Kilgore

Summary:

Limits the amount of tetrahydrocannabinol (THC) that can be included in a hemp product or industrial hemp extract to 0.3 percent and two milligrams per package. The bill (i) clarifies that persons who manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract are subject to the existing food and drink permit requirement and (ii) requires such persons to indicate their intent to manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract on such permit application. The bill also creates labeling, packaging, and testing requirements for industrial hemp extracts and foods containing an industrial hemp

extract. The bill creates a civil penalty of \$10,000 for the following: (a) manufacturing, selling, or offering for sale an industrial hemp extract or food containing an industrial hemp extract without a permit; (b) continuing to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (c) failing to disclose on a form prescribed by the Commissioner of the Virginia Department of Agriculture and Consumer Services that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid; (d) manufacturing, selling, or offering for sale a food that contains more than 0.3 percent of THC or more than two milligrams of THC per package; (e) manufacturing, offering for sale, or selling in violation of food and drink laws or regulations a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (f) otherwise violating any provision of the Commonwealth's food and drink laws or regulations. The bill also makes it a Class 1 misdemeanor to engage in such actions, except for those set forth in clause (d). The bill makes it unlawful under the Consumer Protection Act to (1) sell or offer for sale any substance intended for human consumption that contains a synthetic derivative of THC or (2) sell or offer for sale a topical hemp product that does not contain a bittering agent, does not include a label stating that the product is not intended for human consumption, or contains more than 0.3 percent THC. The bill also increases existing civil penalties for certain hemp-related violations. The bill removes tetrahydrocannabinol from the list of Schedule I controlled substances and contains other technical amendments.

Law Advice: FYI - No Direct Impact

HB2298 [Concealed weapons; exceptions, penalty.](#)

Chief Patron: Ware

Summary:

Removes switchblade knives from and adds stiletto knives to the list of concealed weapons the carrying of which is prohibited in public.

Law Advice: Change in Requirement

HB2312 [Uniform Statewide Building Code; stop work orders, appeals.](#)

Companion Bill: SB1263

Chief Patron: Head

Summary:

Defines stop work orders for the purposes of the Uniform Statewide Building Code. The bill provides that if, during an appeal pursuant to the provisions of the Administrative Process Act of the State Building Code Technical Review Board's decision with respect to the issuance of a stop work order by a local building official, the court finds in favor of the party that was issued the stop work order, such party shall be entitled to recover its actual costs of litigation, including court costs, attorney fees, and witness fees, from the locality responsible for issuing the stop work order. The bill contains technical amendments. This bill is identical to [SB 1263](#).

Law Advice: FYI - No Direct Impact

HB2314 [Health insurance; credits for retired state employees.](#)

Chief Patron: Rasoul

Summary:

Increases, beginning July 1, 2024, from \$4 per year of creditable service to \$4.25 per year of creditable service the amount of each monthly health insurance credit provided by the Commonwealth for the cost of health insurance coverage for any retired state employee.

Law Advice: FYI - No Direct Impact

HB2338 [Transit Ridership Incentive Program; use of funds, improving accessibility.](#)

Companion Bill: SB1326

Chief Patron: McQuinn

Summary:

Directs the Commonwealth Transportation Board to use up to 30 percent of available funds in the Transit Ridership Incentive Program to support local, regional, and state entities in improving the accessibility of transit bus passenger facilities and transitioning public transit bus fleets and infrastructure to zero-emission bus fleets and infrastructure. The bill directs the Board to develop guidelines for applications for grants to any local, regional, or state public entity that supports a transit system. This bill is identical to [SB 1326](#).

Law Advice: FYI - No Direct Impact

monitor guidelines to be developed by the Commonwealth Transportation Board

HB2342 [Background checks; employees of children and developmental services, adult substance abuse services.](#)

Chief Patron: Campbell, E.H.

Summary:

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

Law Advice: FYI - No Direct Impact

separates existing provisions related to background checks into separate sections of the Code; does not introduce any material changes to existing background check requirements

[HB2345 Smartchart Network Program; renames Emergency Department Care Coordination Program, report.](#)

Companion Bill: SB1255

Chief Patron: Head

Summary:

Renames the Emergency Department Care Coordination Program as the Smartchart Network Program and expands the Program to allow participation by all health care providers, insurance carriers, and other organizations with a treatment, payment, or operations relationship with a patient in the Commonwealth to facilitate real-time communication and collaboration. Under current law, participation is limited to hospital emergency departments. The bill makes several other modifications to the Program, including adding a requirement that the Program allow health care providers, health care entities, and insurance carriers to access information necessary to evaluate and monitor the care and treatment of a patient in accordance with applicable patient privacy and security requirements and adding a requirement that such entities continue to improve care coordination in hospital emergency departments in order to reduce the frequency of visits by high-volume emergency department utilizers. The bill also directs the State Health Commissioner and the Director of the Department of Health Professions to convene a work group to study and establish a plan to develop and implement a system to share information regarding a patient's prescription history and medication reconciliation. The bill requires the Commissioner and the Director to report their findings and recommendations to the Chairmen of the Joint Commission on Health Care, Senate Committee on Education and Health, and House Committee on Health, Welfare and Institutions by October 1, 2023. The provisions of the bill other than creation of the work group have a delayed effective date of January 1, 2024. This bill is identical to [SB 1255](#).

Law Advice: FYI - No Direct Impact

monitor work group findings and recommendations due by October 1, 2023

[HB2348 Animal testing facilities; public notifications, definitions.](#)

Companion Bill: SB1271

Chief Patron: Webert

Summary:

Requires any animal testing facility, contract testing facility, or manufacturer, as defined in the bill, that uses an animal test method to display a link to its annual report (APHIS Form 7023) on the homepage or landing page of the facility's or manufacturer's website on or before December 1 for the preceding

federal fiscal year. The bill requires an animal testing facility to make certain inspection reports publicly available by displaying a link to access such reports on the home page or landing page of the animal testing facility's website or, if such animal testing facility does not have a website, making such information available by means of a press release or other similar publication. The bill requires any animal testing facility operated by an institution of higher education that receives a citation for critical noncompliance, as defined in the bill, under the Animal Welfare Act or regulations adopted thereunder to notify the leadership of such institution, including the president, dean, and board of visitors or board of trustees. The provisions of the bill do not apply to any federal facility or privately owned licensed veterinary practice. This bill is identical to [SB 1271](#).

Law Advice: New Requirement

HB2354 [Health care provider panels; changes to provisions related to continuity of care.](#)

Chief Patron: Orrock

Summary:

Makes various changes to provisions related to the continuity of care for an enrollee after a provider is terminated from a health insurance carrier's provider panel. The bill requires a carrier that uses a provider panel to establish procedures for notifying an enrollee of (i) the termination from the carrier's provider panel of a provider who was furnishing health care services to the enrollee or furnished health care services to the enrollee in the six months prior to the notice and (ii) the right of an enrollee upon request to continue to receive health care services as provided in the bill following the provider's termination from a carrier's provider panel. The bill requires the carrier to provide such notices prior to the date of the termination of the provider except when a provider is terminated for cause. The bill removes separate notice requirements for the termination of a primary care provider or a specialty referral services provider.

The bill provides that a provider is permitted to render health care services to any of the carrier's enrollees for a period of at least 90 days from the date of a provider's termination from the carrier's provider panel, except when a provider is terminated for cause. The bill provides that for an enrollee who (a) has been medically confirmed to be pregnant at the time of a provider's termination, the provider may continue care through the postpartum period; (b) has been determined by a medical professional to have a life-threatening condition at the time of a provider's termination of participation, the provider may continue care for up to 180 days; and (c) is admitted to and receiving treatment in any inpatient facility at the time of a provider's termination, the provider may continue care until the enrollee is discharged from the inpatient facility. The bill provides that under the continuity of care provisions, "provider" includes a provider group. The bill has a delayed effective date of January 1, 2024.

Law Advice: FYI - No Direct Impact

effective January 1, 2024

HB2359 [Physical therapy; practice.](#)

Companion Bill: SB1005

Chief Patron: Fariss

Summary:

Eliminates the requirement that treatment by a licensed physical therapist for more than 60 consecutive days after evaluation of the patient occurs only upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner, or a licensed physician assistant acting under the supervision of a licensed physician. The bill also allows licensed physical therapists to practice dry needling without a referral if they are licensed to practice dry needling. Additionally, the bill clarifies that a licensed physical therapist may provide, without referral or supervision, physical therapy services to infants and toddlers who require physical therapy services to fulfill the provisions of their individualized services plans and students with disabilities who require physical therapy services to fulfill the provisions of their individualized education plans or physical therapy services provided under § 504 of the federal Rehabilitation Act of 1973. The bill directs the Board of Physical Therapy to report, by December 1, 2024, to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions a summary of disciplinary actions taken against physical therapists whose conduct resulted in physical harm to a patient when such patient received dry needling treatment or more than 60 consecutive days of physical therapy treatment without a physician referral. This bill is identical to [SB 1005](#).

Law Advice: Change in Authority

HB2364 [Drug Control Act; adds certain chemicals to Schedule I of Act.](#)

Companion Bill: SB894

Chief Patron: Wachsmann

Summary:

Adds certain chemicals to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. This bill is identical to [SB 894](#).

Law Advice: FYI - No Direct Impact

HB2368 [Medical marijuana program; product requirements, certifications.](#)

Chief Patron: Adams, D.M.

Summary:

Requires cannabis product and botanical cannabis labels to be complete, accurate, easily discernable, and uniform among different products and brands and that each label, which shall be included on the product and on the pharmaceutical processor's website, include (i) the product name, (ii) all active and

inactive ingredients, (iii) the total percentage and milligrams of tetrahydrocannabinol and cannabidiol included in the product and the number of milligrams of tetrahydrocannabinol and cannabidiol in each serving, (iv) the amount of product that constitutes a single serving and the amount recommended for use by the practitioner or dispensing pharmacist, (v) information regarding the product's purpose and detailed usage directions, and (vi) child and safety warnings in a conspicuous font. The bill also requires that a pharmaceutical processor or cannabis dispensing facility shall maintain an adequate supply of cannabis products that (a) contain cannabidiol as their primary cannabinoid and (b) have low levels of or no tetrahydrocannabinol. The bill provides that a patient's registered agent is not required to register with the Board of Pharmacy when such registered agent is listed on the patient's written certification pursuant to the patient's request and in the discretion of the practitioner based on medical need. The bill also requires that, in the case of cannabis products, the Prescription Monitoring Program shall include only the information specified in law, which is amended by the bill.

Law Advice: FYI - No Direct Impact

HB2374 [Pharmacies; prohibits refusal to fill prescription from telemedicine provider.](#)

Chief Patron: Davis

Summary:

Prohibits pharmacists from refusing to fill prescriptions solely on the basis of a prescriber's use of a telemedicine platform to provide services. The bill also prohibits pharmacists from prioritizing dispensing prescriptions from a prescriber who does not use telemedicine over prescriptions from a prescriber who does use telemedicine based solely on the prescriber's use of a telemedicine platform to provide services.

Law Advice: Change in Authority

HB2386 [Virginia Power Innovation Fund and Program; created.](#)

Companion Bill: SB1464

Chief Patron: O'Quinn

Summary:

Creates the Virginia Power Innovation Fund with funding to be used solely for the purposes of research and development of innovative energy technologies, including nuclear, hydrogen, carbon capture and utilization, and energy storage. The bill also creates the Virginia Power Innovation Program to use moneys from the Fund to (i) establish a Virginia nuclear innovation hub and (ii) award competitive grants to support energy innovation. This bill is identical to [SB 1464](#).

Law Advice: FYI - No Direct Impact

HB2390 [Virginia Erosion and Stormwater Management Act; regulations, effective](#)

[date.](#)

Companion Bill: SB1168

Chief Patron: Runion

Summary:

Directs the State Water Control Board to adopt regulations to implement before July 1, 2024, the requirements of amendments to the Virginia Erosion and Stormwater Management Act enacted by the 2016 Session and amended by the 2017 Session and delays from July 1, 2018, to July 1, 2024, the effective date of the amendments made by the 2016 Session and regulations required to be adopted pursuant thereto. The bill also directs such adopted regulations to include the reduction of regulations through consolidation of duplicative requirements. This bill is identical to [SB 1168](#).

Law Advice: FYI - No Direct Impact

HB2398 [Sexual extortion; penalty.](#)

Chief Patron: Bell

Summary:

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

Law Advice: FYI - No Direct Impact

HB2400 [Criminal records; expungement and sealing of records.](#)

Companion Bill: SB1402

Chief Patron: Herring

Summary:

Repeals the statute providing for the limitation on the dissemination of criminal history record information related to the possession of marijuana and the statute related to automatic sealing for mistaken identity or unauthorized use of identifying information. The bill also repeals the provisions

related to the automatic and petition-based expungement of former marijuana offenses and instead provides for the sealing of such offenses. The bill also removes the provisions related to the automatic sealing of underage possession of alcohol offenses and instead provides for petition-based sealing of such offenses.

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

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

Law Advice: FYI - No Direct Impact

delayed effective date (see bill for details)

HB2410 [Involuntary temporary detention; termination of a period of detention.](#)

Chief Patron: Watts

Summary:

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

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

Law Advice: Change in Requirement

HB2428 [Marijuana; advertising restrictions, penalties.](#)

Companion Bill: SB1233

Chief Patron: Wilt

Summary:

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

Law Advice: FYI - No Direct Impact

HB2449 [Concealed handgun permits; Virginia Criminal Information Network, disclosure of information.](#)

Chief Patron: Ballard

Summary:

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

Law Advice: FYI - No Direct Impact

HB2450 [Virginia Public Procurement Act; construction management, contract requirements.](#)

Companion Bill: SB1491

Chief Patron: Campbell, J.L.

Summary:

Excludes construction management contracts involving infrastructure projects from the requirement that

no more than 10 percent of the construction work be performed by the construction manager with its own forces and that the remaining 90 percent of the construction work be performed by subcontractors of the construction manager. This bill is identical to [SB 1491](#).

Law Advice: FYI - No Direct Impact

HB2451 [Firefighters; training program on risks of electric vehicle fires.](#)

Chief Patron: O'Quinn

Summary:

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

Law Advice: FYI - No Direct Impact

HB2479 [Cloud Computing Cluster Infrastructure Grant Fund; created.](#)

Companion Bill: SB1522

Chief Patron: Knight

Summary:

Creates the Cloud Computing Cluster Infrastructure Grant Fund for the purpose of providing grants to qualified companies, defined in the bill as a company, including its affiliates, that enters into a memorandum of understanding with the Virginia Economic Development Partnership Authority and is expected to (i) make or cause to be made a capital investment of at least \$50 billion and (ii) create at least 1,500 new full-time jobs that pay an average annual wage of at least one and one-half times the prevailing average wage in the locality where the job is located. The bill requires that, in order to become a qualified company, a company successfully complete a qualification process that includes an endorsement from the MEI Commission and approval in the appropriation act for the amount of grants that are to be provided.

The bill also extends the data center sales and use tax exemption to 2040 for a data center operator that (a) makes a capital investment of at least \$35 billion in data centers in the Commonwealth and (b) creates at least 1,000 direct new jobs, of which at least 100 of such jobs pay at least one and one-half times the prevailing average wage in the Commonwealth. Such data center operator shall be eligible for further extension of the sales and use tax exemption to 2050 if the data center operator (1) makes a total capital investment of at least \$100 billion, inclusive of the initial \$35 billion investment, and (2) creates a total of at least 2,500 direct new jobs, of which at least 100 of such jobs pay at least one and one-half times the prevailing average wage in the Commonwealth, inclusive of the 1,000 jobs initially created.

This bill is identical to [SB 1522](#).

Law Advice: FYI - No Direct Impact

HB2492 [People with Disabilities, Virginia Board for; adds to membership, amends certain terminology.](#)

Chief Patron: Seibold

Summary:

Adds to the Virginia Board for People with Disabilities the Health Commissioner or a representative from the Department of Health chosen by the Health Commissioner. The bill amends existing references to "mentally impairing developmental disabilities" to "cognitive developmental disabilities."

Law Advice: FYI - No Direct Impact

HB2500 [Construction contracts; payment clauses to be included in certain contracts.](#)

Companion Bill: SB1313

Chief Patron: Wiley

Summary:

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

Law Advice: FYI - No Direct Impact

HJ592 [Commending the 2023 Inductees to the Virginia Sports Hall of Fame.](#)

Chief Patron: Davis

Summary:

Commending the 2023 Inductees to the Virginia Sports Hall of Fame.

Law Advice: FYI - No Direct Impact

HJ660 [Commending the Frank Batten School of Leadership and Public Policy at the University of Virginia.](#)

Chief Patron: Hudson

Summary:

Commending the Frank Batten School of Leadership and Public Policy at the University of Virginia.

Law Advice: FYI - No Direct Impact

HR396 [Commemorating the life and legacy of Ella Louise Stokes Hunter, Ed.D.](#)

Chief Patron: Hudson

Summary:

Commemorating the life and legacy of Ella Louise Stokes Hunter, Ed.D.

Law Advice: FYI - No Direct Impact

HR397 [Commemorating the life and legacy of Walter Nathaniel Ridley, Ed.D.](#)

Chief Patron: Hudson

Summary:

Commemorating the life and legacy of Walter Nathaniel Ridley, Ed.D.

Law Advice: FYI - No Direct Impact

SB788 [Medical cannabis program; transition from Board of Pharmacy to Virginia Cannabis Control Authority.](#)

Companion Bill: HB1598

Chief Patron: Favola

Summary:

Transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. The bill has a delayed effective date of January 1, 2024, and is identical to [HB 1598](#).

Law Advice: FYI - No Direct Impact

effective January 1, 2024

SB798 [Individuals with disabilities; terminology.](#)

Companion Bill: HB1450

Chief Patron: Hashmi

Summary:

Replaces various instances of the terms "handicap," "handicapped," and similar variations throughout the Code of Virginia with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment." The bill contains technical amendments. As introduced, this bill was a recommendation of the Virginia Disability Commission. This bill is identical to [HB 1450](#).

Law Advice: FYI - No Direct Impact

SB802 [Counseling Compact; licensure of professional counselors.](#)

Companion Bill: HB1433

Chief Patron: Hashmi

Summary:

Authorizes Virginia to become a signatory to the Counseling Compact. The Compact permits eligible licensed professional counselors to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2024, and directs the Board of Counseling to adopt emergency regulations to implement the provisions of the bill. This bill is identical to [HB 1433](#).

Law Advice: New Authority

effective January 1, 2024

SB809 [Alcoholic beverage control; displays of wine and beer, report.](#)

Companion Bill: HB1979

Chief Patron: Favola

Summary:

Requires persons licensed to sell wine and beer for off-premises consumption that display such wine and beer outside a clearly discernible location reserved for alcoholic beverages to (i) not place such wine or beer in an area immediately adjacent to nonalcoholic beverages containing the same or similar brand

name, logo, or packaging as an alcoholic beverage and (ii) equip any such display with signage that indicates the product is an alcoholic beverage, is clearly visible to consumers, and is of sufficient size to notify the consumer that the product contains alcohol. The bill clarifies that its provisions do not prohibit the placement of nonalcoholic wine or beer in or near a display of alcoholic beverages that contain the same or similar brand name, logo, or packaging as the nonalcoholic wine or beer. This bill is identical to [HB 1979](#).

Law Advice: FYI - No Direct Impact

SB827 [Hospital emergency departments; required security and training, regulations.](#)

Chief Patron: Favola

Summary:

Directs the Board of Health to amend its regulations to require every hospital with an emergency department to establish a security plan. The bill requires that such security plan be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and be based on the results of a security risk assessment of each emergency department location of the hospital. The bill requires that the security plan include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. The bill provides for a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment.

Law Advice: New Requirement

SB846 [Peer recovery specialists; barrier crime exceptions.](#)

Companion Bill: HB1525

Chief Patron: Favola

Summary:

Permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist. This bill is identical to [HB 1525](#).

Law Advice: New Authority

SB872 [Emergency custody; temporary detention, alternative transportation.](#)

Chief Patron: Newman

Summary:

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

Law Advice: FYI - No Direct Impact

SB882 **[Internal Revenue Code; conformity of the Commonwealth's taxation system.](#)**

Companion Bill: HB1595

Chief Patron: Howell

Summary:

Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2021, to December 31, 2022. The bill enacts Chapters 6 and 18 of the Acts of Assembly of 2022, Special Session I. The bill contains an emergency clause. This bill is identical to [HB 1595](#).

Law Advice: FYI - No Direct Impact

SB894 **[Drug Control Act; adds certain chemicals to Schedule I of Act.](#)**

Companion Bill: HB2364

Chief Patron: Newman

Summary:

Adds certain chemicals to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. This bill is identical to [HB 2364](#).

Law Advice: FYI - No Direct Impact

SB898 **[Concealed handgun permits; demonstration of competence.](#)**

Companion Bill: HB1422

Chief Patron: Stuart

Summary:

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

Law Advice: FYI - No Direct Impact

SB903 [Industrial hemp; regulated hemp products, etc.](#)

Chief Patron: Hanger

Summary:

Limits the amount of tetrahydrocannabinol (THC) that can be included in a hemp product or industrial hemp extract to 0.3 percent and two milligrams per package. The bill (i) clarifies that persons who manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract are subject to the existing food and drink permit requirement and (ii) requires such persons to indicate their intent to manufacture, store, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract on such permit application. The bill also creates labeling, packaging, and testing requirements for industrial hemp extracts and foods containing an industrial hemp extract. The bill creates a civil penalty of \$10,000 for the following: (a) manufacturing, selling, or offering for sale an industrial hemp extract or food containing an industrial hemp extract without a permit; (b) continuing to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (c) failing to disclose on a form prescribed by the Commissioner of the Virginia Department of Agriculture and Consumer Services that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid; (d) manufacturing, selling, or offering for sale a food that contains more than 0.3 percent of THC or more than two milligrams of THC per package; (e) manufacturing, offering for sale, or selling in violation of food and drink laws or regulations a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (f) otherwise violating any provision of the Commonwealth's food and drink laws or regulations. The bill also makes it a Class 1 misdemeanor to engage in such actions, except for those set forth in clause (d). The bill makes it unlawful under the Consumer Protection Act to (1) sell or offer for sale any substance intended for human consumption that contains a synthetic derivative of THC or (2) sell or offer for sale a topical hemp product that does not contain a bittering agent, does not include a label stating that the product is not intended for human consumption, or contains more than 0.3 percent THC. The bill also increases existing civil penalties for certain hemp-related violations. The bill removes tetrahydrocannabinol from the list of Schedule I controlled substances and contains other technical amendments.

Law Advice: Change in Requirement

SB904 [Workers' compensation; anxiety disorder or depressive disorder incurred by law-enforcement officers.](#)

Companion Bill: HB1775

Chief Patron: DeSteph

Summary:

Provides that an anxiety disorder or depressive disorder, as both are defined in the bill, incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act on the same basis as post-traumatic stress disorder, except in the case of responding to crime scenes for investigation. The bill provides that a mental health professional must diagnose the covered individual as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, defined in the bill as an incident or exposure occurring in the line of duty on or after July 1, 2023, and includes other conditions for compensability. This bill is identical to [HB 1775](#).

Law Advice: New Requirement

SB910 [Higher educational institutions, public; threat assessment teams, powers and duties.](#)

Companion Bill: HB1916

Chief Patron: Newman

Summary:

Makes several changes to the powers and duties of the threat assessment team at each public institution of higher education, including requiring, upon a preliminary determination that an individual poses an articulable and significant threat of violence to others, each such team to (i) obtain any available criminal history record information and health records for such individual; (ii) notify in writing within 24 hours upon making such preliminary determination (a) the campus police department; (b) local law enforcement for the city or county in which the public institution of higher education is located, local law enforcement for the city or county in which the individual resides, and, if known to the threat assessment team, local law enforcement for the city or county in which the individual is located; and (c) the local attorney for the Commonwealth in any jurisdiction where the threat assessment team has notified local law enforcement; and (iii) disclose any specific threat of violence posed by the individual as part of such notification, and permitting each such team to invite nonmember representatives from campus to participate in individual cases. This bill is identical to [HB 1916](#).

Law Advice: Change in Requirement

SB914 [Data Governance and Analytics, Office of; repeals sunset provision.](#)

Companion Bill: HB1591

Chief Patron: Hanger

Summary:

Repeals the sunset provision enacted in 2021 that created the Office of Data Governance and Analytics (the Office) and the position of Chief Data Officer within the Office of the Secretary of Administration, making both permanent. The provision is currently scheduled to expire on July 1, 2023. The bill also requires the Office to oversee and support any workforce development data systems, to facilitate data sharing, to identify innovative technology solutions, and to support processes that create data-informed decisions. This bill is identical to [HB 1591](#).

Law Advice: FYI - No Direct Impact

SB945 [Individuals with developmental disabilities; financial flexibility, report.](#)

Companion Bill: HB1963

Chief Patron: Suetterlein

Summary:

Directs the Department of Medical Assistance Services to take steps to amend the Family and Individual Supports, Community Living, and Building Independence waivers to provide greater financial flexibility to individuals with developmental disabilities who are receiving waiver services. The bill requires the Department to report on its progress to the Governor and the General Assembly by December 1, 2023. This bill is identical to [HB 1963](#).

Law Advice: FYI - No Direct Impact

SB948 [Pharmacist scope of practice; initiation of treatment for certain diseases and conditions.](#)

Companion Bill: HB2274

Chief Patron: Suetterlein

Summary:

Allows pharmacists to initiate treatment with, dispense, or administer controlled substances or devices for the initiation of treatment of group A Streptococcus bacteria infection, influenza virus infection, COVID-19 virus infection, and urinary tract infection to persons 18 years of age or older with whom the pharmacist has a bona fide pharmacist-patient relationship in accordance with regulations set forth by the Board of Pharmacy. The bill directs the Board of Pharmacy to adopt a statewide protocol for the initiation of treatment with and dispensing and administering of drugs and devices by pharmacists in accordance with the provisions of the bill by November 1, 2023. The bill provides that such protocol shall be developed by a work group consisting of representatives from the Board of Pharmacy, the Board of Medicine, and the Department of Health and directs the Board of Pharmacy to adopt emergency

regulations to implement the provisions of the bill. This bill is identical to [HB 2274](#).

Law Advice: New Authority

monitor protocol to be adopted by November 1, 2023

SB952 [Alzheimer's Disease and Related Disorders Commission; membership, sunset.](#)

Chief Patron: Ruff

Summary:

Extends from July 1, 2023, to July 1, 2026, the expiration of the Alzheimer's Disease and Related Disorders Commission and expands from 15 to 20 the membership of the Commission by adding the Commissioner of the Department for Aging and Rehabilitative Services, the Commissioner of Health, the Director of the Department of Medical Assistance Services, the Commissioner of the Department of Behavioral Health and Developmental Services, and the Commissioner of the Department of Social Services, or their designees, as ex officio members with nonvoting privileges.

Law Advice: FYI - No Direct Impact

SB955 [Higher educational institutions, public; tuition grants, Virginia National Guard.](#)

Chief Patron: Ruff

Summary:

Provides that public institutions of higher education may enter into special arrangement contracts with the Virginia Department of Military Affairs for the purpose of providing reduced rate tuition charges for no more than 50 members of the Virginia National Guard receiving state tuition assistance grants per year. The bill also provides that a non-Virginia student shall not receive reduced rate tuition charges unless he has been enrolled in a Virginia public institution of higher education for two years prior to receiving the reduced rate tuition. In order to be eligible for such state tuition assistance grant, a member of the Virginia National Guard must have two years remaining on his service obligation to the Virginia National Guard as of the last day of the last term or semester for which tuition assistance is requested. Current law provides that as a condition of being awarded a tuition assistance grant, a member of the Virginia National Guard will incur a two-year service obligation to commence after the last day of the term or semester for which tuition assistance is requested.

Law Advice: Change in Authority

SB970 [Mental health conditions & impairment; health regulatory board w/in DHP to amend its applications.](#)

Companion Bill: HB1573

Chief Patron: Mason

Summary:

Directs each health regulatory board within the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment and to include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients? and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause. This bill is identical to [HB 1573](#).

Law Advice: New Requirement

effective March 16, 2023

SB975 [**Certified nurse midwives, etc.; designation as advanced practice registered nurses.**](#)

Chief Patron: Peake

Summary:

Changes references to certain practitioners in the Code to advanced practice registered nurse in order to align the Code with the professional designations established by the *Consensus Model for Advanced Practice Registered Nurses Regulation* established by the National Council of State Boards of Nursing.

Law Advice: FYI - No Direct Impact

SB982 [**Stationary vehicles; yielding or reducing speed for vehicles displaying hazard lights, etc.**](#)

Companion Bill: HB1932

Chief Patron: Marsden

Summary:

Requires drivers to make a lane change or reduce speed when passing stationary vehicles that have activated the vehicular hazard warning signal flashers, displayed caution signs, or been marked with properly lit flares or torches on certain highways when safe and reasonable to do so and makes a violation of this requirement a traffic infraction. This bill is identical to [HB 1932](#).

Law Advice: FYI - No Direct Impact

SB983 [**Alcoholic beverage control; winery and farm winery licenses, requirements**](#)

and privileges.

Chief Patron: Mason

Summary:

Makes numerous changes to the privileges of and requirements for winery and farm winery licenses. Such changes relate to the characteristics of and tasks to be performed on the licensed premises, license qualifications, manufacturing and sale requirements and limitations, and utilization of contract winemaking services.

Law Advice: FYI - No Direct Impact

SB995 **Motor vehicles, certain; use of handheld personal communication devices.**

Companion Bill: HB2014

Chief Patron: Marsden

Summary:

Clarifies the penalty structure for a first offense and a second or subsequent offense of using a handheld personal communication device in certain motor vehicles, as well as the mandatory fine for a violation within a highway work zone, to accommodate the Supreme Court's case management system. The bill contains technical amendments. This bill is declarative of existing law and is identical to [HB 2014](#).

Law Advice: FYI - No Direct Impact

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

Companion Bill: HB1911

Chief Patron: Cosgrove

Summary:

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

Law Advice: New Requirement

UVA already complies with the provisions of HB1911/SB1002

SB1005 [Physical therapy; practice.](#)

Companion Bill: HB2359

Chief Patron: Hashmi

Summary:

Eliminates the requirement that treatment by a licensed physical therapist for more than 60 consecutive days after evaluation of the patient occurs only upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner, or a licensed physician assistant acting under the supervision of a licensed physician. The bill also allows licensed physical therapists to practice dry needling without a referral if they are licensed to practice dry needling. Additionally, the bill clarifies that a licensed physical therapist may provide, without referral or supervision, physical therapy services to infants and toddlers who require physical therapy services to fulfill the provisions of their individualized services plans and students with disabilities who require physical therapy services to fulfill the provisions of their individualized education plans or physical therapy services provided under § 504 of the federal Rehabilitation Act of 1973. The bill directs the Board of Physical Therapy to report, by December 1, 2024, to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions a summary of disciplinary actions taken against physical therapists whose conduct resulted in physical harm to a patient when such patient received dry needling treatment or more than 60 consecutive days of physical therapy treatment without a physician referral. This bill is identical to [HB 2359](#).

Law Advice: Change in Authority

SB1024 [Virginia Public Records Act; confidentiality of certain archived records.](#)

Companion Bill: HB1844

Chief Patron: Bell

Summary:

Provides that medical and educational records made confidential by law shall remain so after being archived by The Library of Virginia. This bill is identical to [HB 1844](#).

Law Advice: FYI - No Direct Impact

SB1038 [Workers' compensation; presumption for arson and hazardous materials investigators.](#)

Companion Bill: HB1410

Chief Patron: McPike

Summary:

Expands the workers' compensation presumption of compensability for certain cancers causing the death

or disability of certain employees who have completed five years of service in their position to include (i) arson investigators or bomb investigators employed by the Department of State Police and (ii) members of the State Police Officers' Retirement System who collect, analyze, or handle hazardous materials, infectious biological substances and radiological agents, fentanyl, or methamphetamine. This bill is identical to [HB 1410](#).

Law Advice: Change in Requirement

SB1040 [Employee's social security number; prohibited use by employer, civil penalty.](#)

Chief Patron: McPike

Summary:

Prohibits an employer from using an employee's social security number or any derivative thereof as such employee's identification number or including an employee's social security number or any number derived thereof on any identification card or badge, any access card or badge, or any other similar card or badge issued to such employee. The bill imposes a civil penalty of up to \$100 for any knowing violation of the prohibition.

Law Advice: New Requirement

UVA already complies with the provisions of SB1040

SB1044 [Public schools and public higher educational institutions; student identification cards.](#)

Chief Patron: McPike

Summary:

Requires each local school division that issues student identification cards for any grade level, kindergarten through grade 12, and each public institution of higher education that issues student identification cards to clearly and conspicuously include on one side of each student identification card the telephone number for the 988 Suicide and Crisis Lifeline (formerly the National Suicide Prevention Lifeline) and to annually review the telephone number for accuracy and currency. The bill provides that each new student identification card and any replacement student identification card issued by any school division or by any public institution of higher education must comply with the provisions of the bill beginning with the 2023-2024 school year.

Law Advice: New Requirement

compliance mandated by beginning of 2023-24 academic year

SB1052 [Teacher Education and Licensure, Advisory Board on; teacher recruitment](#)

and retention.

Chief Patron: McPike

Summary:

Directs the Advisory Board on Teacher Education and Licensure to advise the Board of Education and submit recommendations on policies related to helping school divisions more effectively recruit and retain licensed teachers. The bill also requires the Board of Education to extend for at least one additional year, but for no more than two additional years, a teacher's three-year provisional license upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for any year during the original three-year provisional license for which such teacher was actually employed. Current law requires satisfactory performance evaluations for such teacher for each year of the original three-year provisional license in order to be eligible for such an extension.

Law Advice: FYI - No Direct Impact

SB1054 Interjurisdictional compacts; criminal history record checks.

Companion Bill: HB2157

Chief Patron: Peake

Summary:

Provides that when an interjurisdictional compact requires criminal history record checks as a condition of participation, the applicable health regulatory board shall require each applicant to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. This bill is identical to [HB 2157](#).

Law Advice: FYI - No Direct Impact

SB1058 Objects obstructing driver's view; dashboard cameras allowed.

Chief Patron: Hanger

Summary:

Allows the suspension and use of any dashboard camera and any accompanying wires or attachments in or on a motor vehicle, provided that (i) such suspension and use are not otherwise prohibited by the provisions of Title 49 of the Code of Federal Regulations and (ii) such camera, wires, and attachments are wholly or mostly concealed behind the rear view mirror without any additional obstruction to the driver's view.

Law Advice: Change in Authority

SB1068 [Capital outlay plan; updates the six-year capital outlay for projects to be funded.](#)

Companion Bill: HB1843

Chief Patron: Howell

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 1843](#).

Law Advice: FYI - No Direct Impact

SB1069 [Pedestrians; drivers stopping at certain signs.](#)

Chief Patron: Saslaw

Summary:

Requires the driver of a vehicle on a highway approaching a pedestrian who is crossing such highway to stop when such pedestrian is within the driver's lane or within an adjacent lane and approaching the driver's lane. Currently, a driver is required to yield the right-of-way to such pedestrian by stopping and remaining stopped. The bill also provides that localities that are already authorized to install signs directing motor vehicles to yield the right-of-way to pedestrians crossing or attempting to cross a highway may also install signs directing motor vehicles to stop for such pedestrians.

Law Advice: New Requirement

SB1075 [Phase I Utilities; financing for certain deferred fuel costs, biennial reviews, etc.](#)

Companion Bill: HB1777

Chief Patron: Ruff

Summary:

Authorizes Appalachian Power to petition the State Corporation Commission (the Commission) for a financing order for deferred fuel costs. The bill sets forth specific transaction terms and other provisions related to the financing order. Before granting a financing order, the Commission is required to find that (i) the proposed issuance of deferred fuel cost bonds is in the public interest and the associated deferred fuel cost charges are just and reasonable and (ii) the structuring and pricing of the deferred fuel cost bonds are reasonably expected to result in reasonable deferred fuel cost charges consistent with market conditions at the time the deferred fuel cost bonds are priced and the terms set forth in such financing order. The bill requires the financing order to include, among other things: (a) the amount of deferred fuel costs to be financed using deferred fuel cost bonds; (b) a requirement that deferred fuel cost charges

authorized under a financing order are non-bypassable and paid by all retail customers of the electric utility, irrespective of the generation supplier of such customer, except for certain exempt customers; (c) a formula-based true-up mechanism for making annual adjustments to the deferred fuel cost charges; and (d) a method of tracing funds collected as deferred fuel cost charges. The bill requires the utility to permit certain retail customers to opt out of financing the customer's pro rata obligation for the deferred fuel cost charges through deferred fuel cost bonds. Under the bill, the financing order is irrevocable.

The bill creates the deferred fuel cost charge and provides that the revenues generated by this charge, known as deferred fuel cost property, are a property right that can be transferred and pledged as security for the deferred fuel cost bonds. The bill establishes the procedures for creating, perfecting, and enforcing the security interest in deferred fuel cost property. The bill includes a state non-impairment obligation. Under the bill, if the deferred fuel cost bonds are issued, the Commonwealth and its agencies, including the Commission, agree not to take any action that would limit or alter the deferred fuel cost charges until the deferred fuel cost bonds have been paid and performed in full.

The bill makes various changes to procedures under which the Commission reviews the earnings and sets the rates of Appalachian Power. The bill provides that, in lieu of the triennial review proceedings required under current law, Appalachian Power will be subject to biennial reviews of their rates, terms, and conditions for generation and distribution services, with the first review commencing on March 31, 2024.

The bill requires the Commission, in each biennial review, to conduct a proceeding to review all rates, terms, and conditions for generation and distribution services, with such proceeding utilizing the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted. The bill provides that in each biennial review proceeding, the Commission will set the fair rate of return on common equity applicable to the generation and distribution services of the utility for the two such services combined and for certain approved rate adjustment clauses. The bill provides that the Commission may use any methodology it finds consistent with the public interest to determine Appalachian Power's fair rate of return on common equity. Additionally, the bill provides that the Commission may increase or decrease the combined rate of return for generation and distribution services by up to 50 basis points based on the reliability, generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. The bill requires the Commission, before December 31, 2023, to direct the initiation of a proceeding to review and determine the appropriate protocols and standards applicable to implementing any such performance-based adjustments.

The bill provides that if the Commission determines in its sole discretion that the utility's existing rates for generation and distribution services will, on a going-forward basis, either produce (1) revenues in excess of the utility's authorized rate of return or (2) revenues below the utility's authorized rate of return, then the Commission is required to order any reductions or increases, as applicable and necessary, to such rates for generation and distribution services that it deems appropriate to ensure the resulting rates for generation and distribution services (A) are just and reasonable and (B) provide the utility an opportunity to recover its costs.

The bill provides that, if in any biennial review, the Commission finds that, during the test period under review, the utility has earned more than 100 basis points above the authorized fair combined rate of return on its generation or distribution services, the Commission will direct that 100 percent of the amount of such earnings that were more than 100 basis points above such fair combined rate of return be credited to customers' bills. The bill requires the Commission to authorize deferred recovery for reasonable (I) actual costs associated with severe weather events and (II) actual costs associated with

natural disasters, not currently in rates, and provides that the Commission shall allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The bill provides that the Commission is authorized to determine during any biennial review the reasonableness or prudence of any cost subject to the rate review incurred or projected to be incurred by the utility.

The bill removes the requirement for Appalachian Power to file an integrated resource plan with the Commission. This bill is identical to [HB 1777](#).

Law Advice: FYI - No Direct Impact

SB1081 [Children's Ombudsman, Office of the; removes Children's Advocacy Fund.](#)

Chief Patron: Edwards

Summary:

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

Law Advice: FYI - No Direct Impact

SB1086 [Living organ donors; unpaid leave, civil penalty.](#)

Chief Patron: Ebbin

Summary:

Requires that an employer that employs 50 or more employees provide eligible employees, defined in the bill, with (i) up to 60 business days of unpaid organ donation leave in any 12-month period to serve as an organ donor and (ii) up to 30 business days of unpaid organ donation leave in any 12-month period to serve as a bone marrow donor. The bill requires the employer to restore the employee's position following the leave, to continue to provide coverage for the employee under any health benefit plan during the leave, and to pay the employee any commission earned prior to the leave. The bill prohibits the employer from taking retaliatory action against the employee for taking organ donation leave. The bill requires the Commissioner of Labor and Industry to enforce its provisions and provides for civil penalties for violations of its requirements.

Law Advice: New Requirement

UVA already complies with the provisions of SB1086

SB1094 [Treasury Board; powers and duties.](#)

Companion Bill: HB1912

Chief Patron: Norment

Summary:

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

Law Advice: FYI - No Direct Impact

exempt under Restructuring

SB1119 [Telemedicine; practitioner-patient relationship, continuity of care.](#)

Companion Bill: HB1754

Chief Patron: Stuart

Summary:

Allows for continuity of care through telemedicine when a practitioner with whom a patient has previously established a practitioner-patient relationship is unavailable at the time in which the patient seeks continuity of care. The bill allows another practitioner of the same subspecialty at the same practice group with access to the patient's treatment history to provide continuity of care using telemedicine services until the practitioner with whom the patient has a previously established practitioner-patient relationship becomes available. This bill is identical to [HB 1754](#).

Law Advice: New Authority

SB1134 [Precision Plastic Manufacturing Grant Fund; created.](#)

Companion Bill: HB2238

Chief Patron: Ruff

Summary:

Establishes the Precision Plastic Manufacturing Grant Fund to provide up to \$56 million in grants between July 1, 2027, and July 1, 2035, to a qualified company that engages in the manufacture and distribution of precision plastic products in an eligible county and that between June 1, 2022, and December 31, 2035, is expected to make a capital investment of at least \$1 billion and create at least 1,761 new full-time jobs related to or supportive of its business. This bill is identical to [HB 2238](#).

Law Advice: FYI - No Direct Impact

SB1145 [Underground Utility Damage Prevention Act; various changes to Act.](#)

Companion Bill: HB2132

Chief Patron: McPike

Summary:

Makes various changes to the Underground Utility Damage Prevention Act. The bill (i) requires excavators to review updates in the 811 positive response system and conduct additional safety verifications before digging, (ii) allows an excavator to schedule a locate request 12 days in advance, (iii) creates a criminal penalty for any person who knowingly and intentionally excavates after being notified by a representative of the Commission of a determination that such excavation constitutes an immediate threat to safety or property and such representative requests that excavation cease, (iv) increases from \$2,500 to \$10,000 the maximum civil penalty for violations of the Act, and (v) updates notification requirements. This bill is identical to [HB 2132](#).

Law Advice: Change in Requirement

SB1146 [Epinephrine; policies for possession & administration at early childhood care, etc.](#)

Companion Bill: HB2140

Chief Patron: Boysko

Summary:

Limits, in the context of early childhood care and education entities, the requirement for the implementation of policies for the possession and administration of epinephrine to child day centers. Under current law, such requirement applies to all early childhood care and education entities, which include child day centers, family day homes, and family day systems serving children younger than the age of five. The bill also requires the Board of Education to amend its regulations to require each family day home provider or at least one other caregiver employed by such provider in the family day home to be trained in the administration of epinephrine and to notify the parents of each child who receives care in such family day home whether the provider stores an appropriate weight-based dosage of epinephrine in the residence or home in which the family day home operates. This bill is identical to [HB 2140](#).

Law Advice: FYI - No Direct Impact

SB1147 [Human trafficking; continuing education required for biennial renewal of licensure.](#)

Companion Bill: HB1426

Chief Patron: Boysko

Summary:

Requires that, of the hours of continuing education required for renewal of licensure, any licensee of the Board of Medicine may be required by the Board of Medicine to complete up to two hours of continuing learning activities or courses in a specific subject area. Under the bill, if the Board of Medicine designates a subject area for continuing learning activities or courses, the first subject area shall be on the topic of human trafficking. This bill is identical to [HB 1426](#).

Law Advice: FYI - No Direct Impact

SB1153 [Financial institutions; certain investments by banks permitted.](#)

Companion Bill: HB1778

Chief Patron: Lewis

Summary:

Provides that the prohibition on a bank from investing its funds in certain entities does not prevent a bank from (i) investing in (a) a community development corporation; (b) an entity formed primarily to support community-based economic development; (c) an entity qualifying for the federal new markets tax credit; (d) an entity formed for a predominantly civic, community, or public purpose; (e) an entity making qualified rehabilitation expenditures with respect to a qualified rehabilitated building or certified historic structure, or a similar state historic tax credit program; or (f) a rural business investment company; (ii) engaging in any tax equity finance transaction permissible for a national bank or federal savings association; or (iii) investing, subject to such conditions as the Commissioner of Financial Institutions may prescribe, in any community and economic development entity, community development project, or other public welfare investment. This bill is identical to [HB 1778](#).

Law Advice: FYI - No Direct Impact

SB1154 [Health insurance; online credentialing system, processing of new applications.](#)

Companion Bill: HB2262

Chief Patron: Mason

Summary:

Requires a health insurance carrier that credentials the physicians, mental health professionals, or other providers in its network to establish reasonable protocols and procedures for processing of new provider credentialing applications. The bill requires that if the carrier accepts applications through an online credentialing system, the carrier must notify a new provider applicant through the online credentialing system that the application is received. If the carrier does not accept applications through an online credentialing system, the bill requires the carrier to provide, within 10 days of receiving an application, notification to the new provider applicant that the application was received. The bill provides that,

beginning January 1, 2024, a new provider applicant's application will be deemed complete within 30 days of the carrier receiving the application, unless the carrier has provided notice that the application is not complete. Under the bill, a carrier must approve or deny new provider applicant credentialing applications within 60 days of receiving a completed application and claims submitted according to carrier claims submittal policies must be adjudicated and paid no later than 40 days after the new provider applicant is credentialed and contracted. The bill directs the Virginia Department of Health to adopt emergency regulations to implement the provisions of the bill. This bill is identical to [HB 2262](#).

Law Advice: FYI - No Direct Impact

see bill for effective dates

SB1155 [DBHDS; review of regulations that impact providers.](#)

Companion Bill: HB2255

Chief Patron: Mason

Summary:

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

Law Advice: FYI - No Direct Impact

monitor recommendations due by November 1, 2023

SB1166 [Energy planning & electric utility oversight; membership for Com. on Electricity Utility Regulation.](#)

Companion Bill: HB2275

Chief Patron: Surovell

Summary:

Increases from 10 to 13 the membership of the Commission on Electric Utility Regulation (the Commission) by adding three nonlegislative citizen members; requires the Commission to annually elect a chairman and vice-chairman, meet twice annually, and receive an annual report from the State Corporation Commission by November 1 regarding the implementation of the Virginia Electric Utility Regulation Act; requires newly appointed members of the Commission to receive an orientation on electric utility regulation from the State Corporation Commission; authorizes the Commission to employ an executive director and such other persons as it deems necessary and to employ experts who have knowledge of the issues before it; and extends the expiration of the Commission from July 1, 2024, to

July 1, 2029. The bill requires the Commission to (i) monitor applications by the Commonwealth for grants and awards for energy projects from the federal government, (ii) consider legislation referred to it during any session of the General Assembly or other requests by members of the General Assembly, and (iii) conduct studies and gather information and data in order to accomplish its purposes.

The bill requires the Division of Renewable Energy and Energy Efficiency of the Department of Energy to present a draft of the Virginia Energy Plan or any updates to the Plan to the Virginia Coal and Energy Commission and the Commission at a public meeting and to present the final Plan to the Commission at a public meeting.

The bill changes the date by which an electric utility is required to file its updated integrated resource plan from May 1 to October 15, in each year immediately preceding the year the utility is subject to a review of rates for generation and distribution services filing, and provides that after January 1, 2024, each electric utility not subject to an annual review shall file an annual update to the integrated resource plan by October 15, in each year that the utility is subject to review of rates for generation and distribution services filing. The bill requires electric utilities, as part of preparing any integrated resource plan, to conduct outreach to engage the public in a stakeholder review process and provide opportunities for the public to contribute information, input, and ideas on the utility's integrated resource plan including the plan's development methodology, modeling inputs, and assumptions, as well as the ability for the public to make relevant inquiries, to the utility when formulating its integrated resource plan and to report its public outreach efforts to the Commission. This bill is identical to [HB 2275](#).

Law Advice: New Requirement

SB1168 [Virginia Erosion and Stormwater Management Act; regulations, effective date.](#)

Companion Bill: HB2390

Chief Patron: DeSteph

Summary:

Directs the State Water Control Board to adopt regulations to implement before July 1, 2024, the requirements of amendments to the Virginia Erosion and Stormwater Management Act enacted by the 2016 Session and amended by the 2017 Session and delays from July 1, 2018, to July 1, 2024, the effective date of the amendments made by the 2016 Session and regulations required to be adopted pursuant thereto. The bill also directs such adopted regulations to include the reduction of regulations through consolidation of duplicative requirements. This bill is identical to [HB 2390](#).

Law Advice: FYI - No Direct Impact

SB1170 [Behavioral Health Commission; agency assistance, access Commission records.](#)

Companion Bill: HB2156

Chief Patron: Hanger

Summary:

Clarifies the duty of agencies and political subdivisions of the Commonwealth to cooperate with and assist the Behavioral Health Commission in the performance of its duties and requires such agencies and political subdivisions to provide to the Commission (i) to the fullest extent possible and except as prohibited by law, any records, including data and information, requested by the Commission and (ii) upon request and availability, access to the facilities of any such agency or political subdivision. The bill also excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act records of the Commission. This bill is identical to [HB 2156](#).

Law Advice: New Requirement

SB1172 [Registered nursing degree or diplomas; Va. Community College System to establish core curriculum.](#)

Chief Patron: Dunnivant

Summary:

Requires the Virginia Community College System (the System), in collaboration with the Board of Nursing, the State Council of Higher Education for Virginia (SCHEV), and representatives from for-profit and private not-for-profit institutions offering registered nursing (RN) degree or diploma programs, to standardize the core curriculum for all RN degree or diploma programs in the Commonwealth in name, content, rigor, and credits such that all classes and credits are stackable, transferrable, and universally accepted. The bill provides that such standardized RN core curriculum is to be called the Passport Nursing Program. The bill directs the System, in collaboration with the Board of Nursing, SCHEV, the Virginia Nurses Association, and other relevant stakeholders, to convene a work group, consisting of several representatives enumerated in the bill, to develop the Passport Nursing Program and the system by which all RN education and diploma programs offered in the Commonwealth will be standardized under the Passport Nursing Program. The bill directs the work group to (i) determine and define what classes constitute the RN core curriculum and (ii) develop a system to standardize such RN core curriculum in name, content, rigor, and credits to ensure that all credits earned toward an RN degree or diploma program are stackable, transferrable, and universally accepted across all such programs. The bill requires the work group to submit its report to the Governor, the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, and the Board of Nursing by November 1, 2023.

Law Advice: FYI - No Direct Impact

monitor work group report due November 1, 2023

SB1183 [Applicant Fingerprint Database; participation in FBI Next Generation Identification Rap Back Serv.](#)

Companion Bill: HB1859

Chief Patron: Reeves

Summary:

Requires the Department of State Police to participate in the Federal Bureau of Investigation's Next Generation Identification Record of Arrest and Prosecution (Rap) Back Service, through the Virginia Rap Back Service, for the purpose of allowing those agencies and governmental entities that require a fingerprint-based criminal background check as a condition of (i) providing care to (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service to be advised when an individual subject to such screening is arrested for, or convicted of, a criminal offense. The bill provides that fingerprints submitted to the FBI through the Virginia Rap Back Service may be used for future searches, including latent searches.

The bill requires the Department to ensure that notification is made to the participating entity, defined in the bill, when an FBI Rap Back report is received. Any unauthorized use of the information submitted to the Service is prohibited; any willful violation with the intent to harass or intimidate another is a Class 1 misdemeanor. The bill requires the Department to promulgate regulations governing the Service and the removal and destruction of records on persons who are deceased or are no longer enrolled in the Service. The bill provides that such regulations shall provide that a participating entity shall disenroll any individual who is deceased or is no longer an individual, as defined in the bill, within 30 days of death or such event that no longer requires such individual to be enrolled in the Virginia Rap Back Service in order to ensure the prompt removal and destruction of records from the Virginia Rap Back Service. The bill authorizes the Department to charge a \$12 fee per individual enrolled in the Service, paid by any participating entity enrolling the individual in the Service, and provides that when more than one participating agency enrolls the same individual in the Service, both entities shall be responsible for paying the full cost for maintenance and notification. The bill requires that any fees collected shall be deposited in a special account to offset costs of subscription fees, maintenance fees, and enhancements related to the Criminal and Rap Back Information Service.

Under current law, the Department maintains an Applicant Fingerprint Database that functions similarly to the Service. The bill transitions the Department from using the Database and requires the Service to be operational no later than July 1, 2025, contingent upon appropriation of funds. This bill is identical to [HB 1859](#).

Law Advice: FYI - No Direct Impact

SB1198 [Drug Control act; distribution of hypodermic needles.](#)

Companion Bill: HB1409

Chief Patron: Saslaw

Summary:

Provides an exception to the prohibition of distribution of hypodermic needles for the distribution of hypodermic needles that are designed to be used with a reusable injector pen for the administration of insulin. This bill is identical to [HB 1409](#).

Law Advice: Change in Authority

SB1208 [Virginia-Taiwan Trade Office; Virginia Economic Development Partnership Authority to establish.](#)

Chief Patron: Reeves

Summary:

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

Law Advice: FYI - No Direct Impact

SB1211 [Eastern Virginia Health Sciences Center; establishing at Old Dominion University.](#)

Companion Bill: HB1840

Chief Patron: Lucas

Summary:

Repeals provisions establishing and relating to Eastern Virginia Medical School and designates the schools and divisions previously existing as Eastern Virginia Medical School and such other academic units of Old Dominion University related to the health sciences as may be identified by the Old Dominion University Board of Visitors as the Eastern Virginia Health Sciences Center at Old Dominion University (the Health Sciences Center). The bill permits Old Dominion University to provide medical and health sciences education and related research through the teaching hospitals and related health care and health maintenance facilities at the Health Sciences Center and contains provisions relating to the operations of the Health Sciences Center, including provisions relating to cooperative arrangements and joint ventures. This bill is identical to [HB 1840](#) and has a delayed effective date of January 1, 2024.

Law Advice: FYI - No Direct Impact

effective January 1, 2024

SB1213 [Professional and Occupational Regulation, Department of; universal license recognition.](#)

Companion Bill: HB2180

Chief Patron: McDougle

Summary:

Establishes criteria for an individual licensed, certified, or having work experience in another state to

apply to a regulatory board within the Department of Professional and Occupational Regulation and be issued an occupational license or government certification if certain conditions are met. This bill is identical to [HB 2180](#).

Law Advice: FYI - No Direct Impact

SB1218 [Aging, Commonwealth Council on; membership and staff support.](#)

Chief Patron: Mason

Summary:

Reduces from 24 to 18 the number of members to be appointed to the Commonwealth Council on Aging by (i) replacing the requirement that the membership include one member from each of the 11 congressional districts of the Commonwealth with the requirement that the membership include one member from each of the eight regions of the Commonwealth identified by the University of Virginia's Weldon Cooper Center for Public Service in its Virginia Regional Map (2017); (ii) adding the Executive Director of the Virginia Center on Aging; and (iii) reducing from four to two the number of members to be appointed by the Speaker of the House of Delegates and the Senate Committee on Rules, respectively. The bill requires the Commissioner of the Department for Aging and Rehabilitative Services to appoint an executive director to serve as secretary to the Council.

Law Advice: FYI - No Direct Impact

SB1231 [Renewable energy; biomass-fired facilities, Department of Forestry advisory panel, report.](#)

Companion Bill: HB2026

Chief Patron: Lewis

Summary:

Removes the renewable energy requirement for each Phase I and Phase II Utility to retire all biomass-fired electric generating units that do not co-fire with coal by December 31, 2028. The bill provides that biomass-fired facilities may qualify as renewable energy standard eligible sources, provided that they are in operation as of January 1, 2023, and (i) supply no more than 10 percent of their annual net electrical generation to the electric grid or no more than 15 percent of their annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected and are fueled by forest-product manufacturing materials harvested in accordance with best management practices or (ii) are owned by a Phase I or Phase II Utility, have less than 52 megawatts capacity, and are fueled by forest-product manufacturing residuals, biowastes, or biomass harvested in accordance with best management practices. The bill directs the Department of Forestry to convene an advisory panel to examine the use of forest-related materials, agricultural-related materials, and solid woody waste materials for biomass-fired electric generating units in the Commonwealth and to submit a report of the advisory panel's findings and any recommendations to the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor no later than December 1, 2024. The bill further directs the Department of Forestry to develop by December 1, 2023, best management practices for the

sustainable harvesting of biomass for biomass-fired electric generating units that are subject to the provisions of the bill. This bill is identical to [HB 2026](#).

Law Advice: FYI - No Direct Impact

SB1232 [Death investigations; individuals receiving services in a state hospital or training center.](#)

Chief Patron: Dunnivant

Summary:

Clarifies that the deaths of individuals who are or who were, immediately prior to admission to another hospital, receiving services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services must be investigated by the Office of the Chief Medical Examiner, whether the death of such individual was expected or unexpected. The bill also requires that any report concerning the death of an individual who is receiving services or who, immediately prior to admission to another hospital, received services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services be delivered to the Commissioner of Behavioral Health and Developmental Services and to the State Inspector General. Current law only requires the delivery of autopsy reports.

Law Advice: New Requirement

SB1233 [Marijuana; advertising restrictions, penalties.](#)

Companion Bill: HB2428

Chief Patron: Obenshain

Summary:

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

Law Advice: FYI - No Direct Impact

SB1246 Emergency medical services agencies; ordinances or resolutions, designation as emergency response.

Companion Bill: HB1472

Chief Patron: Obenshain

Summary:

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

Law Advice: FYI - No Direct Impact

SB1249 Ticket resale; deceptive trade practices prohibited, definitions.

Companion Bill: HB1857

Chief Patron: Bell

Summary:

Prohibits an Internet ticketing platform or reseller, as defined in the bill, from using or displaying any trademarked or copyrighted URL or other mark or symbol of an operator, a rights holder, or a primary ticket provider without the consent of such operator, rights holder, or ticket provider and prohibits the use or display of text, images, website graphics, website display, or website addresses substantially similar to an operator's website in a manner that could reasonably be expected to mislead a potential purchaser. A violation of the provisions of the bill constitutes a prohibited practice under the Virginia Consumer Protection Act. This bill is identical to [HB 1857](#).

Law Advice: FYI - No Direct Impact

SB1254 Maternal Mortality Review Team; annual compilation and release of statistical data.

Chief Patron: Dunnavant

Summary:

Requires the Maternal Mortality Review Team to annually compile statistical data and make such data available to the Governor, General Assembly, and the public. Currently, the Maternal Mortality Review Team is required to compile and release such data on a triennial basis.

Law Advice: FYI - No Direct Impact

SB1255 Smartchart Network Program; renames Emergency Department Care Coordination Program, report.

Companion Bill: HB2345

Chief Patron: Dunnavant

Summary:

Renames the Emergency Department Care Coordination Program as the Smartchart Network Program and expands the Program to allow participation by all health care providers, insurance carriers, and other organizations with a treatment, payment, or operations relationship with a patient in the Commonwealth to facilitate real-time communication and collaboration. Under current law, participation is limited to hospital emergency departments. The bill makes several other modifications to the Program, including adding a requirement that the Program allow health care providers, health care entities, and insurance carriers to access information necessary to evaluate and monitor the care and treatment of a patient in accordance with applicable patient privacy and security requirements and adding a requirement that such entities continue to improve care coordination in hospital emergency departments in order to reduce the frequency of visits by high-volume emergency department utilizers. The bill also directs the State Health Commissioner and the Director of the Department of Health Professions to convene a work group to study and establish a plan to develop and implement a system to share information regarding a patient's prescription history and medication reconciliation. The bill requires the Commissioner and the Director to report their findings and recommendations to the Chairmen of the Joint Commission on Health Care, Senate Committee on Education and Health, and House Committee on Health, Welfare and Institutions by October 1, 2023. The provisions of the bill other than creation of the work group have a delayed effective date of January 1, 2024. This bill is identical to [HB 2345](#).

Law Advice: FYI - No Direct Impact

monitor work group findings and recommendations due by October 1, 2023

SB1261 Health insurance; electronic prior authorization and disclosure of certain information.

Companion Bill: HB1471

Chief Patron: Dunnavant

Summary:

Requires each health insurance carrier, beginning July 1, 2025, to establish and maintain an online process that (i) links directly to all e-prescribing systems and electronic health record systems that utilize the National Council for Prescription Drug Programs SCRIPT standard and the National Council for Prescription Drug Programs Real Time Benefit Standard; (ii) can accept electronic prior authorization requests from a provider; (iii) can approve electronic prior authorization requests (a) for which no additional information is needed by the carrier to process the prior authorization request, (b) for which no clinical review is required, and (c) that meet the carrier's criteria for approval; (iv) links directly to

real-time patient out-of-pocket costs for the office visit; and (v) otherwise meets the requirements for contracts between carriers and participating health care providers. The bill prohibits a carrier from (a) imposing a fee or charge on any person for accessing the required online process who is required to do so or (b) accessing, absent provider consent, provider data via the online process other than for the enrollee. The bill also requires carriers, no later than July 1, 2024, to provide contact information of any third-party vendor or other entity the carrier will use to meet the requirements of the bill to any provider that requests such information. The carrier may post such information on its website to meet such requirement.

The bill requires participating health care providers, beginning July 1, 2025, to ensure that any e-prescribing system or electronic health record system owned by or contracted for the provider to maintain an enrollee's health record has the ability to access, at the point of prescribing, the electronic prior authorization process established by a carrier and real-time patient-specific benefit information, including out-of-pocket costs and more affordable medication alternatives made available by a carrier. The bill provides that a provider may request a waiver of compliance for undue hardship for a period not to exceed 12 months. The bill requires any carrier or its pharmacy benefits manager to provide real-time patient-specific information to enrollees and contracted providers for the office visit, including any out-of-pocket costs and more affordable medication alternatives or prior authorization requirements, and to ensure that the data is accurate. The bill requires that such cost information data be available to the provider at the point of prescribing in an accessible and understandable format, such as through the provider's e-prescribing system or electronic health record system that the carrier or pharmacy benefits manager or its designated subcontractor has adopted that utilizes the National Council for Prescription Drug Programs SCRIPT standard and the National Council for Prescription Drug Programs Real Time Benefit Standard from which the provider makes the request.

The bill requires the State Corporation Commission's Bureau of Insurance to, in coordination with the Secretary of Health and Human Resources, establish a work group to assess implementation and develop recommendations for electronic prior authorization and real-time cost benefit information for prescription drugs, to evaluate and make recommendations to establish a process for electronic prior authorization for surgery and other procedures, and to evaluate and make recommendations to establish an online process for a real-time link at the point of prescribing for any available prescription coupons. The work group shall report its findings and recommendations to the Chairmen of the Senate Committees on Commerce and Labor and Education and Health and the House Committees on Commerce and Energy and Health, Welfare and Institutions annually by November 1 and shall make its final report by November 1, 2025. This bill is identical to [HB 1471](#).

Law Advice: New Requirement

see bill for effective dates; monitor work group findings and recommendations due by November 1 each year (through November 1, 2025)

SB1263 [Uniform Statewide Building Code; stop work orders, appeals.](#)

Companion Bill: HB2312

Chief Patron: Hackworth

Summary:

Defines stop work orders for the purposes of the Uniform Statewide Building Code. The bill provides that if, during an appeal pursuant to the provisions of the Administrative Process Act of the State Building Code Technical Review Board's decision with respect to the issuance of a stop work order by a local building official, the court finds in favor of the party that was issued the stop work order, such party shall be entitled to recover its actual costs of litigation, including court costs, attorney fees, and witness fees, from the locality responsible for issuing the stop work order. The bill contains technical amendments. This bill is identical to [HB 2312](#).

Law Advice: FYI - No Direct Impact

SB1265 [Virginia Electric Utility Regulation Act; retail competitiveness, review proceedings, etc.](#)

Companion Bill: HB1770

Chief Patron: Saslaw

Summary:

Authorizes Dominion Energy Virginia, on or before July 1, 2024, to petition the State Corporation Commission (the Commission) for a financing order for deferred fuel costs. The bill sets forth specific transaction terms and other provisions related to the financing order. Before granting a financing order, the Commission is required to find that (i) the proposed issuance of deferred fuel cost bonds is in the public interest and the associated deferred fuel cost charges are just and reasonable and (ii) the structuring and pricing of the deferred fuel cost bonds are reasonably expected to result in reasonable deferred fuel cost charges consistent with market conditions at the time the deferred fuel cost bonds are priced and the terms set forth in such financing order. The bill requires the financing order to include, among other things: (a) the amount of deferred fuel costs to be financed using deferred fuel cost bonds; (b) a requirement that deferred fuel cost charges authorized under a financing order are non-bypassable and paid by all retail customers of the electric utility, irrespective of the generation supplier of such customer, except for certain exempt customers; (c) a formula-based true-up mechanism for making annual adjustments to the deferred fuel cost charges; and (d) a method of tracing funds collected as deferred fuel cost charges. The bill requires the utility to permit certain retail customers to opt out of financing the customer's pro rata obligation for the deferred fuel cost charges through deferred fuel cost bonds. Under the bill, the financing order is irrevocable.

The bill creates the deferred fuel cost charge and provides that the revenues generated by this charge, known as deferred fuel cost property, is a property right that can be transferred and pledged as security for the deferred fuel cost bonds. The bill establishes the procedures for creating, perfecting, and enforcing the security interest in deferred fuel cost property. The bill includes a state non-impairment obligation. Under the bill if the deferred fuel cost bonds are issued, the Commonwealth and its agencies, including the Commission, agree not to take any action that would limit or alter the deferred fuel cost charges until the deferred fuel cost bonds have been paid and performed in full.

The bill makes various changes to procedures under which the Commission reviews the earnings and sets the rates of investor-owned incumbent electric utilities. The bill provides that, in lieu of the triennial review proceedings required under current law, Dominion Energy Virginia, beginning in 2023, will be subject to biennial reviews of their rates, terms, and conditions for generation, distribution, and

transmission services. The bill requires that if, during a biennial review filed on or before December 31, 2023, the Commission determines that the utility has earned more than 70 basis points above its fair combined rate of return on its generation and distribution services, the Commission will direct that 85 percent of the amount of such overearnings be credited to customers' bills. For a biennial review filed after December 31, 2023, the bill requires that if the Commission determines that the utility has earned above its fair combined rate of return on its generation and distribution services, the Commission will direct that 85 percent of the amount of such overearnings be credited to customers' bills and that all of any such overearnings that were more than 150 basis points above the utility's fair combined rate of return on its generation and distribution services be credited to customers' bills.

The bill requires that the Commission, in determining a fair rate of return on common equity for an investor-owned electric utility in any biennial review initiated prior to December 31, 2023, set such rate at 9.70 percent, which is based on the simple average of the authorized returns for vertically integrated electric utilities by the applicable regulatory commissions in the peer group jurisdictions of Florida, Georgia, Texas, Tennessee, West Virginia, Kentucky, and North Carolina. The bill provides that for any review after December 31, 2023, the Commission may use any methodology to determine such return it finds consistent with the public interest. The bill provides that the Commission may increase or decrease an electric utility's combined rate of return for generation and distribution services by up to 50 basis points based on factors that may include reliability, generating plant performance, customer service, operating efficiency of a utility, and load forecasting. The bill requires the Commission, before December 31, 2023, to direct the initiation of a proceeding to review and determine the appropriate protocols and standards applicable to implementing any such performance-based adjustments.

The bill provides that in any proceeding to establish base rates for Appalachian Electric Power or Dominion Energy Virginia conducted by the Commission, if the Commission determines in its sole discretion that the utility's existing base rates will, on a going-forward basis, either produce (1) revenues in excess of the utility's authorized rate of return or (2) revenues below the utility's authorized rate of return, then the Commission is required to order any reductions or increases, as applicable and necessary, to such base rates that it deems appropriate to ensure the resulting base rates (A) are just and reasonable and (B) provide the utility an opportunity to recover its costs of providing services over the rate period and earn a fair rate of return.

The bill requires Dominion Energy Virginia, in its 2023 biennial review, to combine certain rate adjustment clauses having a combined annual revenue requirement of at least \$350 million with the utility's base rates. The bill provides that the combination of such rate adjustment clauses is subject to audit by the Commission in the utility's 2023 biennial review filing. The bill authorizes the Commission to, in its discretion, direct the consolidation of any previously implemented rate adjustment clauses in the interest of judicial economy, customer transparency, or other factors the Commission determines to be appropriate.

The bill requires the Commission to include in its report to the Commission on Electric Utility Regulation and the Governor any information concerning the reliability impacts of generation unit additions and retirement determinations by Appalachian Power and Dominion Energy Virginia, along with the potential impact on the purchase of power from generation assets outside the Virginia jurisdiction used to serve the utility's native load.

The bill requires Dominion Energy Virginia, through December 31, 2024, to undertake reasonable efforts to maintain, subject to audit by the Commission, its common equity capitalization to total capitalization ratio at a level equal to 52.10 percent. This bill is identical to [HB 1770](#).

Law Advice: FYI - No Direct Impact

SB1270 [Managed care organizations; data collections and reporting requirements, report.](#)

Companion Bill: HB2190

Chief Patron: Edwards

Summary:

Requires the Department of Medical Assistance Services to collect data for each fiscal year from fiscal year 2018 through fiscal year 2022 regarding (i) the number and percentage of claims submitted to managed care organizations that were denied and the reasons for such denials and (ii) the number and percentage of claims submitted to managed care organizations that required resubmission prior to payment and the reasons for such resubmissions and to examine such data and identify barriers that providers encounter when accepting and treating patients enrolled in the state plan for medical assistance services. Under the bill, the Department shall report such data and analysis by November 1, 2023, to the Joint Commission on Health Care and the Joint Subcommittee for Health and Human Resources Oversight. As introduced, this bill was a recommendation of the Joint Commission on Health Care. This bill is identical to [HB 2190](#).

Law Advice: FYI - No Direct Impact

SB1271 [Animal testing facilities; public notifications, definitions.](#)

Companion Bill: HB2348

Chief Patron: Boysko

Summary:

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

Law Advice: New Requirement

SB1275 [Midwifery; administration of medication.](#)

Companion Bill: HB1511

Chief Patron: Dunnavant

Summary:

Allows licensed midwives to obtain, possess, and administer drugs and devices within the scope of their practice. The bill requires the Board of Medicine to develop and publish best practice and standards of care guidance for all such drugs. The bill limits the liability of entities that provide or dispense drugs or devices to a licensed midwife and that rely in good faith upon the license information provided by the licensed midwife. Under the bill, completing all Alliance for Innovation on Maternal Health patient safety bundles advanced by the Virginia Neonatal Perinatal Collaborative is required of any licensed midwife who obtains, possesses, and administers drugs and devices within the scope of his practice. This bill is identical to [HB 1511](#).

Law Advice: FYI - No Direct Impact

SB1279 [Over-the-counter and prescription hearing aids; licensure not required by certain corporations, etc.](#)

Companion Bill: HB1833

Chief Patron: Boysko

Summary:

Clarifies that licensure by the Board for Hearing Aid Specialists and Opticians is not required for a corporation, partnership, trust, association, or other like organization engaged in the business of selling prescription hearing aids, defined in the bill as a hearing aid that is not an over-the-counter hearing aid, provided that it employs only licensed practitioners in the direct sale and fitting of prescription hearing aids. This bill is identical to [HB 1833](#).

Law Advice: FYI - No Direct Impact

SB1280 [Higher educational institution, public; course credit earned through internships required.](#)

Chief Patron: Dunnavant

Summary:

Directs the governing board of each public institution of higher education to adopt policies requiring that participation in an internship or work-based learning experience be integrated into a student's degree program so as not to extend the time to complete the degree. The bill directs the State Council of Higher Education for Virginia to convene a work group for the purpose of making recommendations on the development, adoption, and implementation of the policies required pursuant to the bill. The bill requires

the work group to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by June 30, 2024. The bill has a delayed effective date of July 1, 2025, contingent upon a determination by the work group convened pursuant to the bill that the adoption of such policies is logistically and fiscally viable for each public institution of higher education in the Commonwealth.

Law Advice: New Requirement

effective July 1, 2025, contingent upon work group finding law's requirements viable; if provisions go into effect, will require new University policy

SB1281 [Passport dual enrollment courses; course credit, guidelines.](#)

Chief Patron: Dunnavant

Summary:

Directs the Board of Education to develop guidelines for prioritizing to the maximum extent practicable dual enrollment programs, including the Passport Program, the Uniform Certificate of General Studies Program, the New Economy Workforce Credential Grant Program, and other courses that allow high school students to receive credit toward the completion of an undergraduate course, degree, or credential offered in the Virginia Community College System. The bill provides that such guidelines shall include recommendations on how to direct prioritization of funding to such programs. The bill requires the Department of Education to convene a stakeholder work group, consisting of representatives from the Virginia Education Association, the Virginia Association of School Superintendents, and the local school boards, to make recommendations on policies for the prioritization of such dual enrollment programs and requires such recommendations to be submitted to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by November 1, 2024. The bill has a delayed effective date of July 1, 2024.

Law Advice: FYI - No Direct Impact

effective July 1, 2024

SB1286 [Virginia Community College System; duties of State Board for Community Colleges.](#)

Chief Patron: Dunnavant

Summary:

Directs the State Board for Community Colleges to develop and implement a plan to standardize across all comprehensive community colleges the courses offered for health care-related degree, credential, or licensure programs, excluding any registered nursing programs. The bill requires such plan to include procedures and criteria for (i) standardizing such courses by name, curriculum, coursework, quality, academic rigor, and standard of evaluation; (ii) awarding credit toward the completion of any such health care-related program; and (iii) standardizing the manner in which academic and clinical hour credits are awarded for such courses to ensure that they are stackable and transferrable across all comprehensive

community colleges.

Law Advice: FYI - No Direct Impact

[SB1291 False emergency communication to emergency personnel; false information, penalties, report.](#)

Companion Bill: HB1572

Chief Patron: Deeds

Summary:

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

Law Advice: FYI - No Direct Impact

[SB1299 Involuntary admission; release of individual.](#)

Companion Bill: HB1976

Chief Patron: Deeds

Summary:

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

Law Advice: New Authority

[SB1302 Temp. detention in hospital; testing, etc., mental/physical condition resulting from intoxication.](#)

Companion Bill: HB1792

Chief Patron: Deeds

Summary:

Clarifies that when a mental or physical condition appears to be a result of intoxication, a licensed physician who has attempted to obtain informed consent of an adult person for treatment of such mental or physical condition appearing to be a result of intoxication may seek an order from the magistrate or court in the jurisdiction where the respondent is located authorizing temporary detention of the adult person in a hospital emergency department or other appropriate facility for testing, observation, or treatment, provided that certain conditions are met. This bill is identical to [HB 1792](#).

Law Advice: New Authority

SB1313 [Construction contracts; payment clauses to be included in certain contracts.](#)

Companion Bill: HB2500

Chief Patron: Bell

Summary:

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

Law Advice: FYI - No Direct Impact

SB1326 [Transit Ridership Incentive Program; use of funds, improving accessibility.](#)

Companion Bill: HB2338

Chief Patron: McClellan

Summary:

Directs the Commonwealth Transportation Board to use up to 30 percent of available funds in the Transit Ridership Incentive Program to support local, regional, and state entities in improving the accessibility of transit bus passenger facilities and transitioning public transit bus fleets and infrastructure to zero-emission bus fleets and infrastructure. The bill directs the Board to develop guidelines for applications for grants to any local, regional, or state public entity that supports a transit system. This bill is identical to [HB 2338](#).

Law Advice: FYI - No Direct Impact

monitor application guidelines to be developed by the Board

SB1337 [Medical marijuana program; product, registration, dispensing, and recordkeeping requirements.](#)

Companion Bill: HB1846

Chief Patron: Dunnavant

Summary:

Allows a practitioner to issue a written certification via telemedicine to a patient who is located on the premises of a pharmaceutical processor or cannabis dispensing facility. The bill allows pharmaceutical processors and cannabis dispensing facilities to make available on their premises technology that uncertified persons may use to contact a practitioner of the person's choice to request a written certification. The bill amends and adds numerous provisions regarding the Commonwealth's medical marijuana program, including provisions related to recordkeeping, product registration, expiration dates, allowable deviations, dispensing, packaging, labeling, and advertising. The bill requires pharmaceutical processors and cannabis dispensing facilities to collect and provide to the Board of Pharmacy by July 1, 2024, data regarding implementation of the bill. The bill also requires the Board of Pharmacy to make certain amendments to its regulations. This bill is identical to [HB 1846](#).

Law Advice: FYI - No Direct Impact

SB1339 [Certified nursing facilities; minimum staffing standards, administrative sanctions.](#)

Companion Bill: HB1446

Chief Patron: Barker

Summary:

Sets nursing staffing requirements for certified nursing facilities, imposes administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, provides for exemptions to the administrative sanctions under certain circumstances, and directs the promulgation of regulations consistent with the bill. The bill has a delayed effective date of July 1, 2025. This bill is identical to [HB 1446](#).

Law Advice: FYI - No Direct Impact

effective July 1, 2025

SB1347 [Health insurance; coverage for mobile crisis response services and residential crisis units.](#)

Companion Bill: HB2216

Chief Patron: Cosgrove

Summary:

Requires health insurance carriers to provide coverage for mobile crisis response services, defined in the bill, and support and stabilization services provided in a residential crisis stabilization unit, defined in the bill, to the extent that such services are covered in other settings or modalities, regardless of any difference in billing codes. The bill requires the State Corporation Commission, in consultation with the Secretary of Health and Human Resources, to convene a stakeholder work group to examine network standards for mobile crisis response services and the current availability of mobile crisis response services in the Commonwealth. The bill requires the work group to make recommendations regarding (i) the definition and standards of care for mobile crisis response services and short-term residential crisis stabilization services as they apply to the commercial insurance market, including balance billing protections; (ii) the licensure or accreditation required for such services in the Commonwealth; and (iii) how cost-sharing and deductibles will be addressed as part of accessing such services for commercially insured individuals. The bill requires the Commission to report the findings of the work group to the Health Insurance Reform Commission and the Governor no later than September 1, 2023. This bill is identical to [HB 2216](#).

Law Advice: FYI - No Direct Impact

monitor work group findings due by September 1, 2023

SB1354 [Worker misclassification; debarment procedures.](#)

Companion Bill: HB1684

Chief Patron: Marsden

Summary:

Revises the procedure under which a contractor may be debarred from public contracts for misclassification of workers. The bill requires the Department of Taxation to notify an employer of a determination that the employer failed to properly classify an individual and allows the employer to apply for judicial or administrative review. Upon a subsequent violation, and once the opportunity for appeals has been exhausted, the Department is required to provide notice to all public bodies that they shall not award a contract to firms associated with the offending employer for specified periods. Under current law, notice to all public bodies is required after the first violation determined by the Department, and debarment is required without reference to the timing of appeals. This bill is identical to [HB 1684](#).

Law Advice: FYI - No Direct Impact

SB1373 [Higher educational institutions; human trafficking awareness and prevention training required.](#)

Companion Bill: HB1555

Chief Patron: Vogel

Summary:

Directs the governing board of each public institution of higher education to develop and implement policies requiring that a trauma-informed human trafficking awareness and prevention training program be provided to and completed by all first-year students as a part of such institution's first-year orientation program. The bill also directs the State Council of Higher Education for Virginia to encourage private institutions of higher education to develop and implement policies to provide such a human trafficking awareness and prevention training program as a part of their first-year orientation programs. This bill is identical to [HB 1555](#).

Law Advice: New Requirement

SB1381 [Behavioral Health Commission; repeals provision that provided temporary alternative funding.](#)

Companion Bill: HB2155

Chief Patron: Deeds

Summary:

Repeals provisions that provided temporary alternative funding for and contingent expiration of the Behavioral Health Commission in the event that the Commission was not funded in the general appropriation act. This bill is identical to [HB 2155](#).

Law Advice: FYI - No Direct Impact

SB1392 [Flood plain management; state agency compliance with regulations.](#)

Companion Bill: HB1807

Chief Patron: Lewis

Summary:

Directs the Department of Conservation and Recreation, no later than September 30, 2023, and in cooperation with numerous Secretariats and the Special Assistant to the Governor for Coastal Adaptation and Protection, to establish standards for development in a flood plain for all state agencies and departments. Such standards shall require at least compliance with the National Flood Insurance Program and shall require that any development undertaken by an agency or department on state-owned land located in a Special Flood Hazard Area be protected or flood-proofed against flooding and flood damage. The bill also requires any state agency or department, when developing a facility on state-owned property located in a flood plain, to either adhere to all local flood plain management regulations or receive Department approval of compliance with the applicable state standard for development in a flood plain, provided that such standard does not jeopardize a locality's participation in the National Flood Insurance Program. Such compliance shall be documented and provided by the Department to the applicant prior to preliminary design approval of a project by the Department of General Services. The

bill allows the Department of Conservation and Recreation to issue a variance if no feasible alternative to developing a facility in the flood plain exists and if one of several other conditions provided in the bill is met. This bill is identical to [HB 1807](#).

Law Advice: New Requirement

monitor standards to be established by September 30, 2023

[SB1397 Health Insurance Reform Commission; review of essential health benefits benchmark plan.](#)

Companion Bill: HB2199

Chief Patron: Surovell

Summary:

Requires that the Health Insurance Reform Commission review the essential health benefits benchmark plan and establish a process for such review. The bill requires the Commission, in coordination with the Bureau of Insurance, to conduct a review of the essential health benefits benchmark plan in 2025 and every five years thereafter. The bill requires during such review (i) the Bureau to convene a stakeholder work group to make recommendations to the Commission, (ii) the Bureau to estimate the effects of certain referred legislation on the costs of health coverage in the Commonwealth, (iii) the Commission to determine if any changes are to be made to the benchmark plan and to identify such changes, (iv) the Bureau to conduct an actuarial analysis of any changes identified by the Commission, and (v) the Commission to determine which changes will be recommended and to make a recommendation to the General Assembly in the form of a bill that directs the Bureau to select a new benchmark plan that includes any such changes at the next regular session of the General Assembly. The bill (a) requires public hearings to be held throughout the process, (b) establishes a timeline for each step of the process, and (c) requires the Bureau to maintain a website to convey relevant information regarding the process to the public. As introduced, this bill was a recommendation of the Health Insurance Reform Commission. This bill is identical to [HB 2199](#).

Law Advice: FYI - No Direct Impact

[SB1399 Essential health benefits benchmark plan; Bureau of Insurance to select a new plan.](#)

Companion Bill: HB2198

Chief Patron: Surovell

Summary:

Requires the Bureau of Insurance to select a new essential health benefits benchmark plan for the 2025 plan year that includes, in addition to the essential health benefits package included in the existing benchmark plan, coverage for prosthetic devices and components and formula and enteral nutrition products as medicine. The bill contains an emergency clause. As introduced, this bill was a

recommendation of the Health Insurance Reform Commission. This bill is identical to [HB 2198](#).

Law Advice: FYI - No Direct Impact

see bill for effective dates

SB1402 [Criminal records; expungement and sealing of records.](#)

Companion Bill: HB2400

Chief Patron: Surovell

Summary:

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

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

The repeal of the statute related to the limitation on the dissemination of criminal history record information related to the possession of marijuana and various other provisions of the bill have a delayed effective date of the earlier of (i) the date on which the processes to seal criminal history record information and court records pursuant to Chapters 524 and 542 of the Acts of Assembly of 2021, Special Session I, become effective or (ii) July 1, 2025. As introduced, this bill was a recommendation of the Virginia State Crime Commission. This bill is identical to [HB 2400](#).

Law Advice: FYI - No Direct Impact

delayed effective date (see bill for details)

SB1405 [Income tax, state; rolling conformity, report.](#)

Companion Bill: HB2193

Chief Patron: Barker

Summary:

Provides that Virginia shall generally conform to federal tax laws on a rolling basis, meaning that Virginia tax laws incorporate changes to federal income tax law as soon as Congress enacts them on or after January 1, 2023. However, the bill provides that Virginia shall not conform to (i) any changes in a single act of Congress with an impact of more than \$15 million on revenues in the year in which the amendment was enacted or any of the next four years and (ii) all amendments in a year with a cumulative projected impact of more than \$75 million in the year in which the amendments were enacted or any of the next four years. For any amendment enacted on or after January 1, 2024, the \$15 million per act impact threshold shall be adjusted annually by the change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous year. This bill is identical to [HB 2193](#).

Law Advice: FYI - No Direct Impact

SB1406 [Behavior analysts or assistant behavior analysts; licensure criteria, certifying entities.](#)

Companion Bill: HB1946

Chief Patron: Vogel

Summary:

Provides in the criteria for licensure as a behavior analyst or assistant behavior analyst established by the Board of Medicine that certain documentation must be provided by the Behavior Analyst Certification Board or its successor. Under current law, such documentation must be provided by the Behavior Analyst Certification Board or any other entity that is nationally accredited to certify practitioners of behavior analysis. This bill is identical to [HB 1946](#).

Law Advice: Change in Requirement

SB1414 [Commonwealth Opioid Abatement and Remediation Fund; created.](#)

Chief Patron: Pillion

Summary:

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

judgment, verdict, or other court order.

Law Advice: FYI - No Direct Impact

SB1415 [Opioids; impact reduction registry, report.](#)

Chief Patron: Pillion

Summary:

Allows any person to possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, provided that certain other conditions enumerated in current law are met. The bill removes training requirements related to the possession and administration of naloxone. The bill directs the Department of Health, the Department of Behavioral Health and Developmental Services, and the Department of Corrections to collaborate to develop a statewide comprehensive plan for the distribution of naloxone throughout the Commonwealth and allows such agencies to begin implementation of the plan to the extent the agencies are able to do so with existing resources. The bill requires the Department of Health to provide a report on the development of the comprehensive statewide naloxone plan, including the resources needed to fully implement the plan, to the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by September 1, 2023. The bill directs the Department of Health to begin the development of a Commonwealth opioid impact reduction registry consisting of nonprofit organizations that work to reduce the impact of opioids in the Commonwealth and directs the Department of Corrections to amend its regulations to require that training in the administration of naloxone be provided to every inmate prior to release.

Law Advice: FYI - No Direct Impact

SB1418 [State plan for medical assistance services; telemedicine, in-state presence.](#)

Companion Bill: HB1602

Chief Patron: Pillion

Summary:

Establishes that health care providers are not required to maintain a physical presence in the Commonwealth to maintain eligibility to enroll as a Medicaid provider. Additionally, the bill establishes that telemedicine services provider groups with health care providers duly licensed by the Commonwealth are not required to maintain an in-state service address to maintain eligibility to enroll as a Medicaid vendor or Medicaid provider group. This bill is identical to [HB 1602](#).

Law Advice: FYI - No Direct Impact

SB1426 [Controlled substances; administration by emergency medical providers.](#)

Companion Bill: HB1447

Chief Patron: Suetterlein

Summary:

Allows persons who are employed or engaged at a medical care facility who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility to administer drugs and devices at the medical care facility pursuant to an oral or written order or standing protocol. This bill is identical to [HB 1447](#).

Law Advice: New Authority

SB1448 [Norfolk State University & Va. State University; reduced rate tuition charges for certain students.](#)

Companion Bill: HB2272

Chief Patron: Lucas

Summary:

Permits the Norfolk State University Board of Visitors and the Virginia State University Board of Visitors to charge reduced rate tuition to any non-Virginia student who has completed at least 30 credit hours of coursework and is enrolled in a program at the relevant institution that leads to employment in a high-demand field, as determined by the board of visitors of the relevant institution based on data compiled and provided by the Virginia Office of Education Economics. The bill provides that in the event that a non-Virginia student who was charged reduced rate tuition at the relevant institution in accordance with the provisions of the bill withdraws from the program that leads to employment in a high-demand field and enrolls in a program that does not lead to employment in a high-demand field, such student will forfeit eligibility for such reduced rate tuition charge and shall be charged tuition at the full rate for non-Virginia students. The bill further provides that any non-Virginia student at Norfolk State University or Virginia State University who was initially enrolled in a program that does not lead to employment in a high-demand field but withdraws from that program and enrolls in a program that does lead to employment in a high-demand field may be charged reduced rate tuition in accordance with the provisions of the bill. This bill is identical to [HB 2272](#).

Law Advice: FYI - No Direct Impact

SB1455 [Civil disturbance; local curfew, penalty.](#)

Chief Patron: Norment

Summary:

Enables the chief law-enforcement officer of a locality to enact a curfew under certain circumstances during a civil disturbance. The bill clarifies that such action in cities shall be in concurrence with the city

manager and the mayor. The bill requires that such action specify the hours of the curfew and the geographic area to which the curfew applies and provide for various specified exceptions. The action authorizing the curfew shall provide for reasonable efforts to inform the public in advance of the curfew, which shall be valid for no more than 24 hours. The bill provides that such curfew shall not be extended or renewed unless by recorded vote of the local governing body or by judicial order. The bill provides that any violation is a Class 1 misdemeanor.

Law Advice: FYI - No Direct Impact

SB1459 [Administration of state government; prohibited applications and websites.](#)

Chief Patron: McDougle

Summary:

Prohibits any employee or agent of any public body or person or entity contracting with any such public body from downloading or using any application, including TikTok or WeChat, or accessing any website developed by ByteDance Ltd. or Tencent Holdings Ltd. (i) on any government-issued device or government-owned or government-leased equipment, including mobile phones, desktop computers, laptop computers, tablets, or other devices capable of connecting to the Internet, or (ii) while connected to any wired or wireless Internet network owned, operated, or maintained by the Commonwealth.

Law Advice: New Requirement

authorizes University's chief law-enforcement officer to grant exceptions as needed for law-enforcement matters

SB1464 [Virginia Power Innovation Fund and Program; created.](#)

Companion Bill: HB2386

Chief Patron: Vogel

Summary:

Creates the Virginia Power Innovation Fund with funding to be used solely for the purposes of research and development of innovative energy technologies, including nuclear, hydrogen, carbon capture and utilization, and energy storage. The bill also creates the Virginia Power Innovation Program to use moneys from the Fund to (i) establish a Virginia nuclear innovation hub and (ii) award competitive grants to support energy innovation. This bill is identical to [HB 2386](#).

Law Advice: FYI - No Direct Impact

SB1465 [Community services boards; behavioral health authorities, purpose, performance contracts.](#)

Chief Patron: Hanger

Summary:

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

Law Advice: FYI - No Direct Impact

see bill for effective dates

SB1470 [Workforce development; consolidation of policies and programs, etc.](#)

Companion Bill: HB2195

Chief Patron: Ruff

Summary:

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

Law Advice: FYI - No Direct Impact

SB1491 [Virginia Public Procurement Act; construction management, contract requirements.](#)

Companion Bill: HB2450

Chief Patron: Bell

Summary:

Excludes construction management contracts involving infrastructure projects from the requirement that no more than 10 percent of the construction work be performed by the construction manager with its own forces and that the remaining 90 percent of the construction work be performed by subcontractors of the construction manager. This bill is identical to [HB 2450](#).

Law Advice: FYI - No Direct Impact

SB1492 [Firearm or explosive material; carrying within Capitol Square and the surrounding area, exceptions.](#)

Chief Patron: DeSteph

Summary:

Adds an exception for off-duty State Police officers and retired State Police officers to the prohibition on carrying a firearm within Capitol Square and the surrounding area, any building owned or leased by the Commonwealth or any agency thereof, or any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties.

Law Advice: FYI - No Direct Impact

SB1522 [Cloud Computing Cluster Infrastructure Grant Fund; created.](#)

Companion Bill: HB2479

Chief Patron: Barker

Summary:

Creates the Cloud Computing Cluster Infrastructure Grant Fund for the purpose of providing grants to qualified companies, defined in the bill as a company, including its affiliates, that enters into a memorandum of understanding with the Virginia Economic Development Partnership Authority and is expected to (i) make or cause to be made a capital investment of at least \$50 billion and (ii) create at least 1,500 new full-time jobs that pay an average annual wage of at least one and one-half times the prevailing average wage in the locality where the job is located. The bill requires that, in order to become a qualified company, a company successfully complete a qualification process that includes an endorsement from the MEI Commission and approval in the appropriation act for the amount of grants that are to be provided.

The bill also extends the data center sales and use tax exemption to 2040 for a data center operator that (a) makes a capital investment of at least \$35 billion in data centers in the Commonwealth and (b) creates at least 1,000 direct new jobs, of which at least 100 of such jobs pay at least one and one-half times the prevailing average wage in the Commonwealth. Such data center operator shall be eligible for

further extension of the sales and use tax exemption to 2050 if the data center operator (1) makes a total capital investment of at least \$100 billion, inclusive of the initial \$35 billion investment, and (2) creates a total of at least 2,500 direct new jobs, of which at least 100 of such jobs pay at least one and one-half times the prevailing average wage in the Commonwealth, inclusive of the 1,000 jobs initially created. This bill is identical to [HB 2479](#).

Law Advice: FYI - No Direct Impact

SB1531 [Va. Neonatal Perinatal Collaborative; SHHR shall convene work group to recommend improving care.](#)

Chief Patron: Dunnivant

Summary:

Directs the Secretary of Health and Human Resources to convene a work group to facilitate strengthening collaboration on neonatal and perinatal care of women and infants to positively impact maternal and child health care outcomes in the Commonwealth. The work group shall submit a report of its recommendations to the Chairmen of the House Committees on Health, Welfare and Institutions and Appropriations and the Senate Committees on Education and Health and Finance and Appropriations by November 1, 2023.

Law Advice: FYI - No Direct Impact

monitor work group recommendations due by November 1, 2023

SB1533 [Medical marijuana program; additional cultivation facility.](#)

Chief Patron: Deeds

Summary:

Allows a pharmaceutical processor that has obtained a permit to operate a pharmaceutical processing facility from the Board of Pharmacy to establish, if authorized by the Board, one additional location for the cultivation of cannabis plants, which must be located within the same health service area as the pharmaceutical processing facility. The bill requires the Board of Pharmacy to consider certain factors in determining whether to authorize an additional cultivation location.

Law Advice: FYI - No Direct Impact

SB1538 [Medical assistance services; state plan, pharmacy services.](#)

Chief Patron: Pillion

Summary:

Requires the Department of Medical Assistance Services to provide reimbursement when the services

provided for by the state plan for medical assistance services are services by a pharmacist, pharmacy technician, or pharmacy intern (i) performed under the terms of a collaborative agreement as defined in relevant law and consistent with the terms of a managed care contractor provider contract or the state plan or (ii) related to services and treatment in accordance with relevant law.

Law Advice: FYI - No Direct Impact

SB1546 [Restaurants; clarifies definition.](#)

Chief Patron: Ebbin

Summary:

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

Law Advice: New Requirement

effective March 23, 2023

SJ276 [Governor; confirming appointments.](#)

Chief Patron: Spruill

Summary:

Confirms appointments of certain persons made by Governor Glenn Youngkin and communicated to the General Assembly August 1, 2022.

Law Advice: FYI - No Direct Impact

SJ287 [Flight training programs; new processes by which schools can adjust student pricing for veterans.](#)

Chief Patron: Reeves

Summary:

Encourages the Virginia Department of Veterans Services and the Virginia State Approving Agency to develop and implement new processes by which flight training and aircraft maintenance training schools in Virginia can adjust student pricing for veterans based on market conditions.

Law Advice: FYI - No Direct Impact

SJ350 [Celebrating the life of Frank Earl Barham.](#)

Chief Patron: Deeds

Summary:

Celebrating the life of Frank Earl Barham.

Law Advice: FYI - No Direct Impact

SJ411 [Celebrating the life of D'Sean Emir Perry.](#)

Chief Patron: Deeds

Summary:

Celebrating the life of D'Sean Emir Perry.

Law Advice: FYI - No Direct Impact

SJ412 [Celebrating the life of Lavel Tyler Davis, Jr.](#)

Chief Patron: Deeds

Summary:

Celebrating the life of Lavel Tyler Davis, Jr.

Law Advice: FYI - No Direct Impact

SJ413 [Celebrating the life of Devin Keith Chandler.](#)

Chief Patron: Deeds

Summary:

Celebrating the life of Devin Keith Chandler.

Law Advice: FYI - No Direct Impact

SJ418 [Commending Jamael Orond? Barber.](#)

Chief Patron: Suetterlein

Summary:

Commending Jamael Orondé Barber.

Law Advice: FYI - No Direct Impact

SR114 [Commending the 2023 Inductees to the Virginia Sports Hall of Fame.](#)

Chief Patron: Lucas

Summary:

Commending the 2023 Inductees to the Virginia Sports Hall of Fame.

Law Advice: FYI - No Direct Impact