

**University of Virginia -- Office of State Governmental Relations
LAW REPORT**

June 26, 2015

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HB1308 Wire, electronic, or oral communications; civil action for unlawful interception, disclosure, etc.

Chief Patron: Marshall, R.G.

Summary:

Doubles the amount of liquidated damages that may be recovered against a person who intercepts, discloses, or uses wire, electronic, or oral communications in violation of Virginia's wiretapping law if such communications are between (i) a husband and wife; (ii) an attorney and client; (iii) a licensed practitioner of the healing arts and patient; (iv) a licensed professional counselor, licensed clinical social worker, licensed psychologist, or licensed marriage and family therapist and client; or (v) a clergy member and person seeking spiritual counsel or advice. The bill increases the allowable liquidated damages from \$400 a day for each day of violation or \$4,000, whichever is higher, to \$800 a day or \$8,000, whichever is higher.

Law Advice: FYI - No Direct Impact

HB1320 Teacher licensure renewal; college credit.

Chief Patron: Farrell

Summary:

Prohibits the Board of Education from requiring teachers seeking licensure renewal to satisfy any renewal requirements by completing coursework and earning credit at an institution of higher education.

Law Advice: FYI - No Direct Impact

HB1335 Education; agency coordination.

Chief Patron: Landes

Summary:

Requires the Secretary of Education to consult with the agencies for which he is responsible pursuant to statute and biennially report to the General Assembly on the coordination efforts among such agencies. The bill also requires (i) the Superintendent of Public Instruction to designate an employee of the Department of Education to serve as its liaison to the State Council of Higher Education for Virginia and the State Board for Community Colleges and (ii) the Chancellor of the Virginia Community College System to designate an employee of the State Board for Community Colleges to serve as its liaison to the Board of Education.

Law Advice: FYI - No Direct Impact

HB1336 SCHEV; policy on course credit at higher educational institutions.

Chief Patron: Landes

Summary:

Requires the State Council of Higher Education for Virginia (SCHEV), in consultation with the governing board of each public institution of higher education, to establish a uniform policy for granting undergraduate course credit to entering freshman students who have taken one or more Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations and repeals the current law under which such governing boards individually implement such policies. The bill requires SCHEV and each public institution of higher education to make the policy available to the public on its website. The bill has a delayed

effective date of July 1, 2016.

Law Advice: New Requirement

Delayed effective date: July 1, 2016.

HB1392 Emergency contact program; DMV may establish.

Chief Patron: Garrett

Summary:

Provides that DMV may establish an emergency contact program to allow customers to give DMV the name of an emergency contact person and related emergency contact information, which the customer may update or delete electronically at any time, to be kept in the customer's DMV record and made available to law-enforcement officers in emergency situations. The bill has a delayed effective date of January 1, 2016.

Law Advice: FYI - No Direct Impact

Delayed effective date: July 1, 2016.

HB1400 Budget Bill.

Chief Patron: Jones

Summary:

Amends Chapter 3, Special Session I, of the Acts of Assembly of 2014.

Law Advice: New Requirement

HB1408 Telecommunication records; warrant requirement, prohibition on collection by law enforcement.

Chief Patron: Marshall, R.G.

Summary:

Provides that if an investigative or law-enforcement officer would be required to obtain a search warrant in order to obtain the contents of electronic communications or real-time location data from a provider of electronic communication service or remote computing service, the officer shall not use any device to intercept such communications or collect such real-time location data without first obtaining a search warrant authorizing the use of the device. This bill incorporates HB 1348.

Law Advice: New Requirement

HB1413 Hospital discharge procedures; designation of individual to receive information and instructions.

Companion Bill: SB851

Chief Patron: Filler-Corn

Summary:

Requires hospitals to provide each patient admitted as an inpatient or his legal guardian the opportunity to designate an individual who will care for or assist the patient in his residence following discharge from the hospital and to whom the hospital shall provide information regarding the patient's discharge plan and any follow-up care, treatment,

and services that the patient may require. This bill is identical to SB 851.

Law Advice: New Requirement

HB1435 Physician assistants and nurse practitioners; appointment as medical examiners.

Chief Patron: O'Bannon

Summary:

Adds licensed physician assistants and nurse practitioners to the list of individuals who may be appointed to serve as medical examiners.

Law Advice: FYI - No Direct Impact

HB1444 Vision care plans; reimbursement for services.

Chief Patron: Ware

Summary:

Prohibits a participating provider agreement between a vision care plan carrier and an optometrist or ophthalmologist that is entered into, amended, extended or renewed on or after January 1, 2016, from establishing the fee or rate that the optometrist or ophthalmologist is required to accept for the provision of health care materials or services, or from requiring that an optometrist or ophthalmologist accept the reimbursement paid by the vision care plan carrier as payment in full, unless the services or materials are covered services or covered materials under the applicable vision care plan. Reimbursements by a vision care plan carrier are required to be reasonable, which is defined as the negotiated fee or rate that is set forth in the participating provider agreement and is acceptable to the provider. Vision care plans shall not require an optometrist or ophthalmologist to use a particular optical laboratory, manufacturer of eyeglass frames or contact lenses, or third-party supplier as a condition of participation in a vision care plan. Changes to a participating provider agreement shall be submitted in writing to the optometrist or ophthalmologist at least 30 days prior to their effective date. Provisions of this measure that relate to covered materials also apply to licensed opticians practicing in the Commonwealth. The State Corporation Commission does not have jurisdiction to adjudicate individual controversies arising out of this measure. The bill has a delayed effective date of January 1, 2016.

Law Advice: FYI - No Direct Impact

Delayed effective date: January 1, 2016.

HB1455 DPOR; promoters of boxing, martial arts, and wrestling events.

Companion Bill: SB790

Chief Patron: Miller

Summary:

Provides for the regulation of amateur boxing and martial arts and professional wrestling by the Director of the Department of Professional and Occupational Regulation. The bill authorizes the Director to approve a sanctioning organization to oversee the conduct of amateur boxing and martial arts events. The bill sets out the requirements to be met by the sanctioning organization, including blood testing of the participants. The bill exempts amateur bouts and amateur boxing or martial arts engagements conducted by or held under the sponsorship of (i) any elementary or secondary school or public or private institution of higher education located in the Commonwealth or (ii) the Department of Corrections involving inmates of any state correctional institution. The bill has a delayed effective date

of October 1, 2015, and requires the Director to convene a work group of interested parties affected by the provisions of the bill to determine an appropriate method for holding professional-amateur events. This bill is identical to SB 790.

Law Advice: FYI - No Direct Impact

HB1457 Direct access to physical therapy.

Companion Bill: SB776

Chief Patron: O'Bannon

Summary:

Provides that a physical therapist who has completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has obtained a certificate of authorization may evaluate and treat patients for up to 30 days after an initial evaluation without a referral if (i) the patient is not receiving care from a licensed health care provider for the symptoms giving rise to the presentation at the time of his presentation to the physical therapist for physical therapy services or (ii) the patient is receiving care from a licensed health care provider at the time of his presentation to the physical therapist for the symptoms giving rise to the presentation for physical therapy services and (a) the patient identifies a health care provider from whom he is currently receiving care, (b) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner, and (c) the physical therapist notifies the identified practitioner no later than 14 days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. The bill allows a physical therapist who has not completed a doctor of physical therapy program approved by the American Physical Therapy Association or received a certificate of authorization to conduct a one-time evaluation of a patient who has not met the criteria for evaluation and treatment without a referral and direction, provided the physical therapist does not provide treatment. The bill eliminates the requirement for continuing education for physical therapists who have received a certificate of authorization and eliminates the advisory committee established to consult with the Board of Physical Therapy in promulgating regulations for minimum education, training, and experience criteria. This bill is identical to SB 776.

Law Advice: Change in Requirement

HB1458 Naloxone or other opioid antagonist; pharmacist may dispense in cases of opiate overdose.

Companion Bill: SB1186

Chief Patron: O'Bannon

Summary:

Provides that a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, that a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose, and that firefighters and law-enforcement officers who have completed a training program may possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill also provides that a person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to

experience a life-threatening opioid overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of § 54.1-3408 or in his role as a member of an emergency medical services agency. The bill contains an emergency clause. This bill is identical to HB 1833 and SB 1186.

Law Advice: New Authority

Identical to HB1833 and SB1186. Effective April 15, 2015.

HB1459 Neighborhood assistance tax credits; eligibility of physician and health care specialists.

Chief Patron: O'Bannon

Summary:

Makes physician specialists who donate specialty medical services to patients who are referred from a nonprofit organization whose sole purpose is to provide specialty medical referrals to such patients eligible for neighborhood assistance tax credits regardless of where the physician specialist performs the specialty medical services.

Law Advice: FYI - No Direct Impact

HB1476 Nurse practitioners; expert witness testimony, added to definition of health care provider.

Companion Bill: SB861

Chief Patron: Leftwich

Summary:

Allows a nurse practitioner to testify as an expert witness in a court of law on certain matters within the scope of his activities and adds nurse practitioner to the definition of "health care provider" under the medical malpractice statutes. The bill clarifies that its provisions are not a codification of Rule 702 of the Federal Rules of Evidence. This bill is identical to SB 861.

Law Advice: New Authority

HB1486 Workers' compensation; exclusivity of remedy.

Companion Bill: SB770

Chief Patron: Habeeb

Summary:

Provides that if the Workers' Compensation Commission or a court on appeal from the Commission makes a finding in an unappealed order based on an evidentiary hearing or a factual stipulation of the parties that the claim relating to an accident, injury, disease, or death did not arise out of or in the course of the employee's employment, then that finding shall be res judicata between the parties and estop them from arguing before a court that the accident is barred by the exclusivity provisions of the Workers' Compensation Act. The bill further sets out the notice provisions required in order for the court finding to be res judicata. This bill is identical to SB 770.

Law Advice: FYI - No Direct Impact

HB1499 Breastfeeding in public places; mother's right.

Companion Bill: SB1427

Chief Patron: Albo

Summary:

Provides that a mother may breastfeed in any place where the mother is lawfully present. Current law allows breastfeeding on any property owned, leased, or controlled by the Commonwealth. This bill is identical to SB 1427.

Law Advice: FYI - No Direct Impact

HB1515 Maternity patients; information about safe sleep environments for infants.

Chief Patron: Bulova

Summary:

Adds information about safe sleep environments for infants that is consistent with current information available from the American Academy of Pediatrics to the list of information that licensed nurse midwives, licensed midwives, and hospitals must provide to maternity care patients.

Law Advice: New Requirement

HB1544 Emergency vehicles; vehicle illuminated identification systems.

Chief Patron: Fariss

Summary:

Allows emergency vehicles to be equipped with illuminated identification systems that assist aircraft in reading numbers and other identifying markings on the roofs of the emergency vehicles.

Law Advice: New Authority

HB1558 Adult fatality review teams, local and regional; established, penalty.

Chief Patron: Rust

Summary:

Allows for the creation of local or regional adult fatality review teams upon the initiative of any local or regional law-enforcement agency, department of social services, emergency medical services agency, attorney for the Commonwealth's office, or community services board. The bill provides that such teams may review the death of any person age 60 years or older, or any adult age 18 years or older who is incapacitated, who resides in the Commonwealth and who is in need of temporary or emergency protective services (i) who was the subject of an adult protective services or law-enforcement investigation; (ii) whose death was due to abuse, neglect, or exploitation or acts suggesting abuse, neglect, or exploitation; or (iii) whose death came under the jurisdiction of or was investigated by the Office of the Chief Medical Examiner as occurring in any suspicious, unusual, or unnatural manner. A violation of the confidentiality of the review process is punishable as a Class 3 misdemeanor.

Law Advice: FYI - No Direct Impact

HB1562 Electronic identity management; standards, liability.

Companion Bill: SB814

Chief Patron: Rust

Summary:

Creates the Identity Management Standards Advisory Council to advise the Secretaries of Technology and Transportation on the adoption of technical and data standards regarding the verification and authentication of identity in digital and online transactions. The bill establishes in the Code of Virginia the concept of an identity trust framework operator, an entity that establishes rules and policies for identity providers operating within the framework and issues electronic trustmarks to such providers signifying compliance with the rules and policies of that trust framework. The bill also establishes limitation on liability for providers that adhere to the adopted standards, the applicable contract terms, and the rules and policies of the identity trust framework provider, absent gross negligence or willful misconduct. The bill provides that the provider's adherence to the adopted standards and applicable contract terms of the identity framework shall satisfy any requirement for a commercially reasonable security or attribution procedure under Title 8.4A (Commercial Code), the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), and the Uniform Computer Information Transactions Act (§ 59.1-501.1 et seq.). This bill is identical to SB 814.

Law Advice: FYI - No Direct Impact

HB1564 Schedule I drugs; adding several substances to list.

Companion Bill: SB1380

Chief Patron: Garrett

Summary:

Adds N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA), N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AMB), and 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA) to Schedule I of the Drug Control Act, in accordance with the action of the Board of Pharmacy adding these substances to Schedule I pursuant to § 54.1-3443. This bill is identical to SB 1380.

Law Advice: FYI - No Direct Impact

HB1584 Fire services and emergency medical services; revises certain terminology.

Companion Bill: SB938

Chief Patron: Stolle

Summary:

Revises terminology relating to fire services and emergency medical services and reorganizes provisions governing fire services and emergency medical services. The bill contains technical amendments. This bill is identical to SB 938.

Law Advice: FYI - No Direct Impact

HB1588 Economic development policy; Secretary of Agriculture and Forestry added to certain committee.

Chief Patron: Landes

Summary:

Adds the Secretary of Agriculture and Forestry to the committee established to assist the Secretary of Commerce and Trade in developing, during the first year of each new gubernatorial administration, a comprehensive economic development policy for the Commonwealth.

Law Advice: FYI - No Direct Impact

HB1607 Medicolegal death investigators; Chief Medical Examiner may appoint.

Chief Patron: Garrett

Summary:

Authorizes the Chief Medical Examiner to appoint per diem medicolegal death investigators to assist the Office of the Chief Medical Examiner with medicolegal death investigations and provides that per diem medicolegal death investigators shall be agents of the Commonwealth.

Law Advice: FYI - No Direct Impact

HB1611 Assault and battery; felony when committed against certain persons.

Chief Patron: Miller

Summary:

Amends provision making it a Class 6 felony to commit an assault or an assault and battery against judges, magistrates, law-enforcement officers, correctional officers, firefighters, emergency medical services personnel, and persons directly involved in the care, treatment, or supervision of certain inmates, juvenile offenders, and sexually violent predators when they are engaged in the performance of their public duties to state that the crime occurs regardless of where in the Commonwealth the public duties are performed. The bill provides that its provisions are declarative of existing law.

Law Advice: FYI - No Direct Impact

HB1628 Virginia Public Procurement Act; contract modification.

Chief Patron: Albo

Summary:

Provides that the contract modification provisions of the Virginia Public Procurement Act do not limit the amount a party to a public contract may claim or recover against a public body in the event of a contract dispute. The bill provides that modifications made by a political subdivision that fail to comply with the above provisions are voidable at the discretion of the governing body, and unauthorized approval of a modification cannot be the basis of a contractual claim under the Virginia Public Procurement Act.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB1633 Virginia Freedom of Information Act; record exemption for certain health records.

Companion Bill: SB968

Chief Patron: Gilbert

Summary:

Clarifies that records of certain health care committees and entities, to the extent that they reveal information that may be withheld from discovery as privileged communications, are exempt from disclosure under FOIA. This bill is identical to SB 968.

Law Advice: New Authority

UVa legislative proposal.

HB1637 Virginia Public Procurement Act; job order contracts and design professional contracts.

Chief Patron: Minchew

Summary:

Decreases the population threshold for localities for the procurement of architectural and engineering services from 80,000 to 78,000 and increases the single project limit for architectural and engineering services for such localities from \$2 million to \$2.5 million and the aggregate limit for projects performed in a one-year contract term from \$5 million to \$6 million.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB1641 Virginia Values Veterans Program; certification by state agencies & higher educational institutions.

Chief Patron: Stolle

Summary:

Provides that all agencies in the executive branch of state government and all public institutions of higher education shall, to the maximum extent possible, be certified in accordance with the Department of Veterans Services as part of its Virginia Values Veterans Program. Such agencies and institutions may request a certification waiver from the Governor if they can demonstrate that (i) the certification is in conflict with the organization's operating directives or (ii) they have in place an alternative program that meets the certification requirements.

Law Advice: New Requirement

HB1657 Advance directives; directions about life-prolonging procedures during pregnancy.

Chief Patron: Rust

Summary:

Adds a section to the suggested form of written advance directives that allows a declarant to add specific instructions for life-prolonging procedures in case the declarant is pregnant when her attending physician determines that she has a terminal condition.

Law Advice: FYI - No Direct Impact

HB1661 Virginia Information Technologies; contracts for private educational institutions.

Chief Patron: Rust

Summary:

Directs the Virginia Information Technologies Agency (VITA) and the Division of Purchases and Supply (the Division) to allow private institutions of higher education that are chartered by an Act of Congress in 1821, have owned and operated since 1991 a campus with a significant presence in the Commonwealth, and are granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from contracts established for state agencies and public bodies by VITA or the Division. Under current law, such institutions must be chartered in

Virginia in order to purchase directly from contracts established for state agencies and public bodies by VITA or the Division.

Law Advice: FYI - No Direct Impact

HB1693 Civil admission process; alternative transportation.

Companion Bill: SB1263

Chief Patron: Bell, Robert B.

Summary:

Provides that a magistrate may authorize alternative transportation for a person subject to an emergency custody order or temporary detention order when there exists a substantial likelihood that the person will cause serious physical harm to himself or others. Current law prohibits the use of alternative transportation when there exists a substantial likelihood that the person will cause serious physical harm to himself or others. The bill also provides liability protection for alternative transportation providers. This bill is identical to SB 1263.

Law Advice: FYI - No Direct Impact

HB1694 Temporary detention order; custody.

Companion Bill: SB966

Chief Patron: Yost

Summary:

Removes the requirement that a person subject to a temporary detention order remain in the custody of the community services board for the duration of the order. This requirement was in conflict with other Code sections that require that such person remain in the custody of law enforcement until custody is transferred to a facility or to an alternative transportation provider. This bill is identical to SB 966.

Law Advice: FYI - No Direct Impact

HB1715 Higher educational institutions; students exhibiting suicidal tendencies or behavior, policies.

Companion Bill: SB1122

Chief Patron: LeMunyon

Summary:

Requires each public institution of higher education's policies that advise students, faculty, and staff of the proper procedures for identifying and addressing the needs of students exhibiting suicidal tendencies or behavior to require procedures for notifying the institution's student health or counseling center when a student exhibits suicidal tendencies or behavior. This bill is identical to SB 1122.

Law Advice: New Requirement

HB1716 Income tax, state; individual subtraction for income attributable to discharge of student loan.

Companion Bill: SB933

Chief Patron: LeMunyon

Summary:

Establishes beginning January 1, 2015, an individual income tax subtraction for income attributable to the discharge of a student loan solely by reason of the death of the student. This bill is identical to SB 933.

Law Advice: FYI - No Direct Impact

HB1717 Psychiatric treatment of minors; objecting minor.

Companion Bill: SB773

Chief Patron: LeMunyon

Summary:

Amends the criteria for admitting an objecting minor 14 years of age or older for psychiatric treatment to match the criteria for determining whether a nonobjecting minor or a minor younger than 14 years of age should be admitted. The bill also provides that if a minor 14 years of age or older who did not initially object to treatment objects to further treatment, the mental health facility where the minor is being treated shall immediately notify the parent who consented to the minor's treatment and provide to such parent a summary, prepared by the Office of the Attorney General, of the procedures for requesting continued treatment of the minor. This bill is identical to SB 773.

Law Advice: FYI - No Direct Impact

HB1723 Radon; persons certified as proficient to offer screening, testing, and mitigation.

Chief Patron: Simon

Summary:

Updates and clarifies provisions governing the credentialing of individuals who may conduct or offer to conduct radon screening, testing, or mitigation in the Commonwealth and updates provisions governing the standards for radon testing in the Commonwealth.

Law Advice: FYI - No Direct Impact

HB1733 Prescription drug orders; delivery to PACE program facility.

Chief Patron: Hodges

Summary:

Provides that prescription drug orders dispensed to a patient and delivered to a program of all-inclusive care for the elderly (PACE) site licensed by the Department of Social Services and overseen by the Department of Medical Assistance Services may be stored, retained, and repackaged at the facility on behalf of a patient for subsequent delivery or administration. The bill requires that repackaging of dispensed prescription drugs retained by the PACE site be performed by a pharmacist, pharmacy technician, nurse, or other person who has successfully completed a Board-approved training program for such purpose. The bill directs the Board of Pharmacy to promulgate regulations related to training, packaging, labeling, and recordkeeping for such repackaging.

Law Advice: FYI - No Direct Impact

HB1735 Optometrists, TPA-certified; administration of certain Schedule II drugs.

Chief Patron: Hodges

Summary:

Allows TPA-certified optometrists to administer Schedule II drugs consisting of hydrocodone in combination with acetaminophen, in accordance with federal law. The bill contains technical amendments.

Law Advice: New Authority

HB1736 Wholesale distributors; notice to Board of Pharmacy when ceasing distribution of certain drugs.

Chief Patron: Hodges

Summary:

Requires a wholesale distributor or nonresident wholesale distributor that ceases distribution of Schedule II through V drugs to a pharmacy, licensed physician dispenser, or licensed physician dispensing facility located in the Commonwealth due to suspicious orders of controlled substances to notify the Board of Pharmacy within five days of the cessation. The bill defines "suspicious orders of controlled substances," provides that a wholesale distributor or nonresident wholesale distributor shall be immune from civil liability for notifying the Board of Pharmacy unless such notice was given in bad faith or with malicious intent, and prohibits the Board of Pharmacy from imposing any disciplinary or enforcement action against a licensee or permit holder solely on the basis of such notice received from a wholesale distributor or nonresident wholesale distributor.

Law Advice: FYI - No Direct Impact

HB1737 Outsourcing facilities; new regulatory framework created for permitting.

Chief Patron: Hodges

Summary:

Creates a new regulatory framework for permitting of outsourcing facilities that compound drugs and are located within the Commonwealth and for registering nonresident outsourcing facilities in the Commonwealth.

Law Advice: FYI - No Direct Impact

HB1738 Hospices; notice to dispenser of patient's death within 48 hours.

Chief Patron: Hodges

Summary:

Requires every hospice licensed by the Department of Health or exempt from licensure pursuant to § 32.1-162.2 with a hospice patient residing at home at the time of death to notify every pharmacy that has dispensed partial quantities of a Schedule II controlled substance for a patient with a medical diagnosis documenting a terminal illness, as authorized by federal law, within 48 hours of the patient's death.

Law Advice: FYI - No Direct Impact

HB1747 Health insurance; mental health parity.

Chief Patron: O'Bannon

Summary:

Conforms certain requirements regarding coverage for mental health and substance use disorders to provisions of the federal Mental Health Parity and Addiction Equity Act of 2008 (the Act). The measure requires that group and individual health insurance coverage provide mental health and substance use disorder benefits. Such benefits shall be in parity with the medical and surgical benefits contained in the coverage in accordance with the Act, even where those requirements would not otherwise apply directly. The measure requires the Bureau of Insurance to develop reporting requirements regarding denied claims, complaints, and appeals involving such coverage and to compile the information into an annual report. The bill contains a technical amendment.

Law Advice: FYI - No Direct Impact

HB1750 Investigational drugs; expanded access.

Companion Bill: SB732

Chief Patron: Ransone

Summary:

Provides that a manufacturer of an investigational drug, biological product, or device may make such drug, product, or device available to a person who has a terminal condition when (i) the person has, in consultation with his treating physician, considered all other treatment options currently approved by the U.S. Food and Drug Administration and the treating physician has determined that no reasonable opportunity exists for him to participate in an ongoing clinical trial; (ii) the potential benefits of use of the investigational drug, biological product, or device to treat his terminal condition are greater than the potential risks; (iii) the person has received a recommendation from his treating physician for use of such drug, product, or device for treatment of his terminal condition; and (iv) the person has provided written informed consent. The bill provides that a manufacturer that provides such drug, product, or device may provide the drug, product, or device free of charge or may require the person to pay costs associated with its manufacture and provides that health insurance providers may, but are not required to, provide coverage for costs associated with use of such drug, product, or device. For a health care provider who recommends an investigational drug, biological product, or device and for a manufacturer, distributor, administrator, health care provider, sponsor, or physician who manufactures, supplies, distributes, administers, prescribes, or recommends such drug, product, or device, the bill provides immunity from civil liability and provides that no claim or cause of action shall exist in any state court for claims of property, personal injury, or death caused by, arising out of, or relating to the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescription, recommendation, administration, efficacy, or use of such drug, product, or device to a person who meets eligibility under the law. The bill provides that no health care provider who recommends, prescribes, administers, distributes, or supplies an investigational drug, biological product, or device shall be deemed to have engaged in unprofessional conduct or shall be adversely affected in any decision relating to licensure on such grounds and provides that nothing shall require any person to violate or act in contravention of any federal or state law as such law relates to the prescribing, dispensing, administration, or use of an investigational drug, biological product, or device. This bill is identical to SB 732.

Law Advice: New Requirement

HB1751 Administrative Process Act; certain review by Joint Commission on Administrative Rules, report.

Chief Patron: Ransone

Summary:

Provides that in the event the economic impact analysis completed by the Department of Planning and Budget (the Department) reveals that a proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period allowed for preparation of the economic impact analysis. The bill requires the Joint Commission on Administrative Rules to review such rule or regulation and report quarterly to the Governor and the General Assembly on any such regulation, including in its report a statement of any position taken by the Commission on any such regulation.

Law Advice: FYI - No Direct Impact

HB1757 Small, Women-owned, and Minority-owned Business Loan Fund; established.

Companion Bill: SB854

Chief Patron: James

Summary:

Abolishes the Capital Access Fund for Disadvantaged Businesses, which provides loan guarantees, loan loss reserves, and interest rate write downs for disadvantaged businesses, and replaces it with the Small, Women-owned, and Minority-owned Business Loan Fund. The new fund will provide direct loans to eligible small, women-owned, and minority-owned businesses. The bill requires the Small Business Financing Authority and the Department of Small Business and Supplier Diversity to transfer cash balances in the Capital Access Fund for Disadvantaged Businesses to the Small, Women-owned, and Minority-owned Business Loan Fund. The bill contains technical amendments. This bill is identical to SB 854.

Law Advice: FYI - No Direct Impact

HB1768 Workplace safety; Voluntary Protection Program.

Companion Bill: SB881

Chief Patron: Loupassi

Summary:

Codifies the Voluntary Protection Program that has been conducted by the Department of Labor and Industry since 1996. The measure directs the Safety and Health Codes Board to adopt definitions, rules, regulations, and standards necessary for the operation of the Program that will promote safe and healthy workplaces throughout the Commonwealth. Participation in the Program is limited to workplaces in which an exemplary worker safety and health management system that exceeds basic compliance with occupational safety and health laws and regulations, and that satisfies the standards for the Program, has been implemented. This bill is identical to SB 881.

Law Advice: FYI - No Direct Impact

HB1775 Medical malpractice proceedings; health care providers, expert testimony.

Companion Bill: SB862

Chief Patron: Campbell

Summary:

Provides that medical experts licensed in other states, but not in Virginia, are presumed to know the standard of care in Virginia, provided that they meet the educational and examination requirements for licensure in Virginia. The bill also extends this presumption to all health care providers who are licensed to practice in Virginia. Currently, such presumption is limited to physicians and nurses. This bill is identical to SB 862.

Law Advice: FYI - No Direct Impact

HB1785 Campus police departments; sexual assault reporting.

Chief Patron: Massie

Summary:

Requires that mutual aid agreements between a campus police force and a law-enforcement agency contain provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth within 48 hours of beginning any investigation involving felony criminal sexual assault occurring on campus property or other property related to the institution of higher education. The bill also requires institutions of higher education that have security departments instead of campus police forces to enter into a memorandum of understanding with a law-enforcement agency and such memorandum of understanding shall contain similar provisions requiring reports to the local attorney for the Commonwealth.

Law Advice: New Requirement

HB1790 State agency or official; prohibition on payments without an appropriation, prohibition on IOUs.

Chief Patron: Massie

Summary:

Prohibits a state agency or official from attempting, guaranteeing, or purporting to pay for a good or service or a debt unless the General Assembly has appropriated funds, or funds are otherwise lawfully available, to pay the same. The prohibition on payment does not apply to payments required by federal law. The bill also prohibits a state agency or official from furnishing an IOU in exchange for any good or service, as a means to pay for any good or service, or in lieu of a payment on a debt.

Law Advice: FYI - No Direct Impact

HB1791 Higher educational institutions; removal of members of board of visitors, etc.

Chief Patron: Massie

Summary:

Provides that if a member of the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges fails to attend the meetings of the board for one year or to attend certain required educational programs in his first two years of membership, without sufficient cause, as determined by a majority vote of the board, then the member is removed from office. The bill requires the board of visitors of each four-year public institution of higher education and the State Board for Community Colleges to adopt policies regarding the removal process and referencing the Governor's removal authority. The bill repeals existing provisions regarding the removal

of members. The bill also prohibits a member who has served for two successive four-year terms from being eligible for reappointment to a board for four years after the end of his second successive four-year term. Finally, the bill changes the terms of the board of visitors of George Mason University to prohibit members from serving more than two successive four-year terms; current law prohibits members of that board from serving more than two four-year terms, successive or not.

Law Advice: Change in Requirement

HB1792 Gamete donors; HIV testing protocol.

Chief Patron: Stolle

Summary:

Repeals the requirement for HIV testing of gamete donors in accordance with regulations of the Board of Health that establish a testing protocol for such donors.

Law Advice: Eliminates Requirement

HB1799 Innovation and Entrepreneurship Investment Authority; powers, report.

Companion Bill: SB1385

Chief Patron: Greason

Summary:

Provides the Innovation and Entrepreneurship Investment Authority (commonly known as the CIT) with the power to exclusively, or with any other person, form and otherwise develop, own, operate, govern, and otherwise direct the disposition of assets of separate legal entities, provided that such entities are formed solely for the purpose of managing and administering any assets disposed of by the Authority. The bill provides that these legal entities may include limited liability companies, limited partnerships, charitable foundations, real estate holding companies, investment holding companies, nonstock corporations, and benefit corporations and provides that any such entities shall be operated under the governance of the Authority. The bill sets out other requirements for such entities, including that they shall not be deemed to be a state or governmental agency, advisory agency, or public body or instrumentality and that no director, officer, or employee of any such entity shall be deemed to be an officer or employee for purposes of the State and Local Government Conflict of Interests Act. The bill does provide, however, that the Auditor of Public Accounts or his legally authorized representatives shall annually audit the financial accounts of the Authority and any such entity, provided that the working papers and records of the Auditor of Public Accounts relating to such audits shall not be subject to the provisions of the Virginia Freedom of Information Act. The bill also sets the quorum for the Authority's board of directors at nine and requires the reporting of certain additional information to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance, the Secretary of Technology, and the Director of Planning and Budget.

Law Advice: FYI - No Direct Impact

HB1808 Missing persons; search and rescue.

Companion Bill: SB1184

Chief Patron: Herring

Summary:

Provides that no local law-enforcement agency shall establish or maintain any policy that requires a waiting period

before accepting a critically missing adult report and requires a local law-enforcement agency that receives such a report to initiate an investigation of the case within two hours of receipt. The bill defines a critically missing adult as any missing adult 21 years of age or older whose disappearance indicates a credible threat to the health and safety of the adult as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances. The bill requires the Department of Criminal Justice Services to establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol. The bill also requires the Department of Emergency Management to establish a Coordinator of Search and Rescue. This bill is a recommendation of the Virginia State Crime Commission and is identical to SB 1184.

Law Advice: FYI - No Direct Impact

HB1810 Prescription Monitoring Program; civil subpoenas.

Chief Patron: Herring

Summary:

Provides that records in possession of the Prescription Monitoring Program shall not be available for civil subpoena, nor shall such records be disclosed, discoverable, or compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence in any civil proceeding for any reason.

Law Advice: FYI - No Direct Impact

HB1818 Health professions; regulation, updated terminology.

Chief Patron: Stolle

Summary:

Changes the term "respiratory care practitioner" to "respiratory therapist" throughout the Code of Virginia. The bill also changes the term "x-ray" to "ionizing radiation" in the context of the practice of radiologic technology and updates the definition of "radiologic technologist."

Law Advice: FYI - No Direct Impact

HB1820 Workers' compensation; pecuniary liability of the employer for medical services, report.

Chief Patron: Farrell

Summary:

Requires the Virginia Workers' Compensation Commission to determine the number and geographic area of communities across the Commonwealth. The measure also requires the Commission to convene a work group of stakeholder representatives of employers, health care service providers, claimants, and insurers to advise and assist the Commission in (i) reviewing, analyzing, and comparing information contained within and reports on all possible databases containing workers' compensation or health care data for medical services rendered in Virginia; (ii) reviewing, analyzing, and comparing information contained within and reports on how similar databases are used for the establishment of the pecuniary liability of the employer in other states; and (iii) making findings or recommendations as to how the databases reviewed and the contents thereof may serve to enhance or replace Virginia's current mechanisms for establishing the pecuniary liability of the employer for medical services provided to an injured employee.

Law Advice: FYI - No Direct Impact

HB1833 Naloxone; administration by law-enforcement officers.

Chief Patron: Gilbert

Summary:

Provides that a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, that a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose, and that firefighters and law-enforcement officers who have completed a training program may possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill also provides that a person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opioid overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of § 54.1-3408 or in his role as a member of an emergency medical services agency. The bill contains an emergency clause. This bill is identical to HB 1458 and SB 1186.

Law Advice: New Authority

Identical to HB1458 and SB1186. Effective April 15, 2015.

HB1835 Virginia Public Procurement Act (VPPA); methods of procurement.

Companion Bill: SB1371

Chief Patron: Gilbert

Summary:

Clarifies that small purchase procedures include the procurement of non-transportation-related construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill adds independent agencies of the Commonwealth to the definition of public body under the VPPA. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited; (ii) no public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400; however, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job, (b) do not exceed \$25,000 per job order, and (c) do not exceed \$75,000 per contract term; and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill clarifies the provisions of the VPPA relating to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies, working cooperatively, report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost

limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill also requires, for construction projects in excess of \$2 million, that a public body, including public institutions of higher education, provide its justification for use of any procurement method other than competitive sealed bidding to the Director of the Department of General Services. The bill requires the State Corporation Commission (SCC) to develop a process for the administrative review of its procurement decisions that is consistent with the Constitution of Virginia. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by the bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments and is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act. This bill is identical to SB 1371.

Law Advice: New Requirement

HB1839 Controlled substances; scheduling.

Chief Patron: Robinson

Summary:

Removes hydrocodone combination products from Schedule III and classifies alfaxalone, suvorexant, and tramadol as Schedule IV controlled substances.

Law Advice: FYI - No Direct Impact

HB1841 Prescription Monitoring Program; requirements for dispensers.

Chief Patron: Herring

Summary:

Requires the Department of Health Professions to register every dispenser licensed by the Board of Pharmacy with the Prescription Monitoring Program and eliminates the requirement that such registration occur upon filing of an application for licensure or renewal of a license. The bill also limits the requirement that a prescriber who prescribes benzodiazepine or an opiate request information from the Director of the Department of Health Professions to determine what other covered substances are currently prescribed to a patient in cases in which the course of treatment is anticipated at the onset of treatment to last more than 90 days. The provisions of the bill relating to registration of dispensers become effective on January 1, 2016.

Law Advice: FYI - No Direct Impact

See bill for effective dates.

HB1842 Performance and incentive grants; review of incentive packages, report, repeals certain provisions.

Chief Patron: James

Summary:

Provides (i) that no more than \$20 million in Virginia Investment Performance Grants may be outstanding at any time on or after July 1, 2015, (ii) that grant payments under the Major Eligible Employer Grant Program will begin three years following approval of the employer's grant application by the Secretary of Commerce and Trade, and (iii) for the MEI Project Approval Commission to review incentive packages in which the aggregate amount of incentives offered

by the Commonwealth is in excess of \$10 million in value. Under current law, grant payments under the Major Eligible Employer Grant Program begin six years following approval by the Secretary of Commerce and Trade.

The bill also repeals the Clean Energy Manufacturing Incentive Grant Program and the Specialized Biotechnology Research Performance Grant Program effective July 1, 2015, and the Commonwealth's semiconductor performance grant programs effective July 1, 2016.

Law Advice: FYI - No Direct Impact

HB1854 Virginia Public Procurement Act; small, women-owned, minority-owned, etc., businesses.

Chief Patron: Adams

Summary:

Requires state contracts awarded pursuant to enhancement or remedial measures implemented to enhance participation by small, women-owned, and minority-owned businesses to include a provision requiring every contractor intending to subcontract work under the contract to include in the proposal a plan to subcontract to small, women-owned, minority-owned, and service disabled veteran-owned businesses. The bill authorizes the Department of Small Business and Supplier Diversity (the Department) to investigate complaints that a small, women-owned, or minority-owned business has failed to comply with its subcontracting plan. If the Department determines there was a failure to comply with the subcontracting plan, the business must provide a written explanation.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB1890 Virginia Retirement System; purchase of service credit for prior service.

Chief Patron: Jones

Summary:

Makes numerous changes to the purchase of service credit program to simplify it and make it more cost-neutral to the Retirement System fund and more in line with other states' programs. The bill has a delayed effective date of January 1, 2017.

Law Advice: FYI - No Direct Impact

Delayed effective date: January 1, 2017.

HB1891 Capital outlay plan; creates a six-year plan.

Companion Bill: SB1042

Chief Patron: Jones

Summary:

Revises the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources. The bill is identical to SB 1042.

Law Advice: New Authority

HB1897 Intercollegiate athletics programs; format for each institution to report revenues and expenses.

Chief Patron: Cox

Summary:

Prohibits the sum of school funds and student fees used to support intercollegiate athletics programs from exceeding a certain percentage of athletics revenues, as those terms are defined in the bill, at each four-year public institution of higher education in the Commonwealth. The bill requires any school that violates this prohibition to submit to the General Assembly a five-year plan for coming into compliance. The bill requires the Auditor of Public Accounts to monitor plan progress and provides that negative audits will trigger a reduction or elimination of existing operational authority. The bill also (i) requires the board of visitors of any four-year public institution of higher education that seeks to add a major intercollegiate athletics program or change the division level of any of its existing intercollegiate athletics programs to first submit to the Intercollegiate Athletics Review Commission established in the bill a plan and recommendations for financing the addition or change and (ii) prohibits any such addition or change from being implemented without the approval of the General Assembly expressed in the general appropriation act. The bill has a delayed effective date of July 1, 2016.

Law Advice: New Requirement

HB1899 Administrative Process Act; legislative review of regulations.

Companion Bill: SB1198

Chief Patron: DeSteph

Summary:

Extends the period during which the relevant standing committee of both houses of the General Assembly or the Joint Commission on Administrative Rules may transmit, with the Governor's concurrence, a statement directing the suspension of the effective date of a portion or all of a final regulation. Under current law, the statement must be filed within the 30-day final adoption period. The bill provides that if the promulgating agency has specified a later effective date, the statement may be transmitted at any time prior to the specified later effective date. The bill contains technical amendments. This bill is identical to SB 1198.

Law Advice: FYI - No Direct Impact

HB1901 Small Business and Supplier Diversity, Department of; clarifies definition of small business.

Companion Bill: SB885

Chief Patron: Lopez

Summary:

Changes the definition of small business to require the business, together with affiliates, to meet the small business size standards established by the regulations of the U.S. Small Business Administration. Currently, a small business is required to have 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years. The bill requires the Secretary of Commerce and Trade to convene a workgroup of interested stakeholders to examine the definition of small business in the Code of Virginia and report its findings and recommendations to the Governor and General Assembly on or before December 1, 2015. The bill will not become effective unless reenacted by the 2016 Session of the General Assembly. This bill is identical to SB 885.

Law Advice: FYI - No Direct Impact

HB1914 Pharmacists; possession of epinephrine and oxygen for emergencies.

Chief Patron: Hodges

Summary:

Provides that a prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

Law Advice: New Authority

HB1916 Fraud and Abuse Whistle Blower Protection Act; definition of state agency.

Chief Patron: LeMunyon

Summary:

Includes all independent agencies in the definition of "state agency" under the Fraud and Abuse Whistle Blower Protection Act.

Law Advice: FYI - No Direct Impact

HB1917 Governmental agencies; contracts for items listed on commercial activities list.

Chief Patron: LeMunyon

Summary:

Requires any governmental agency that intends to purchase services for an amount over \$25,000 from another governmental agency, which service is found on the commercial activities list, to post notice of such purchase and provide the opportunity for comment by or the submission of information from the private sector on each such intended purchase. The provisions of the bill do not apply to (i) mandatory purchases pursuant to § 53.1-47, (ii) contracts specifically exempted pursuant to Article 3 (§ 2.2-4343 et seq.) of the Virginia Public Procurement Act, (iii) services provided by central service state agencies, (iv) activities operated as an internal service fund of the Commonwealth, or (v) purchases from public institutions of higher education. The bill specifies where the notice is to be posted and defines commercial activities list and governmental agency.

Law Advice: New Requirement

HB1930 Higher educational institutions; review committees, reporting of acts of sexual violence, report.

Companion Bill: SB712

Chief Patron: Bell, Robert B.

Summary:

Requires any responsible employee of a public or private nonprofit institution of higher education who in the course of his employment obtains information that an act of sexual violence has been committed against a student or on campus property or other property related to the institution to report such information to the Title IX coordinator for the institution as soon as practicable. The bill requires the Title IX coordinator to report such information to a review committee, which shall meet within 72 hours of the receipt of information of an alleged act of sexual violence and which shall include the Title IX coordinator, a representative of law enforcement, and a student affairs representative. If the review committee determines that disclosure of the information regarding the alleged act of sexual violence is necessary to protect the health and safety of the victim or other individuals, the representative of law enforcement on

the review committee shall disclose the information, including personally identifiable information, to the law-enforcement agency responsible for investigating the alleged act. In cases involving a felony sexual assault, the representative of law enforcement on the review committee, or in certain situations, another committee member, shall consult with the local attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence.

The bill requires the governing board of each public or private nonprofit institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies to provide victims with information on contacting such center or service. The bill requires each public or private nonprofit institution of higher education to annually certify to the State Council of Higher Education for Virginia that it has reviewed its sexual violence policy. Finally, the bill requires the Department of Criminal Justice Services to monitor the impact the legislation will have on the workload of local victim witness programs and report its findings to the Chairmen of the House and Senate Committees for Courts of Justice by October 1, 2016. This bill is identical to SB 712.

Law Advice: New Requirement

HB1940 Health insurance; mandated coverage for autism spectrum disorder.

Chief Patron: Greason

Summary:

Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals from age two through age 10. Currently, such coverage is required to be provided for individuals from age two through age six. The provision applies with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2016. The measure does not apply to policies, contracts, or plans issued in the individual market or the small group market, which effective January 1, 2016, will include employers with no more than 100 employees.

Law Advice: FYI - No Direct Impact

HB1942 Health insurance; carrier business practices, prior authorization provisions.

Companion Bill: SB1262

Chief Patron: Habeeb

Summary:

Requires certain health insurance contracts under which an insurance carrier or its intermediary has the right or obligation to require preauthorization for a drug benefit to include provisions governing the preauthorization process. Required provisions address (i) acceptance by carriers of telephonic, facsimile, or electronic submission of prior authorization requests that are delivered from e-prescribing systems, electronic health record systems, and health information exchange platforms that utilize certain standards; (ii) time limits for communicating to the prescriber that a request is approved, denied, or requires supplementation; (iii) providing reasons for denial of a request; (iv) honoring a prior authorization approved by another carrier; (v) use of a tracking system for prior authorization requests; and (vi) making formularies, drug benefits subject to prior authorization, prior authorization procedures, and certain forms available through the carrier's website. The measure also requires certain organizations to convene a workgroup to identify common evidence-based parameters for carrier approval of certain prescription drugs. This bill

is identical to SB 1262.

Law Advice: Change in Requirement

HB1956 Hospitals; patients who are deaf or hard-of-hearing.

Chief Patron: Orrock

Summary:

Directs the Department of Health to (i) work with stakeholders to develop guidelines for hospitals to ensure that hospitals are complying with requirements of the federal Americans with Disabilities Act and that patients and family members with sensory disabilities are able to communicate effectively with health care providers and (ii) report on its progress in developing such guidelines to the General Assembly no later than December 1, 2015.

Law Advice: Monitor and Track

HB1959 Higher educational institutions; information for six-year plans.

Companion Bill: SB1206

Chief Patron: Toscano

Summary:

Requires each public institution of higher education to include in its six-year plan the following for the most recently ended fiscal year: (i) the assignment during the year of any intellectual property interests to a person or nongovernmental entity by the institution or any related entity, (ii) the value of externally sponsored research funds received during the year from a person or nongovernmental entity by the institution or any related entity, and (iii) the number and types of patents awarded during the year to the institution or any related entity that were developed in whole or part from externally sponsored research provided by a person or nongovernmental entity. This bill is identical to SB 1206.

Law Advice: New Requirement

HB1963 Health Professions, Department of; disclosure of confidential information.

Chief Patron: O'Bannon

Summary:

Allows the Director of the Department of Health Professions to disclose information about a suspected violation of state or federal law or regulation to other agencies within the Health and Human Resources Secretariat or to federal law-enforcement agencies having jurisdiction over the suspected violation or to request an inspection or investigation of a licensee by such state or federal agency when the Director has reason to believe that a possible violation of federal or state law has occurred.

Law Advice: FYI - No Direct Impact

HB1969 Virginia Retirement System; cash balance retirement plan.

Chief Patron: Jones

Summary:

Directs the Virginia Retirement System to develop a proposed cash balance retirement plan and provide the proposal to the General Assembly no later than November 1, 2015.

Law Advice: FYI - No Direct Impact

HB1980 Higher educational institutions, four-year public; websites, consumer information.

Companion Bill: SB1223

Chief Patron: Hugo

Summary:

Requires each four-year public institution of higher education in the Commonwealth to maintain on the home page of its website and annually update no later than September 30 a tab or link that includes information related to undergraduate retention and graduation rates, tuition and mandatory student fee increases, the use of student fees, postsecondary education and employment, and the institution's finances. This bill is identical to SB 1223.

Law Advice: New Requirement

HB1986 Workforce Development, Virginia Board of; changes to Board requirements, annual report.

Companion Bill: SB1372

Chief Patron: Byron

Summary:

Makes several changes to the Virginia Board of Workforce Development (the Board), including (i) requiring quarterly meetings of the Board; (ii) establishing a full-time director position to be supervised by the Governor's Chief Workforce Development Advisor (the Advisor) and dedicated to supporting the Board's operations; and (iii) adding, as an area of policy advice to the Governor, issues to create a business-driven system that increases the rates of attainment of workforce credentials and jobs. Beginning November 1, 2016, and annually thereafter, each agency administering any publicly funded career and technical education and workforce development program shall submit to the Governor and the Board a report detailing the program's performance against state-level metrics established by the Board and the Advisor. In addition, the Advisor, the Commissioner of the Virginia Employment Commission (VEC), and the Chancellor of the Virginia Community College System (VCCS) shall enter into a memorandum of understanding that sets forth (a) the roles and responsibilities of each of these publicly funded entities; (b) a funding mechanism that adequately supports operations under the federal provisions; and (c) a procedure for the resolution of any disagreements that may arise. The Advisor, VEC, and VCCS shall collaborate to produce an annual executive summary. Each local workforce development board shall develop and execute a strategic plan designed to combine public and private resources to support sector strategies, career pathways, and career readiness skills development. This bill also sets the minimum level of fiscal support from WIOA Adult and Dislocated Worker funds and provides incentives. The bill makes several technical amendments required with the transition from the federal Workforce Investment Act of 1998 to the federal Workforce Innovation and Opportunity Act of 2014. On October 1, 2017, the Executive Director of the Board shall provide members of the Board with a detailed report evaluating the rate of the expenditures for incentives by local workforce development boards from July 1, 2015, to July 1, 2017. This bill is identical to SB 1372.

Law Advice: FYI - No Direct Impact

HB1998 State and federal programs; VRS shall convene a work group to review, etc.

Chief Patron: Torian

Summary:

Requires the Virginia Retirement System (VRS) to convene a work group to review current state and federal programs that encourage citizens of the Commonwealth to save for retirement by participating in retirement savings plans. The review will include an examination of retirement savings options for self-employed individuals, part-time employees, full-time employees whose employers do not offer a retirement savings plan, and groups with a low savings rate. The work group will include representatives of VRS, the Department of Taxation, small business, the self-employed, the Virginia College Savings Plan, and other stakeholders. The bill requires VRS to report its findings, which may include recommendations for statutory changes or amendments to the general appropriation act, to the Governor and the General Assembly by January 1, 2017.

Law Advice: FYI - No Direct Impact

HB2026 Health Insurance Reform Commission; power and duties, upon request assess proposed mandated DLS.

Chief Patron: Byron

Summary:

Requires the Division of Legislative Services to provide legal, research, policy analysis, and other staffing services to the Health Insurance Reform Commission (Commission). Staffing for the Commission is currently provided by the Bureau of Insurance of the State Corporation Commission (Bureau) and the Joint Legislative Audit and Review Commission (JLARC). The Bureau and JLARC continue to be responsible for assessing aspects of legislative measures that propose to mandate coverage for a new health insurance benefit or provider. The measure charges the Bureau and JLARC with providing the Commission with annual assessments of the implications of the implementation of the federal Patient Protection and Affordable Care Act (ACA) on residents of the Commonwealth, businesses operating within the Commonwealth, and the general fund of the Commonwealth. The measure also revises the process by which assessments of proposals for new mandated benefits or providers will be conducted. The measure clarifies that the Chairmen of the House and Senate Committees on Commerce and Labor may request the Commission to assess a legislative measure if it has conducted an assessment of an identical or substantially similar legislative measure within the preceding three years.

Law Advice: FYI - No Direct Impact

HB2031 Health insurance; updating maximum allowable cost pricing lists.

Chief Patron: Yost

Summary:

Requires any contract between a health insurance carrier and its intermediary, pursuant to which the intermediary has the right or obligation to establish a maximum allowable cost, and any provider contract between a carrier and a participating pharmacy provider or its contracting agent, pursuant to which the carrier has the right or obligation to establish a maximum allowable cost, to contain specific provisions that require the intermediary or carrier to update, not less frequently than once every seven days, the maximum allowable cost list, unless there has been no change to the maximum allowable cost of any drug on the list since the last update. Such contracts are also required to contain specific provisions that require the intermediary or carrier to (i) verify, not less frequently than once every seven days, that the drugs on the maximum allowable cost list are available to participating pharmacy providers from at least one regional or national pharmacy wholesaler and that the amount for each drug is not obsolete and promptly revise the maximum allowable cost if necessary to comply with these required contractual provisions; (ii) provide a process for

each participating pharmacy provider to readily access the maximum allowable cost list specific to that provider; and (iii) prohibit the intermediary or carrier from terminating or failing to renew its contractual relationship with a participating pharmacy provider for invoking its rights under any of these required contractual provisions. Such contracts are also required to contain provisions that require the intermediary or carrier to provide a process for an appeal, investigation, and resolution of disputes regarding maximum allowable cost drug pricing. The State Corporation Commission shall not have jurisdiction to adjudicate individual controversies arising out of this measure.

Law Advice: FYI - No Direct Impact

HB2038 Commercial motor carriers; amends several commercial drivers' licensing laws.

Chief Patron: Filler-Corn

Summary:

Amends several motor carrier and commercial drivers' licensing laws, bringing Virginia into compliance with Federal Motor Carrier Safety Regulations amendments regarding commercial motor vehicles and exemptions regarding certain farm vehicles and their drivers. The bill lowers the age of eligibility for an escort vehicle driver certification from 21 to 18 years. The bill also authorizes two additional circumstances in which law enforcement may remove for-hire license plates: where the carrier's operating authority has expired and where the plates are being used on a leased vehicle, and the bill makes all license plate removal optional at the discretion of the law-enforcement officer.

Law Advice: FYI - No Direct Impact

HB2063 Telemedicine services; provision of health care services.

Companion Bill: SB1227

Chief Patron: Kilgore

Summary:

Amends the definition of telemedicine services to encompass the use of electronic technology or media, including interactive audio or video, for the purpose of diagnosing or treating a patient or consulting with other health care providers regarding a patient's diagnosis or treatment. The measure also provides that for the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services, a prescriber may establish a bona fide practitioner-patient relationship by an examination through face-to-face interactive, two-way, real-time communications services or store-and-forward technologies when certain conditions are met. This bill is identical to SB 1227.

Law Advice: New Authority

HB2068 Senior citizens' higher education; income limit.

Chief Patron: Keam

Summary:

Increases from \$15,000 to \$23,850 the maximum taxable individual income for senior citizens who wish to register for and enroll in courses as a full-time or part-time student for academic credit, tuition free, at a public institution of higher education.

Law Advice: Change in Requirement

HB2070 Conflicts of Interests Act, State & Local Gov't & General Assembly, etc.; ethics reforms.

Companion Bill: SB1424

Chief Patron: Gilbert

Summary:

Removes the distinction between tangible and intangible gifts and prohibits any state or local officer or employee, member of the General Assembly, and certain candidates from soliciting, accepting, or receiving within any calendar year a single gift with a value exceeding \$100 or a combination of gifts with a value exceeding \$100 from certain persons; however, such prohibition does not apply to gifts from personal friends. The bill also prohibits the immediate family of such officers, employees, members, or candidates from soliciting, accepting, or receiving such gifts. The bill provides an exception for gifts received at widely attended events, which are those events at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill also requires persons subject to the Conflict of Interest Acts to request approval from the Virginia Conflict of Interest and Ethics Advisory Council (the Council) and receive the approval of the Council prior to accepting or receiving any travel-related transportation, lodging, meal, hospitality, or other thing of value provided by certain third parties that has a value exceeding \$100. The bill modifies the current composition of the Council, reducing the number of members from 15 to 9 and requires that there be bipartisan balance of the General Assembly members appointed to the Council. The bill requires electronic filing of disclosure forms with the Council and provides that local officers and employees will file disclosure forms locally instead of with the Council. The bill provides that the making of a knowing and intentional false statement on a disclosure form is punishable as a Class 5 felony. The bill also prohibits the Governor, his campaign committee, and any political action committee established on his behalf from knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$100 from persons and entities seeking loans or grants from the Commonwealth's Development Opportunity Fund (the Fund), restricts such gifts and contributions from persons and entities seeking loans or grants from the Fund, and provides that any violation shall result in a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater. The bill has a delayed effective date of January 1, 2016, except the provisions of the bill related to the Council and its duties become effective July 1, 2015. This bill incorporates HB 1598, HB 1667, HB 1689, HB 1919, HB 1947, and HB 2060 and is identical to SB 1424.

Law Advice: New Requirement

HB2071 Service and Volunteerism, Advisory Board on; established to advise Governor and his cabinet.

Companion Bill: SB1090

Chief Patron: McClellan

Summary:

Codifies the Governor's Advisory Board on Service and Volunteerism to advise the Governor and Cabinet Secretaries on matters related to the promotion and development of national and community service in Virginia and to meet the provisions of the federal National and Community Service Trust Act of 1993. The bill has an expiration date of July 1, 2018. This bill is identical to SB 1090.

Law Advice: FYI - No Direct Impact

HB2081 Employers; disclosure of social media account information.

Chief Patron: Peace

Summary:

Prohibits an employer from requiring a current or prospective employee to disclose the username and password to his social media account. The measure also prohibits an employer from requiring an employee to add an employee, a supervisor, or an administrator to the list of contacts associated with the employee's social media account.

Law Advice: New Requirement

HB2090 Restaurants; training standards that address food safety and food allergy awareness and safety.

Companion Bill: SB1260

Chief Patron: Keam

Summary:

Requires the State Board of Health to include training standards that address food safety and food allergy awareness and safety in its regulations governing restaurants. The bill also requires the State Health Commissioner to provide written materials on food safety and food allergy awareness and safety for the training of restaurant personnel. This bill is identical to SB 1260.

Law Advice: FYI - No Direct Impact

HB2092 Sexual and Domestic Violence, Advisory Committee on; established.

Companion Bill: SB1094

Chief Patron: Peace

Summary:

Establishes the Virginia Sexual and Domestic Violence Program Professional Standards Committee and requires the Department of Criminal Justice Services to administer its activities by providing technical assistance and administrative support. This Committee is tasked with establishing voluntary accreditation standards and procedures by which local sexual and domestic violence programs can be systematically measured and evaluated with a peer-reviewed process. An Advisory Committee on Sexual and Domestic Violence is also established and has the responsibility for advising and assisting state and local entities on matters related to the prevention and reduction of sexual and domestic violence and to promote the efficient administration of grant funds. This bill incorporates HB 1954, is identical to SB 1094, and is a recommendation of the Virginia State Crime Commission.

Law Advice: FYI - No Direct Impact

HB2094 Building Code; limitation of prosecution for violations.

Chief Patron: Peace

Summary:

Provides that prosecutions for Uniform Statewide Building Code violations relating to the maintenance of existing

buildings or structures shall commence within one year of the issuance of a notice of violation for the offense by the building official. Under current law, such prosecutions shall commence within one year of the discovery of the offense by the building official.

Law Advice: FYI - No Direct Impact

HB2118 Acute psychiatric bed registry; frequency of updating.

Companion Bill: SB1265

Chief Patron: Cline

Summary:

Requires state facilities, community services boards, behavioral health authorities, and private inpatient psychiatric service providers to update information included in the acute psychiatric bed registry whenever there is a change in bed availability for the facility, board, authority, or provider or, if no change in bed availability has occurred, at least once daily. This bill is identical to SB 1265.

Law Advice: New Requirement

HB2125 Use of unmanned aircraft systems; search warrant required.

Chief Patron: Cline

Summary:

Replaces the moratorium currently set to expire on July 1, 2015, on the use of unmanned aircraft systems by state and local law-enforcement and regulatory entities, except in defined emergency situations or in training exercises related to such situations, with an absolute prohibition on the use of unmanned aircraft systems by such law-enforcement and regulatory entities unless a search warrant has been obtained prior to such use. The warrant requirement does not apply to (i) utilization of such systems to support the Commonwealth for purposes other than law enforcement; (ii) certain search and rescue operations; (iii) certain Virginia National Guard and United States Armed Forces functions; (iv) research and development conducted by institutions of higher education or other research organizations; or (v) the use of unmanned aircraft systems for private, commercial, or recreational use.

Law Advice: New Requirement

HB2148 Virginia Public Procurement Act; small, women-owned, & minority-owned businesses, defines business.

Companion Bill: SB1333

Chief Patron: Yancey

Summary:

Defines "historically black college or university" and provides that the term "minority-owned business" includes historically black colleges or universities. This bill is identical to SB 1333.

Law Advice: FYI - No Direct Impact

HB2177 Certificate of public need; eliminates regional health planning agencies.

Chief Patron: Orrock

Summary:

Amends the definition of "project" for which a certificate of public need is required to include capital expenditures of \$15 million or more by or on behalf of a medical care facility other than a general hospital. Currently, all capital expenditures of \$15 million or more by or on behalf of any medical care facility constitute a project for which a certificate of public need is required. The bill also provides that capital expenditures of \$5 million or more by a general hospital shall be registered with the Commissioner of Health.

Law Advice: Change in Requirement

Similar to SB1283.

HB2192 Practitioners of the healing arts; prohibits dispensing controlled substances unless licensed.

Chief Patron: Garrett

Summary:

Prohibits a practitioner of the healing arts from dispensing controlled substances unless licensed by the Board of Pharmacy to sell controlled substances. The bill requires facilities from which practitioners of the healing arts dispense controlled substances to obtain a permit from the Board but exempts facilities in which only one practitioner of the healing arts is licensed by the Board to sell controlled substances from fees associated with obtaining and renewing such permit. The bill also requires the Board of Pharmacy to promulgate regulations to implement the provisions of this act within 280 days of its enactment.

Law Advice: New Requirement

HB2204 Line of Duty Act; codifying revisions to the Act.

Chief Patron: Jones

Summary:

Revises the Line of Duty Act (the Act) by codifying revisions to the Act in the appropriation act, transferring overall administration of the Act to the Virginia Retirement System (VRS), transferring administration of health insurance benefits under the Act to the Department of Human Resource Management (DHRM), and providing for an administrative appeal process. The bill also directs VRS and DHRM, with the input of all stakeholders, to develop proposals on how to improve the Act and ensure its long-term fiscal viability. Except for the development of proposals by VRS and DHRM, the bill becomes effective July 1, 2016, and only if reenacted by the 2016 Session of the General Assembly.

Law Advice: FYI - No Direct Impact

HB2243 Psychologists; continuing education requirements.

Chief Patron: Robinson

Summary:

Allows a psychologist who completes more than 14 hours of continuing education in a single year to carry up to seven hours forward to meet the requirements for the next year.

Law Advice: FYI - No Direct Impact

HB2267 Virginia Solar Energy Development Authority; created, report.

Companion Bill: SB1099

Chief Patron: Hugo

Summary:

Creates the Virginia Solar Energy Development Authority to facilitate, coordinate, and support the development of the solar energy industry and solar-powered electric energy facilities in the Commonwealth. The Authority is directed to do so by developing programs to increase the availability of financing for solar energy projects, facilitate the increase of solar energy generation systems on public and private sector facilities in the Commonwealth, promote the growth of the Virginia solar industry, and provide a hub for collaboration between entities to partner on solar energy projects. The Authority will be composed of 11 members, of whom six will be appointed by the Governor, three will be appointed by the Speaker of the House, and two will be appointed by the Senate Committee on Rules. Members may be representatives of solar businesses, solar customers, renewable energy financiers, state and local government solar customers, and solar research academics. The Authority is charged with, among other tasks, (i) identifying existing state and regulatory or administrative barriers to the development of the solar energy industry; (ii) collaborating with entities such as higher education institutions to increase the training and development of the workforce needed by the solar industry in Virginia, including industry-recognized credentials and certifications; (iii) applying to the U.S. Department of Energy for loan guarantees for such projects; and (iv) performing any other activities as may seem appropriate to increase solar energy generation in Virginia and the associated jobs and economic development and competitiveness benefits, including assisting investor-owned utilities in the planned deployment of at least 400 megawatts of solar energy projects in the Commonwealth by 2020 through entering into agreements in its discretion in any manner provided by law for the purpose of planning and providing for the financing or assisting in the financing of the construction or purchase of solar energy projects that are authorized pursuant to a provision of Chapter 23 of Title 56. The Director of the Department of Mines, Minerals and Energy may utilize non-state-funded support to carry out any duties assigned to the Director. Funding may be provided by any source, public or private, for the purposes for which the Authority is created. The bill has a sunset date of July 1, 2025.

Law Advice: FYI - No Direct Impact

HB2277 Life insurance; coverage for retired state employees.

Chief Patron: Ingram

Summary:

Provides that the basic life insurance coverage for retired state employees with 30 or more years of creditable service shall not be reduced to less than \$8,000, indexed to the amount of post-retirement supplements for retirees as calculated for employees hired on or after July 1, 2010.

Law Advice: FYI - No Direct Impact

HB2290 University of Virginia; terms of rector and vice-rector.

Chief Patron: Landes

Summary:

Requires the board of visitors of the University of Virginia to establish in its bylaws the commencement and expiration dates of the two-year terms of the board's rector and vice-rector. Under current law, such two-year terms are required to commence on July 1 of the year of appointment and expire on June 30 of the year of expiration.

Law Advice: Change in Requirement

UVa legislative proposal.

HB2293 Value engineering; report shall not be required for certain projects.

Chief Patron: James

Summary:

Eliminates the need for a value engineering report for projects that (i) are designed utilizing either the design-build or construction management at risk basis and (ii) have the value engineering process as an integral component. The bill also eliminates the requirement that a designee of the Department of General Services (the Department) participate in all cost-saving decisions for such projects having a waiver granted by the Director of the Department. The bill requires that only a written summary of the cost savings that have been incorporated into the design be provided to the Division of Engineering and Buildings prior to moving forward to the construction phase of the contract.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB2299 Health services plans; effects of actions of other states.

Companion Bill: SB1405

Chief Patron: Miller

Summary:

Requires the State Corporation Commission (SCC) to conduct a proceeding to review and evaluate the effect of a law or other regulatory action of another state that requires a health services plan operating in the Commonwealth to distribute or reduce its surplus on grounds that it is excessive. Currently the SCC may, but is not required to, conduct such a proceeding or examination only when another state enacts a law providing a program or benefits for the residents of the other state. The measure authorizes the SCC, if it finds that the other state's action is harmful to the interests of residents of the Commonwealth, to (i) prohibit the health services plan from distributing or reducing its surplus for the benefit of residents of another state or (ii) take any other action the SCC finds necessary to protect the interests of the residents of the Commonwealth. The measure also prohibits a health services plan from distributing or reducing its surplus pursuant to a law or regulatory action that is the subject of such a proceeding by the SCC except with the approval of the SCC. The bill contains an emergency clause. This bill is identical to SB 1405.

Law Advice: FYI - No Direct Impact

HB2316 Southwest Virginia Health Authority; review and approval of proposed cooperative agreements.

Chief Patron: Kilgore

Summary:

Authorizes the Southwest Virginia Health Authority (the Authority) to receive and review applications for approval of proposed cooperative agreements submitted by two or more hospitals and to provide recommendations to the State Health Commissioner (the Commissioner) regarding the approval of such applications. The bill defines a cooperative agreement as an agreement among two or more hospitals for the sharing, allocation, consolidation by merger or other combination of assets, or referral of patients, personnel, instructional programs, support services, and facilities or

medical, diagnostic, or laboratory facilities or procedures or other services traditionally offered by hospitals. The Authority shall recommend for approval by the Commissioner a proposed cooperative agreement if it determines that the benefits likely to result from the proposed cooperative agreement outweigh the disadvantages likely to result from a reduction in competition from the proposed cooperative agreement. The Commissioner is charged with adopting the Authority's recommendation if he determines that the recommendation is supported by a preponderance of the evidence in the record. The Commissioner is entrusted with actively and continuously supervising any cooperative agreement to ensure compliance with its provisions and is required, if he has reason to believe that compliance with a cooperative agreement no longer meets certain requirements, to initiate a proceeding to determine whether compliance no longer meets the requirements. The bill also provides that activities conducted pursuant to cooperative agreements approved and supervised by the Commissioner are immunized from challenge or scrutiny under the Commonwealth's antitrust laws. The measure states that it is the intention of the General Assembly that this measure immunizes cooperative agreements approved and supervised by the Commissioner from challenge or scrutiny under federal antitrust law. The City of Bristol is added to the jurisdictions participating in the Authority. The Chief Executive Officer of the Clinch Valley Medical Center or his designee is added to the Authority's board of directors. The State Board of Health is required to promulgate emergency regulations that address (i) the review of applications for proposed collaborative agreements; (ii) the process by which applications for proposed collaborative agreements shall be approved or denied; (iii) post-approval monitoring; and (iv) fees to cover costs of supervising an approved cooperative agreement. Finally, the measure requires the Authority to submit the regional health goals to the Commissioner at least 30 days prior to the Authority's submission to the Commissioner of any recommendation concerning a proposed collaborative agreement.

Law Advice: FYI - No Direct Impact

HB2320 Cooperative degree program; Secretary of Education, et al., shall develop a plan to establish.

Chief Patron: Cline

Summary:

Requires the Secretary of Education and the Director of the State Council of Higher Education for Virginia, in consultation with each two-year or four-year, public or private, nonprofit institution of higher education in the Commonwealth and the Virginia Community College System, to develop a plan to establish and advertise a cooperative degree program whereby any undergraduate student enrolled at any two-year or four-year, public or private, nonprofit institution of higher education in the Commonwealth may complete, through the use of online courses at any such institution, the course credit requirements to receive a degree at a tuition cost not to exceed \$4,000, or such cost that is achievable, per academic year. The Secretary and Director shall report no later than October 1, 2016, to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance, and the Senate Committee on Education and Health on the progress made toward developing such cooperative degree program plan.

Law Advice: New Requirement

HB2323 Information technology projects and services; Chief Information Officer authorized to approve.

Chief Patron: Jones

Summary:

Clarifies responsibilities related to information technology in the Commonwealth. The bill provides the Chief

Information Officer (CIO) with the authority to approve and make decisions related to information technology projects, procurements, and standards without requiring the routine approval of the Secretary of Technology. The bill provides that the Secretary of Technology is responsible for overseeing enterprise information technology projects and communicating regularly with the Governor and other Secretaries regarding information technology services, initiatives, and investments in the Commonwealth. The bill also requires that agency and department heads follow policies and procedures put in place by the CIO regarding the security of government information and establishes requirements ensuring that procurement provisions are followed regarding the purchase of information technology. The changes in the bill are recommendations of the Joint Legislative Audit and Review Commission.

Law Advice: FYI - No Direct Impact

Exempt from most provisions under Restructuring.

HB2330 Tobacco Region Revitalization Commission; created, financial viability & feasibility.

Companion Bill: SB1440

Chief Patron: Kilgore

Summary:

Renames the Tobacco Indemnification and Community Revitalization Commission as the Tobacco Region Revitalization Commission (the Commission) and requires it to contract with a manager to oversee Commission loans, grants, and other distributions of money. The bill requires the manager to provide a written report on the financial viability and feasibility of any such distribution and prohibits the Commission from making the distribution until its viability and feasibility have received recommendations from the manager. The bill eliminates future appointments of three nonlegislative citizen members and requires 13 of the remaining 28 Commission members to have experience in particular fields. The bill requires the Commission to (i) adopt policies governing the Tobacco Region Opportunity Fund; (ii) require a dollar-for-dollar match from entities receiving grants; (iii) make no distribution to a tobacco-dependent community solely based on the historical production of tobacco; (iv) require each project to have an accountability matrix, provide a set of quantified outcome expectations and other figures, and demonstrate how it will address low employment levels or other indicators; (v) develop a strategic plan every two years; and (vi) establish a public database of awards. The bill also establishes the Virginia Tobacco Region Revolving Fund (the Fund), the assets of which are to be used to make loans to local governments for the financing of any project. The bill empowers the Virginia Resources Authority (the Authority) to administer the Fund, pledge assets of the Fund as security for bonds issued to finance a project, sell or collect on loans made from the Fund, and, in accordance with a memorandum of agreement with the Commission, establish the rates and terms of loans. The bill directs the Commission, in conjunction with the Authority, to make an annual report to the General Assembly and the Governor on all loans made from the Fund. This bill is identical to SB 1440.

Law Advice: Change in Requirement

HB2354 State Board for Community Colleges; policy for the award of academic credit for military training.

Companion Bill: SB1335

Chief Patron: Yancey

Summary:

Requires the State Board for Community Colleges to adopt, no later than December 31, 2015, a policy for the award

of academic credit to any student enrolled at a comprehensive community college who has successfully completed a military training course or program as part of his military service that is applicable to the student's certificate of degree requirements and is recommended for academic credit by a national higher education association that provides academic credit recommendations for military training courses or programs, noted on the student's military transcript issued by any of the armed forces of the United States, or otherwise documented in writing by any of the armed forces of the United States. This bill is identical to SB 1335.

Law Advice: FYI - No Direct Impact

HB2368 Involuntary civil admissions; evaluations.

Chief Patron: Garrett

Summary:

Directs the Commissioner of Behavioral Health and Developmental Services, in conjunction with relevant stakeholders, to review the current practice of conducting emergency evaluations for individuals subject to involuntary civil admission and to develop a comprehensive plan to authorize psychiatrists and emergency physicians to evaluate individuals for involuntary civil admission where appropriate to expedite emergency evaluations. The review and recommendations shall be completed by November 15, 2015 and reported to the Governor, the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21st Century, the House Committee on Health, Welfare and Institutions, and the Senate Committee on Education and Health.

Law Advice: FYI - No Direct Impact

HB2372 Medical assistance; asset verification, financial institutions to provide certain medical records.

Chief Patron: Sickles

Summary:

Requires the Department of Medical Assistance Services (DMAS) to establish an electronic financial record matching program for the purpose of verifying the assets of applicants for and recipients of medical assistance for (i) individuals applying for or receiving medical assistance as aged, blind, or disabled and (ii) individuals for whom an assets test is required to determine the applicant's or recipient's eligibility for medical assistance. Upon determining that financial records of an individual for whom a resource test is required are required in connection with a determination or redetermination of eligibility for medical assistance or the amount of medical assistance, DMAS or its agent may request financial records of the individual from a financial institution. The bill authorizes financial institutions doing business in the Commonwealth to provide financial records of an individual for whom a resource test is required to DMAS or its agent, upon receipt of such request. Financial institutions are provided immunity from civil or criminal liability with respect to their provision of such information. DMAS is required to reimburse financial institutions for their actual costs when complying with the requirements of this measure. The bill has an expiration date of July 1, 2017.

Law Advice: FYI - No Direct Impact

HB2378 State agencies; work group established to provide public access to operational data, etc.

Chief Patron: Cline

Summary:

Requires the Secretaries of Administration, Finance, and Technology to jointly establish a work group to provide to the public, the chairmen of each standing committee of the General Assembly or their designees, and a designated staff member of the House Committee on Appropriations and the Senate Committee on Finance access to data and information pertaining to the operation of state agencies within the subject matter jurisdiction of each standing committee. Access shall be by electronic means to the extent possible, as determined by the work group, taking into account security and privacy restrictions. The bill requires the Secretaries of Administration, Finance, and Technology to ensure that the work group makes substantial progress toward accessing the information and data required on or before November 1, 2015, and identify possible future steps to further facilitate electronic access to such data.

Law Advice: New Requirement

HJ490 Constitutional amendment (first resolution); right to work.

Chief Patron: Bell, Richard P.

Summary:

Provides that any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.

Law Advice: FYI - No Direct Impact

HJ527 Virginia Caregivers Month; designating as November 2015, and each succeeding year thereafter.

Chief Patron: Head

Summary:

Designates November, in 2015 and in each succeeding year, as Virginia Caregivers Month.

Law Advice: FYI - No Direct Impact

HJ555 Higher education; endorsement of SCHEV's statewide strategic plan, report.

Companion Bill: SJ228

Chief Patron: Landes

Summary:

Endorses the framework of mission, vision, goals, and strategies for the statewide strategic plan for higher education developed and approved by the State Council of Higher Education for Virginia (SCHEV) as the Commonwealth's vision and plan for higher education and requires SCHEV to report annually for six years on the Commonwealth's progress toward achieving the plan's goals to the Governor, General Assembly, institutions of higher education, and the public.

Law Advice: FYI - No Direct Impact

HJ557 Veterans Services, Department of; JLARC to review.

Companion Bill: SJ243

Chief Patron: O'Bannon

Summary:

Directs the Joint Legislative Audit and Review Commission to review the Department of Veterans Services, including, among other things, the review of programs administered by the Department's agencies and other issues related to the provision of services to veterans. The Commission must report to the Governor and 2017 Regular Session of the General Assembly.

Law Advice: Monitor and Track

HJ558 Teachers, qualified; Department of Education and SCHEV, report.

Chief Patron: Orrock

Summary:

Requests the Virginia Department of Education and the State Council of Higher Education for Virginia to examine shortages of qualified teachers generally and in certain teaching endorsement areas and to recommend strategies for addressing the shortages. The Department and the Council must report their findings and recommendations no later than the first day of the 2016 Regular Session of the General Assembly.

Law Advice: Monitor and Track

HJ600 Sexual Assault Awareness Month; designating as April 2015, and each succeeding year thereafter.

Companion Bill: SJ245

Chief Patron: Kory

Summary:

Designates the month of April, in 2015 and in each succeeding year, as Sexual Assault Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ606 Maternal Mental Health Month; designating as May 2015, and each succeeding year thereafter.

Chief Patron: Robinson

Summary:

Designates May, in 2015 and in each succeeding year, as Maternal Mental Health Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ630 Opioid; mandating health insurance coverage for abuse deterrent formulations.

Chief Patron: Byron

Summary:

Directs the Health Insurance Reform Commission to study mandating health insurance coverage for abuse deterrent formulations for opioid medications.

Law Advice: Monitor and Track

HJ637 Medicaid; JLARC to study the Commonwealth's program.

Companion Bill: SJ268

Chief Patron: Landes

Summary:

Directs the Joint Legislative Audit and Review Commission (JLARC) to study the Commonwealth's Medicaid program. In conducting its study, JLARC shall review (i) the processes used to determine eligibility, including the financial eligibility screening process for long-term care services, whether asset sheltering could be further prevented and asset recoveries improved, and the effectiveness of existing fraud and abuse detection and prevention efforts; (ii) whether the most appropriate services are provided in a cost-effective manner; (iii) evidence-based practices and strategies that have been successfully adopted in the other states and could be used in the Commonwealth; and (iv) other relevant issues.

Law Advice: Monitor and Track

HR201 Commending the 2015 inductees into the Virginia Sports Hall of Fame.

Companion Bill: SR66

Chief Patron: James

Summary:

Commending the 2015 inductees into the Virginia Sports Hall of Fame.

Law Advice: FYI - No Direct Impact

SB712 Higher education; handling of sexual assault cases.

Companion Bill: HB1930

Chief Patron: Black

Summary:

Requires any responsible employee of a public or private nonprofit institution of higher education who in the course of his employment obtains information that an act of sexual violence has been committed against a student or on campus property or other property related to the institution to report such information to the Title IX coordinator for the institution as soon as practicable. The bill requires the Title IX coordinator to report such information to a review committee, which shall meet within 72 hours of the receipt of information of an alleged act of sexual violence and which shall include the Title IX coordinator, a representative of law enforcement, and a student affairs representative. If the review committee determines that disclosure of the information regarding the alleged act of sexual violence is necessary to protect the health and safety of the victim or other individuals, the representative of law enforcement on the review committee shall disclose the information, including personally identifiable information, to the law-enforcement agency responsible for investigating the alleged act. In cases involving a felony sexual assault, the representative of law enforcement on the review committee, or in certain situations, another committee member, shall consult with the local attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence.

The bill requires the governing board of each public or private nonprofit institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies to provide victims with information on contacting such center or service. The bill requires each public or private nonprofit institution of higher education to annually certify to the State Council of Higher Education for Virginia that it has reviewed its sexual violence policy. Finally, the bill requires the Department of Criminal Justice Services to monitor the impact the legislation will have on the workload of local victim witness programs and report its findings to the Chairmen of the House and Senate Committees for Courts of Justice by October 1, 2016. This bill is identical to HB 1930.

Law Advice: New Requirement

SB717 Medical school scholarships; expands eligibility for program.

Chief Patron: Stanley

Summary:

Expands eligibility for the medical school scholarship program administered by the Board of Health for medical students who agree to practice in underserved areas of the Commonwealth to include students of any accredited medical school in the United States. Under current law, only students who attend medical schools in Virginia are eligible for the scholarship program.

Law Advice: Change in Requirement

SB732 Investigational drugs; expanded access.

Companion Bill: HB1750

Chief Patron: Stanley

Summary:

Provides that a manufacturer of an investigational drug, biological product, or device may make such drug, product, or device available to a person who has a terminal condition when (i) the person has, in consultation with his treating physician, considered all other treatment options currently approved by the U.S. Food and Drug Administration and the treating physician has determined that no reasonable opportunity exists for him to participate in an ongoing clinical trial; (ii) the potential benefits of use of the investigational drug, biological product, or device to treat his terminal condition are greater than the potential risks; (iii) the person has received a recommendation from his treating physician for use of such drug, product, or device for treatment of his terminal condition; and (iv) the person has provided written informed consent. The bill provides that a manufacturer that provides such drug, product, or device may provide the drug, product, or device free of charge or may require the person to pay costs associated with its manufacture and provides that health insurance providers may, but are not required to, provide coverage for costs associated with use of such drug, product, or device. For a health care provider who recommends an investigational drug, biological product, or device and for a manufacturer, distributor, administrator, health care provider, sponsor, or physician who manufactures, supplies, distributes, administers, prescribes, or recommends such drug, product, or device, the bill provides immunity from civil liability and provides that no claim or cause of action shall exist in any state court for claims of property, personal injury, or death caused by, arising out of, or relating to the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescription, recommendation, administration, efficacy, or use of such drug, product, or device to a person who meets eligibility under the law. The bill provides that no health care provider who recommends, prescribes, administers, distributes, or supplies an investigational drug, biological product, or device shall be deemed to have

engaged in unprofessional conduct or shall be adversely affected in any decision relating to licensure on such grounds and provides that nothing shall require any person to violate or act in contravention of any federal or state law as such law relates to the prescribing, dispensing, administration, or use of an investigational drug, biological product, or device. This bill incorporates SB 1149 and SB 1222 and is identical to HB 1750.

Law Advice: New Requirement

SB750 Hospitals; required notice to patients.

Chief Patron: Black

Summary:

Requires hospitals to provide oral and written notice within 24 hours to any patient who has been placed under observation or in any other outpatient status that he has been placed in such status if (i) the patient receives onsite services from the hospital and (ii) such onsite services include a hospital bed and meals that are provided in an area of the hospital other than the emergency department. This bill incorporates SB 857.

Law Advice: New Requirement

SB770 Workers' compensation; exclusivity of remedy.

Companion Bill: HB1486

Chief Patron: McEachin

Summary:

Provides that if the Workers' Compensation Commission or a court on appeal from the Commission makes a finding in an unappealed order based on an evidentiary hearing or a factual stipulation of the parties that the claim relating to an accident, injury, disease, or death did not arise out of or in the course of the employee's employment, then that finding shall be res judicata between the parties and estop them from arguing before a court that the accident is barred by the exclusivity provisions of the Workers' Compensation Act. The bill further sets out the notice provisions required in order for the court finding to be res judicata. This bill is identical to HB 1486.

Law Advice: FYI - No Direct Impact

SB773 Psychiatric treatment of minors; objecting minor.

Companion Bill: HB1717

Chief Patron: McWaters

Summary:

Amends the criteria for admitting an objecting minor 14 years of age or older for psychiatric treatment to match the criteria for determining whether a nonobjecting minor or a minor younger than 14 years of age should be admitted. The bill also provides that if a minor 14 years of age or older who did not initially object to treatment objects to further treatment, the mental health facility where the minor is being treated shall immediately notify the parent who consented to the minor's treatment and provide to such parent a summary, prepared by the Office of the Attorney General, of the procedures for requesting continued treatment of the minor. This bill is identical to HB 1717.

Law Advice: FYI - No Direct Impact

SB776 Physical therapy; certain experience and referrals required to practice.

Companion Bill: HB1457

Chief Patron: Newman

Summary:

Provides that a physical therapist who has completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has obtained a certificate of authorization may evaluate and treat patients for up to 30 days after an initial evaluation without a referral if (i) the patient is not receiving care from a licensed health care provider for the symptoms giving rise to the presentation at the time of his presentation to the physical therapist for physical therapy services or (ii) the patient is receiving care from a licensed health care provider at the time of his presentation to the physical therapist for the symptoms giving rise to the presentation for physical therapy services and (a) the patient identifies a health care provider from whom he is currently receiving care, (b) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner, and (c) the physical therapist notifies the identified practitioner no later than 14 days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. The bill allows a physical therapist who has not completed a doctor of physical therapy program approved by the American Physical Therapy Association or received a certificate of authorization to conduct a one-time evaluation of a patient who has not met the criteria for evaluation and treatment without a referral and direction, provided the physical therapist does not provide treatment. The bill eliminates the requirement for continuing education for physical therapists who have received a certificate of authorization and eliminates the advisory committee established to consult with the Board of Physical Therapy in promulgating regulations for minimum education, training, and experience criteria. This bill is identical to HB 1457.

Law Advice: Change in Requirement

SB779 Psychiatric treatment of minors; duration of admission, petition for judicial approval.

Chief Patron: McWaters

Summary:

Increases from 96 to 120 hours the length of time a minor 14 years of age or older who objects to admission for inpatient treatment or who is incapable of making an informed decision may be admitted to a willing mental health facility.

Law Advice: FYI - No Direct Impact

SB790 DPOR; promoters of boxing, martial arts, and wrestling events.

Companion Bill: HB1455

Chief Patron: Carrico

Summary:

Provides for the regulation of amateur boxing and martial arts and professional wrestling by the Director of the Department of Professional and Occupational Regulation. The bill authorizes the Director to approve a sanctioning organization to oversee the conduct of amateur boxing and martial arts events. The bill sets out the requirements to be met by the sanctioning organization, including blood testing of the participants. The bill exempts amateur bouts and amateur boxing or martial arts engagements conducted by or held under the sponsorship of (i) any elementary or

secondary school or public or private institution of higher education located in the Commonwealth or (ii) the Department of Corrections involving inmates of any state correctional institution. The bill has a delayed effective date of October 1, 2015, and requires the Director to convene a work group of interested parties affected by the provisions of the bill to determine an appropriate method for holding professional-amateur events. This bill is identical to HB 1455.

Law Advice: FYI - No Direct Impact

SB811 Chemical storage in the Commonwealth; protection of human health and the environment.

Chief Patron: Watkins

Summary:

Directs the Director of the Department of Environmental Quality, the State Health Commissioner, and the State Coordinator of Emergency Management to evaluate various existing laws and regulations to ensure that chemical storage is conducted in a manner that protects human health and the environment. The bill provides guidance regarding the areas that are to be evaluated by the three agency heads. The bill has an expiration date of January 1, 2017.

Law Advice: FYI - No Direct Impact

SB813 Virginia Retirement System; technical amendments to the programs administered by System.

Chief Patron: Watkins

Summary:

Makes technical amendments to the programs administered by the Virginia Retirement System.

Law Advice: FYI - No Direct Impact

SB814 Electronic identity management; standards, liability.

Companion Bill: HB1562

Chief Patron: Watkins

Summary:

Creates the Identity Management Standards Advisory Council to advise the Secretaries of Technology and Transportation on the adoption of technical and data standards regarding the verification and authentication of identity in digital and online transactions. The bill establishes in the Code of Virginia the concept of an identity trust framework operator, an entity that establishes rules and policies for identity providers operating within the framework and issues electronic trustmarks to such providers signifying compliance with the rules and policies of that trust framework. The bill also establishes limitation on liability for providers that adhere to the adopted standards, the applicable contract terms, and the rules and policies of the identity trust framework provider, absent gross negligence or willful misconduct. The bill provides that the provider's adherence to the adopted standards and applicable contract terms of the identity framework shall satisfy any requirement for a commercially reasonable security or attribution procedure under Title 8.4A (Commercial Code), the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), and the Uniform Computer Information Transactions Act (§ 59.1-501.1 et seq.). This bill is identical to HB 1562.

Law Advice: FYI - No Direct Impact

SB817 Prescription Monitoring Program; disclosure of information.

Chief Patron: Howell

Summary:

Requires the Director of the Department of Health Professions to disclose information from the Prescription Monitoring Program relevant to a specific investigation, supervision, or monitoring of a specific recipient for purposes of the administration of criminal justice to a probation or parole officer or local community-based probation officer who has completed the Virginia State Police Drug Diversion School designated by the Director of the Department of Corrections or his designee.

Law Advice: FYI - No Direct Impact

SB832 Blood samples; person authorized to take samples pursuant to a search warrant, immunity.

Chief Patron: Edwards

Summary:

Provides that no cause of action shall lie in any court against any person authorized by law to withdraw blood pursuant to a search warrant issued in accordance with § 19.2-53 when that person is acting in accordance with such warrant, except in cases of negligence in the withdrawing of blood or willful misconduct.

Law Advice: FYI - No Direct Impact

SB845 Volunteer first responders; immunity from civil liability when in route to an emergency.

Chief Patron: Stanley

Summary:

Provides that no volunteer firefighter or volunteer emergency services personnel shall be liable for any injury to persons or property arising out of the operation of an emergency vehicle when such volunteer is en route to respond to a fire or to render emergency care or assistance to any ill or injured person at the scene of an accident, fire, or life-threatening emergency and the emergency vehicle displays warning lights and sounds a siren, exhaust whistle, or air horn, unless such injury results from gross negligence or willful or wanton misconduct. Such immunity shall be in addition to, not in lieu of, any other applicable immunity provided by state or federal law.

Law Advice: FYI - No Direct Impact

SB851 Hospital discharge procedures; designation of individual to receive information and instructions.

Companion Bill: HB1413

Chief Patron: Favola

Summary:

Requires hospitals to provide each patient admitted as an inpatient or his legal guardian the opportunity to designate an individual who will care for or assist the patient in his residence following discharge from the hospital and to whom the hospital shall provide information regarding the patient's discharge plan and any follow-up care, treatment, and services that the patient may require. This bill is identical to HB 1413.

Law Advice: New Requirement

SB854 Small, Women-owned, and Minority-owned Business Loan Fund; established.

Companion Bill: HB1757

Chief Patron: Lucas

Summary:

Abolishes the Capital Access Fund for Disadvantaged Businesses, which provides loan guarantees, loan loss reserves, and interest rate write-downs for disadvantaged businesses, and replaces it with the Small, Women-owned, and Minority-owned Business Loan Fund. The new fund will provide direct loans to eligible small, women-owned, and minority-owned businesses. The bill requires the Small Business Financing Authority and the Department of Small Business and Supplier Diversity to transfer cash balances in the Capital Access Fund for Disadvantaged Businesses to the Small, Women-owned, and Minority-owned Business Loan Fund. The bill contains technical amendments. This bill is identical to HB 1757.

Law Advice: FYI - No Direct Impact

SB861 Nurse practitioners.

Companion Bill: HB1476

Chief Patron: Chafin

Summary:

Allows a nurse practitioner to testify as an expert witness in a court of law on certain matters within the scope of his activities and adds nurse practitioner to the definition of "health care provider" under the medical malpractice statutes. The bill clarifies that its provisions are not a codification of Rule 702 of the Federal Rules of Evidence. This bill is identical to HB 1476.

Law Advice: New Authority

SB862 Medical malpractice proceedings; health care providers, expert testimony.

Companion Bill: HB1775

Chief Patron: Chafin

Summary:

Provides that medical experts licensed in other states, but not in Virginia, are presumed to know the standard of care in Virginia, provided that they meet the educational and examination requirements for licensure in Virginia. The bill also extends this presumption to all health care providers who are licensed to practice in Virginia. Currently, such presumption is limited to physicians and nurses. This bill is identical to HB 1775.

Law Advice: FYI - No Direct Impact

SB881 Safety and Health Codes Board; establishment of Voluntary Protection Program.

Companion Bill: HB1768

Chief Patron: Alexander

Summary:

Codifies the Voluntary Protection Program that has been conducted by the Department of Labor and Industry since 1996. The measure directs the Safety and Health Codes Board to adopt definitions, rules, regulations, and standards necessary for the operation of the Program that will promote safe and healthy workplaces throughout the Commonwealth. Participation in the Program is limited to workplaces in which an exemplary worker safety and health management system that exceeds basic compliance with occupational safety and health laws and regulations, and that satisfies the standards for the Program, has been implemented. This bill is identical to HB 1768.

Law Advice: FYI - No Direct Impact

SB885 Small Business and Supplier Diversity, Department of; clarifies definition of small business.

Companion Bill: HB1901

Chief Patron: Petersen

Summary:

Changes the definition of small business to require the business, together with affiliates, to meet the small business size standards established by the regulations of the U.S. Small Business Administration. Currently, a small business is required to have 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years. The bill requires the Secretary of Commerce and Trade to convene a workgroup of interested stakeholders to examine the definition of small business in the Code of Virginia and report its findings and recommendations to the Governor and General Assembly on or before December 1, 2015. The bill will not become effective unless reenacted by the 2016 Session of the General Assembly. This bill is identical to HB 1901.

Law Advice: FYI - No Direct Impact

SB891 Mechanics' liens; subcontractor's waiver of lien rights.

Chief Patron: Petersen

Summary:

Provides that a subcontractor, lower-tier subcontractor, or material supplier may not waive or diminish his lien rights, right to assert bond payment claims, or the right to assert claims for additional costs in advance of furnishing any labor, services, or materials.

Law Advice: FYI - No Direct Impact

SB901 Nurses and nurse practitioners, registered and practical; restricted volunteer license.

Chief Patron: Lucas

Summary:

Creates a new restricted volunteer license for registered and practical nurses and nurse practitioners who practice in public health or community free clinics that provide services to underserved populations.

Law Advice: FYI - No Direct Impact

SB933 Individual income tax subtraction; discharge of student loan.

Companion Bill: HB1716

Chief Patron: Howell

Summary:

Establishes beginning January 1, 2015, an individual income tax subtraction for income attributable to the discharge of a student loan solely by reason of the student's death. This bill is identical to HB 1716.

Law Advice: FYI - No Direct Impact

SB938 Fire services and emergency medical services; revises certain terminology.

Companion Bill: HB1584

Chief Patron: Stuart

Summary:

Revises terminology relating to fire services and emergency medical services and reorganizes provisions governing fire services and emergency medical services. The bill contains technical amendments. This bill is identical to HB 1584.

Law Advice: FYI - No Direct Impact

SB942 Virginia Retirement System; purchase of prior service credit.

Chief Patron: Stuart

Summary:

Allows a member of the Virginia Retirement System granted an unpaid leave of absence for the death of a qualifying child to purchase up to one year of service credit per occurrence of leave. Current law allows the purchase of service credit for an unpaid leave of absence related to the birth or adoption of a child.

Law Advice: Change in Authority

SB944 Home health and hospice organizations; reporting requirements concerning health professionals.

Chief Patron: Favola

Summary:

Requires a director of a licensed home health organization, a director of a licensed hospice organization, and a director of an accredited home health organization exempt from licensure to report certain disciplinary actions against and certain disorders of health professionals to the Office of Licensure and Certification at the Department of Health.

Law Advice: FYI - No Direct Impact

SB951 Dead bodies; disposition of remains or burial of decedent.

Chief Patron: Alexander

Summary:

Clarifies the role of a person other than a decedent's next of kin, a person designated to make arrangements for the decedent's burial or the disposition of his remains, an agent named in an advance directive, or a court-appointed guardian to make decisions regarding the disposition of a decedent's remains. The bill defines "disposition" as the burial, interment, entombment, cremation, or other authorized disposition of a dead body. The bill also clarifies the

definition of next of kin.

Law Advice: FYI - No Direct Impact

SB966 Temporary detention order; custody.

Companion Bill: HB1694

Chief Patron: Barker

Summary:

Removes the requirement that a person subject to a temporary detention order remain in the custody of the community services board for the duration of the order. This requirement was in conflict with other Code sections that require that such person remain in the custody of law enforcement until custody is transferred to a facility or to an alternative transportation provider. This bill is identical to HB 1694.

Law Advice: FYI - No Direct Impact

SB968 Virginia Freedom of Information Act; record exemption for certain health records.

Companion Bill: HB1633

Chief Patron: Ruff

Summary:

Clarifies that records of certain health care committees and entities, to the extent that they reveal information that may be withheld from discovery as privileged communications, are exempt from disclosure under FOIA. This bill is identical to HB 1633.

Law Advice: New Authority

UVa legislative proposal.

SB969 Virginia Freedom of Information Act; exception to open meeting requirements.

Chief Patron: Ruff

Summary:

Clarifies that the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, is not a meeting under FOIA. The bill contains a technical amendment.

Law Advice: FYI - No Direct Impact

SB997 Emergency medical services personnel; background checks, process.

Chief Patron: Stuart

Summary:

Allows local governments, by adoption of an ordinance, to use an alternative method for criminal history background

checks for emergency medical services personnel. Emergency medical services agencies in such localities shall require applicants to submit fingerprints and personal identifying information to be provided directly to the Central Criminal Records Exchange, which shall forward the results of the state and national records search to the local government or chief law-enforcement officer of the locality, who shall notify the Office of Emergency Medical Services of the applicant's eligibility for employment or volunteer service. This bill incorporates SB 837.

Law Advice: FYI - No Direct Impact

SB1018 Practical nurse or registered nurse; establishes criminal history background check for applicants.

Chief Patron: Dance

Summary:

Establishes state and federal criminal history background check requirements for applicants for licensure as a practical nurse or registered nurse. The bill has a delayed effective date of January 1, 2016. This bill incorporates SB 1294.

Law Advice: FYI - No Direct Impact

Delayed effective date: January 1, 2016.

SB1036 Dependents of active duty military members; DMAS shall amend waiver eligibility criteria.

Chief Patron: Hanger

Summary:

Directs the Department of Medical Assistance Services to amend eligibility criteria for the Intellectual Disability waiver and the Individual and Family Developmental Disabilities Support waiver to allow the dependent of an active duty military member to maintain his position on the waiting list following a transfer of the active duty military member to an assignment outside the Commonwealth, so long as the active duty military member maintains the Commonwealth as his legal residence to which he intends to return following completion of military service.

Law Advice: FYI - No Direct Impact

SB1038 Investment in research and technology; changes to CRCF, adding federal research facility.

Chief Patron: Hanger

Summary:

Makes changes to the Commonwealth Research Commercialization Fund (CRCF), including adding a federal research facility located in the Commonwealth to the list of entities eligible to apply for a grant, and clarifies that the length of time that a business has been incorporated does not affect an entity's eligibility for an award. The bill provides for the Innovation and Entrepreneurship Investment Authority (IEIA) to consult with the Secretary of Technology on the guidelines developed for the administration of the CRCF. The bill also transfers the authority to appoint the five citizen members of the Research and Technology Investment Advisory Committee from the IEIA to the Governor and the General Assembly.

Law Advice: FYI - No Direct Impact

SB1042 Capital outlay plan.

Companion Bill: HB1891

Chief Patron: Stosch

Summary:

Revises the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources. The bill is identical to HB 1891.

Law Advice: New Authority

SB1045 Autism spectrum disorder; Board of Medicine shall post information available on website.

Chief Patron: Hanger

Summary:

Requires the Board of Medicine to make information about the identification, diagnosis, and treatment of autism spectrum disorder and the role of health care providers in identifying, diagnosing, and treating autism spectrum disorder available to licensees on a website maintained by the Board.

Law Advice: FYI - No Direct Impact

SB1047 Stormwater utility fees; municipal separate storm sewer permits.

Chief Patron: Hanger

Summary:

Provides that where two adjoining localities subject to a revenue sharing agreement each hold a permit to discharge stormwater from a municipal separate storm sewer system (MS4), a waiver of charges to a public entity for property that is covered by an MS4 permit shall also apply to property of each locality and of its school board that is accounted for in that locality's MS4 plan, regardless of whether such property is located within the adjoining locality.

Law Advice: FYI - No Direct Impact

SB1052 Developmental disabilities; definition.

Chief Patron: Hanger

Summary:

Defines "developmental disability" as a severe, chronic disability of an individual that (i) is attributable to a mental or physical impairment, or a combination of mental and physical impairments, other than a sole diagnosis of mental illness; (ii) is manifested before the individual reaches 22 years of age; (iii) is likely to continue indefinitely; (iv) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and (v) reflects the individual's need for a combination and sequence of special interdisciplinary or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

Law Advice: FYI - No Direct Impact

SB1064 Administration of estates; liability of heir or devisee for real estate conveyed.

Chief Patron: Obenshain

Summary:

Provides that real estate sold or conveyed as part of a decedent's estate is not liable to persons entitled to be paid out of such real estate if the sale was made more than one year after the death of the decedent, the conveyance was bona fide, and no debts or demands report has been filed prior to the sale. The bill returns the law to its state prior to the recodification of Title 64.1 in 2012.

Law Advice: FYI - No Direct Impact

SB1086 Medicaid payment; trial for false statement or representation on application, venue.

Chief Patron: Vogel

Summary:

Provides that the venue for the trial of any person charged with making a false statement or representation with regard to an application for Medicaid payment shall be the county or city in which (i) any act was performed in furtherance of the offense or (ii) the person charged with the offense resided at the time of the offense.

Law Advice: FYI - No Direct Impact

SB1090 Service and Volunteerism, Advisory Board on; established to advise Governor and his Cabinet.

Companion Bill: HB2071

Chief Patron: Vogel

Summary:

Codifies the Governor's Advisory Board on Service and Volunteerism to advise the Governor and Cabinet Secretaries on matters related to the promotion and development of national and community service in Virginia and to meet the provisions of the federal National and Community Service Trust Act of 1993. The bill has an expiration date of July 1, 2018. This bill is identical to HB 2071.

Law Advice: FYI - No Direct Impact

SB1094 Sexual and Domestic Violence, Advisory Committee on; established.

Companion Bill: HB2092

Chief Patron: Howell

Summary:

Establishes the Virginia Sexual and Domestic Violence Program Professional Standards Committee and requires the Department of Criminal Justice Services to administer its activities by providing technical assistance and administrative support. This Committee is tasked with establishing voluntary accreditation standards and procedures by which local sexual and domestic violence programs can be systematically measured and evaluated with a peer-reviewed process. An Advisory Committee on Sexual and Domestic Violence is also established and has the responsibility for advising and assisting state and local entities on matters related to the prevention and reduction of sexual and domestic violence and for promoting the efficient administration of grant funds. This bill incorporates SB 1057, is identical to HB 2092, and is a recommendation of the Virginia State Crime Commission.

Law Advice: FYI - No Direct Impact

SB1099 Virginia Solar Energy Development Authority; created, report.

Companion Bill: HB2267

Chief Patron: Stuart

Summary:

Creates the Virginia Solar Energy Development Authority to facilitate, coordinate, and support the development of the solar energy industry and solar-powered electric energy facilities in the Commonwealth. The Authority is directed to do so by developing programs to increase the availability of financing for solar energy projects, facilitate the increase of solar energy generation systems on public and private sector facilities in the Commonwealth, promote the growth of the Virginia solar industry, and provide a hub for collaboration between entities to partner on solar energy projects. The Authority will be composed of 11 members, of whom six will be appointed by the Governor, three will be appointed by the Speaker of the House, and two will be appointed by the Senate Committee on Rules. Members may be representatives of solar businesses, solar customers, renewable energy financiers, state and local government solar customers, and solar research academics. The Authority is charged with, among other tasks, (i) identifying existing state and regulatory or administrative barriers to the development of the solar energy industry; (ii) collaborating with entities such as higher education institutions to increase the training and development of the workforce needed by the solar industry in Virginia, including industry-recognized credentials and certifications; (iii) applying to the U.S. Department of Energy for loan guarantees for such projects; and (iv) performing any other activities as may seem appropriate to increase solar energy generation in Virginia and the associated jobs and economic development and competitiveness benefits. The Director of the Department of Mines, Minerals and Energy may utilize non-state-funded support to carry out any duties assigned to the Director. Funding may be provided by any source, public or private, for the purposes for which the Authority is created. The bill has an expiration date of July 1, 2025.

Law Advice: FYI - No Direct Impact

SB1109 Virginia Freedom of Information Act; expands open meeting exemptions.

Chief Patron: Stuart

Summary:

Expands the open meeting exemption for the discussion of plans to protect public safety as it relates to terrorism and security of governmental facilities to include the discussion of specific cybersecurity threats or vulnerabilities, including the discussion of related records excluded from FOIA, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program. The bill contains an emergency clause.

Law Advice: New Authority

Effective March 16, 2015.

SB1114 Emergency custody order; temporary detention for testing, observation, and treatment.

Chief Patron: Barker

Summary:

Provides that a court or magistrate may issue an order for temporary detention for medical testing, observation, and treatment for a person who is also the subject of an emergency custody order for evaluation and treatment of mental illness. Upon completion of any required testing, observation, or treatment, the hospital emergency room or other

appropriate facility in which the person is temporarily detained shall notify the nearest community services board, and a designee of the community services board shall complete the evaluation as soon as is practicable but prior to the expiration of the order for temporary detention for testing, observation, or treatment.

Law Advice: Change in Requirement

SB1120 Medicine, Board of; requirements for licensure.

Chief Patron: Barker

Summary:

Requires applicants for licensure to practice medicine, osteopathy, or podiatry to receive at least 12 months of the required supervised clinical training in one program or institution approved by an accrediting agency recognized by the Board of Medicine (the Board) and allows supervised clinical training that is received in the United States as part of the curriculum of an international medical school to fulfill the requirements for licensure by the Board if the clinical training is in a program acceptable to the Board and deemed a substantially equivalent experience. The bill removes the Board's authority to grant a temporary license to practice chiropractic to interns and residents and repeals certain other requirements for licensure for students who studied in international medical schools. This bill incorporates SB 959.

Law Advice: FYI - No Direct Impact

SB1121 Agency directors; IT responsibility.

Chief Patron: Barker

Summary:

Provides that the director of every department in the executive branch of state government shall be responsible for securing the electronic data held by his department and shall comply with the requirements of the Commonwealth's information technology security and risk management program as developed by the Chief Information Officer.

Law Advice: New Requirement

SB1122 Higher educational institutions; student mental health policies.

Companion Bill: HB1715

Chief Patron: Barker

Summary:

Requires each public institution of higher education's policies that advise students, faculty, and staff of the proper procedures for identifying and addressing the needs of students exhibiting suicidal tendencies or behavior to require procedures for notifying the institution's student health or counseling center when a student exhibits suicidal tendencies or behavior. This bill is identical to HB 1715.

Law Advice: New Requirement

SB1129 FOIA; expands record exemption for public safety, cybersecurity.

Chief Patron: Stuart

Summary:

Expands the current record exemption for plans and information to prevent or respond to terrorism to include

information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of an entity, facility, building structure, information technology system, or software program. The bill contains an emergency clause and technical amendments.

Law Advice: FYI - No Direct Impact

Effective March 16, 2015.

SB1133 State and local government officers and employees; prohibited conduct, retaliation.

Chief Patron: Garrett

Summary:

Prohibits a state or local government officer or employee from using his public position to retaliate or threaten retaliation against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law. The bill provides, however, that the prohibition does not (i) restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law or (ii) limit the authority of a constitutional officer to discipline or discharge an employee with or without cause.

Law Advice: New Requirement

SB1165 Farm winery; licensees allowed to manufacture wine containing 21% or less of alcohol by volume.

Chief Patron: McWaters

Summary:

Allows farm winery licensees to manufacture wine containing 21 percent or less of alcohol by volume. Under current law, farm winery licensees may manufacture wine containing 18 percent or less of alcohol by volume. The bill also defines a farm winery to include an accredited public or private institution of higher education provided that (i) no wine manufactured by the institution shall be sold, (ii) the wine manufactured by the institution shall be used solely for research and educational purposes, (iii) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (iv) such farm winery is operated in strict conformance with these requirements and Board regulations. This bill is identical to HB 1634.

Law Advice: FYI - No Direct Impact

SB1184 Missing persons; search and rescue.

Companion Bill: HB1808

Chief Patron: McDougale

Summary:

Provides that no local law-enforcement agency shall establish or maintain any policy that requires a waiting period before accepting a critically missing adult report and requires a local law-enforcement agency that receives such a report to initiate an investigation of the case within two hours of receipt. The bill defines a critically missing adult as any missing adult 21 years of age or older whose disappearance indicates a credible threat to the health and safety of the adult as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances. The bill requires the Department of Criminal Justice Services to establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol. The bill also requires the Department of Emergency Management to establish a Coordinator of Search and Rescue.

This bill is a recommendation of the Virginia State Crime Commission and is identical to HB 1808.

Law Advice: FYI - No Direct Impact

SB1186 Naloxone; administration in cases of opiate overdose.

Companion Bill: HB1458

Chief Patron: Obenshain

Summary:

Provides that a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, that a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose, and that firefighters and law-enforcement officers who have completed a training program may possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill also provides that a person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opioid overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of § 54.1-3408 or in his role as a member of an emergency medical services agency. The bill contains an emergency clause. This bill is identical to HB 1458 and HB 1833.

Law Advice: New Authority

Identical to HB1458 and HB1833. Effective April 15, 2015.

SB1193 Academic transcripts; suspension, permanent dismissal, or withdrawal from institution.

Chief Patron: Norment

Summary:

Requires the registrar of certain public and private institutions of higher education, or the other employee, office, or department of the institution that is responsible for maintaining student academic records, to include a prominent notation on the transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct. The bill defines sexual violence as physical sexual acts committed against a person's will or against a person incapable of giving consent. The bill provides that any notation due to a student's suspension shall be removed if the student completed the term of the suspension and any conditions thereof and has been determined by the institution to be in good standing.

Law Advice: New Requirement

SB1197 Hospitals; establishing policies to follow when a stillbirth occurs, reporting.

Chief Patron: Norment

Summary:

Requires the Virginia Congenital Anomalies Reporting and Education System to collect data on stillbirths. The bill defines a stillbirth as an unintended, intrauterine fetal death occurring after a gestational period of 20 weeks. The bill

also requires the State Board of Health to adopt regulations that require any hospital that provides obstetrical services to establish policies to follow when a stillbirth occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations.

Law Advice: New Requirement

SB1198 Administrative Process Act; legislative review of regulations.

Companion Bill: HB1899

Chief Patron: Wagner

Summary:

Extends the period during which the relevant standing committee of both houses of the General Assembly or the Joint Commission on Administrative Rules may transmit, with the Governor's concurrence, a statement directing the suspension of the effective date of a portion or all of a final regulation. Under current law, the statement must be filed within the 30-day final adoption period. The bill provides that if the promulgating agency has specified a later effective date, the statement may be transmitted at any time prior to the specified later effective date. The bill contains technical amendments. This bill is identical to HB 1899.

Law Advice: FYI - No Direct Impact

SB1206 Higher educational institutions; six-year plan to include intellectual property interests, etc.

Companion Bill: HB1959

Chief Patron: Wagner

Summary:

Requires each public institution of higher education to include in its six-year plan the following for the most recently ended fiscal year: (i) the assignment during the year of any intellectual property interests to a person or nongovernmental entity by the institution or any related entity, (ii) the value of externally sponsored research funds received during the year from a person or nongovernmental entity by the institution or any related entity, and (iii) the number and types of patents awarded during the year to the institution or any related entity that were developed in whole or part from externally sponsored research provided by a person or nongovernmental entity. This bill is identical to HB 1959.

Law Advice: New Requirement

SB1223 Higher educational institutions, four-year public; websites, consumer information.

Companion Bill: HB1980

Chief Patron: McWaters

Summary:

Requires each four-year public institution of higher education in the Commonwealth to maintain on the home page of its website and annually update no later than September 30 a tab or link that includes information related to undergraduate retention and graduation rates, tuition and mandatory student fee increases, the use of student fees, postsecondary education and employment, and the institution's finances. This bill is identical to HB 1980.

Law Advice: New Requirement

SB1226 Virginia Public Procurement Act; requirements for Requests for Proposal.

Chief Patron: Reeves

Summary:

Requires that Requests for Proposal (RFP) include the specifics of any numerical scoring system to be used and indicate the weight that will be given to individual components of a proposal. The bill provides that if a numerical system is used, the point values assigned to each of the evaluation criteria must be included in the RFP or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB1227 Telemedicine services; provision of health care services.

Companion Bill: HB2063

Chief Patron: McWaters

Summary:

Amends the definition of telemedicine services to encompass the use of electronic technology or media, including interactive audio or video, for the purpose of diagnosing or treating a patient or consulting with other health care providers regarding a patient's diagnosis or treatment. The measure also provides that for the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services, a prescriber may establish a bona fide practitioner-patient relationship by an examination through face-to-face interactive, two-way, real-time communications services or store-and-forward technologies when certain conditions are met. This bill is identical to HB 2063.

Law Advice: New Authority

SB1238 Emergency Management, Department of; electromagnetic pulses and geomagnetic disturbances.

Chief Patron: Reeves

Summary:

Requires the Department of Emergency Management, in carrying out its duties related to disaster preparedness planning and response, to specifically plan for disasters caused by electromagnetic pulses and geomagnetic disturbances.

Law Advice: FYI - No Direct Impact

SB1260 Restaurants; regulations requiring display of information about food allergies.

Companion Bill: HB2090

Chief Patron: Deeds

Summary:

Requires the State Board of Health to include training standards that address food safety and food allergy awareness and safety in its regulations governing restaurants. The bill also requires the State Health Commissioner to provide

written materials on food safety and food allergy awareness and safety for the training of restaurant personnel. This bill is identical to HB 2090.

Law Advice: FYI - No Direct Impact

SB1262 Health insurance; carrier business practices.

Companion Bill: HB1942

Chief Patron: Newman

Summary:

Requires certain health insurance contracts under which an insurance carrier or its intermediary has the right or obligation to require preauthorization for a drug benefit to include provisions governing the preauthorization process. Required provisions address (i) acceptance by carriers of telephonic, facsimile, or electronic submission of prior authorization requests that are delivered from e-prescribing systems, electronic health record systems, and health information exchange platforms that utilize certain standards; (ii) time limits for communicating to the prescriber that a request is approved, denied, or requires supplementation; (iii) providing reasons for denial of a request; (iv) honoring a prior authorization approved by another carrier; (v) use of a tracking system for prior authorization requests; and (vi) making formularies, drug benefits subject to prior authorization, prior authorization procedures, and certain forms available through the carrier's website. The measure also requires certain organizations to convene a workgroup to identify common evidence-based parameters for carrier approval of certain prescription drugs. This bill is identical to HB 1942.

Law Advice: Change in Requirement

SB1263 Civil admission process; alternative transportation.

Companion Bill: HB1693

Chief Patron: Deeds

Summary:

Provides that a magistrate may authorize alternative transportation for a person subject to an emergency custody order or temporary detention order when there exists a substantial likelihood that the person will cause serious physical harm to himself or others. Current law prohibits the use of alternative transportation when there exists a substantial likelihood that the person will cause serious physical harm to himself or others. The bill also provides liability protection for alternative transportation providers. This bill is identical to HB 1693.

Law Advice: FYI - No Direct Impact

SB1264 Involuntary admission and incapacity information; access by law-enforcement.

Chief Patron: Deeds

Summary:

Provides that certain information related to persons adjudicated incapacitated or ordered to involuntary inpatient or outpatient treatment or to persons who were subject to a temporary detention order who agreed to voluntary admission may be disseminated to a full-time or part-time employee of a law-enforcement agency for purposes of the administration of criminal justice.

Law Advice: FYI - No Direct Impact

SB1265 Acute psychiatric bed registry; frequency of updating.

Companion Bill: HB2118

Chief Patron: Deeds

Summary:

Requires state facilities, community services boards, behavioral health authorities, and private inpatient psychiatric service providers to update information included in the acute psychiatric bed registry whenever there is a change in bed availability for the facility, board, authority, or provider or, if no change in bed availability has occurred, at least once daily. This bill is identical to HB 2118.

Law Advice: New Requirement

SB1283 Certificate of public need; eliminates regional health planning agencies and adds an exception.

Chief Patron: Martin

Summary:

Amends the definition of "project" for which a certificate of public need is required to include capital expenditures of \$15 million or more by or on behalf of a medical care facility other than a general hospital. Currently, all capital expenditures of \$15 million or more by any medical care facility constitute a project for which a certificate of public need is required. The bill provides that capital expenditures of \$5 million or more by a general hospital shall be registered with the Commissioner of Health. The bill also directs the Secretary of Health and Human Resources to convene a work group to review (i) the current certificate of public need process and its impact on health care services in the Commonwealth and (ii) the need for changes to the current certificate of public need process. This bill incorporates SB 1415.

Law Advice: Change in Requirement

Similar to HB2177.

SB1301 Unmanned aircraft systems; use by public bodies during execution of a search warrant, exception.

Chief Patron: McEachin

Summary:

Replaces the moratorium currently set to expire on July 1, 2015, on the use of unmanned aircraft systems by state and local law-enforcement and regulatory entities, except in defined emergency situations or in training exercises related to such situations, with an absolute prohibition on the use of unmanned aircraft systems by such law-enforcement and regulatory entities unless a search warrant has been obtained prior to such use. The warrant requirement does not apply to (i) utilization of such systems to support the Commonwealth for purposes other than law enforcement; (ii) certain search and rescue operations; (iii) certain Virginia National Guard and United States Armed Forces functions; (iv) research and development conducted by institutions of higher education or other research organizations; or (v) the use of unmanned aircraft systems for private, commercial, or recreational use.

Law Advice: FYI - No Direct Impact

SB1307 Search warrants; collection of evidence from computers, computer networks, or other device.

Chief Patron: Wexton

Summary:

Clarifies that a search warrant that authorizes the lawful seizure of digital evidence from a computer, computer network, or other device containing electronic or digital information includes the search and seizure of the physical components and the electronic or digital information contained in such computer, computer network, or other device. The bill also provides that any search, including the search of any computer, computer network, or other device, may be conducted in any location and not just the location where the evidence was seized. The bill provides that its provisions are declaratory of existing law.

Law Advice: FYI - No Direct Impact

SB1319 Retail Sales and Use Tax; limited exemption for certain qualifying items, beginning in 2015.

Chief Patron: Saslaw

Summary:

Combines the three existing "sales tax holidays" into one three-day holiday that begins on the first Friday in August and ends at 11:59 p.m. the following Sunday. Currently, the sales tax holidays for Energy Star or WaterSense products, school supplies, and hurricane preparedness equipment take place at different times during the calendar year and for differing lengths of time. The bill also sunsets the sales tax holiday for school supplies on July 1, 2017.

Law Advice: Change in Requirement

SB1331 Natural Gas Conservation and Ratemaking Efficiency Act; cost-effective programs.

Chief Patron: Petersen

Summary:

Requires the State Corporation Commission, when determining whether a natural gas conservation or energy efficiency program is cost-effective, to assign administrative costs associated with the conservation and ratemaking efficiency plan to the portfolio as a whole. The measure requires the assignment of education and outreach costs associated with each program in a portfolio of programs to such program, and not to individual measures within a program, when such administrative, education, or outreach costs are not otherwise directly assignable. The measure also provides that a cost-effective conservation and energy efficiency program shall not include a program designed to convert propane customers to natural gas.

Law Advice: FYI - No Direct Impact

SB1333 Virginia Public Procurement Act; small, women-owned, and minority-owned businesses.

Companion Bill: HB2148

Chief Patron: Alexander

Summary:

Defines "historically black college or university" and provides that the term "minority-owned business" includes historically black colleges or university. This bill is identical to HB 2148.

Law Advice: FYI - No Direct Impact

SB1335 State Board for Community Colleges; policy for the award of academic credit for military training.

Companion Bill: HB2354

Chief Patron: Cosgrove

Summary:

Requires the State Board for Community Colleges to adopt, no later than December 31, 2015, a policy for the award of academic credit to any student enrolled at a comprehensive community college who has successfully completed a military training course or program as part of his military service that is applicable to the student's certificate of degree requirements and is recommended for academic credit by a national higher education association that provides academic credit recommendations for military training courses or programs, noted on the student's military transcript issued by any of the armed forces of the United States, or otherwise documented in writing by any of the armed forces of the United States. This bill incorporates SB 992 and SB 1322. This bill is identical to HB 2354.

Law Advice: FYI - No Direct Impact

SB1371 Virginia Public Procurement Act (VPPA); methods of procurement.

Companion Bill: HB1835

Chief Patron: Ruff

Summary:

Clarifies that small purchase procedures include the procurement of non-transportation-related construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill adds independent agencies of the Commonwealth to the definition of public body under the VPPA. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited; (ii) no public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400; however, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job, (b) do not exceed \$25,000 per job order, and (c) do not exceed \$75,000 per contract term; and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill clarifies the provisions of the VPPA relating to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies, working cooperatively, report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill also requires, for construction projects in excess of \$2 million, that a public body, including public institutions of higher education, provide its justification for use of any procurement method other than competitive sealed bidding to the Director of the Department of General Services. The bill requires the State Corporation Commission (SCC) to

develop a process for the administrative review of its procurement decisions that is consistent with the Constitution of Virginia. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by the bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments and is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act. This bill is identical to HB 1835.

Law Advice: New Requirement

SB1372 Workforce Development, Virginia Board of; changes to Board requirements.

Companion Bill: HB1986

Chief Patron: Ruff

Summary:

Makes several changes to the Virginia Board of Workforce Development (the Board), including (i) requiring quarterly meetings of the Board; (ii) establishing a full-time director position to be supervised by the Governor's Chief Workforce Development Advisor (the Advisor) and dedicated to supporting the Board's operations; and (iii) adding, as an area of policy advice to the Governor, issues to create a business-driven system that increases the rates of attainment of workforce credentials and jobs. Beginning November 1, 2016, and annually thereafter, each agency administering any publicly funded career and technical education and workforce development program shall submit to the Governor and the Board a report detailing the program's performance against state-level metrics established by the Board and the Advisor. In addition, the Advisor, the Commissioner of the Virginia Employment Commission (VEC), and the Chancellor of the Virginia Community College System (VCCS) shall enter into a memorandum of understanding that sets forth (a) the roles and responsibilities of each of these publicly funded entities; (b) a funding mechanism that adequately supports operations under the federal provisions; and (c) a procedure for the resolution of any disagreements that may arise. The Advisor, VEC, and VCCS shall collaborate to produce an annual executive summary. Each local workforce development board shall develop and execute a strategic plan designed to combine public and private resources to support sector strategies, career pathways, and career readiness skills development. This bill also sets the minimum level of fiscal support from WIOA Adult and Dislocated Worker funds and provides incentives. The bill makes several technical amendments required with the transition from the federal Workforce Investment Act of 1998 to the federal Workforce Innovation and Opportunity Act of 2014. On October 1, 2017, the Executive Director of the Board shall provide members of the Board with a detailed report evaluating the rate of the expenditures for incentives by local workforce development boards from July 1, 2015, to July 1, 2017. This bill is identical to HB 1986.

Law Advice: FYI - No Direct Impact

SB1378 Virginia Public Procurement Act; cooperative procurement, certain councils of governments.

Chief Patron: Barker

Summary:

Provides that a public body may purchase from the contract of the Metropolitan Washington Council of Governments. The bill also provides that a public body may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with the Metropolitan Washington Council of Governments.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB1380 Schedule I drugs.

Companion Bill: HB1564

Chief Patron: Obenshain

Summary:

Adds N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA), N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AMB), and 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA) to Schedule I of the Drug Control Act, in accordance with the action of the Board of Pharmacy adding these substances to Schedule I pursuant to § 54.1-3443. This bill is identical to HB 1564.

Law Advice: FYI - No Direct Impact

SB1385 Innovation and Entrepreneurship Investment Authority; powers, report.

Companion Bill: HB1799

Chief Patron: Vogel

Summary:

Provides the Innovation and Entrepreneurship Investment Authority (commonly known as the CIT) with the power to exclusively, or with any other person, form and otherwise develop, own, operate, govern, and otherwise direct the disposition of assets of separate legal entities, provided that such entities are formed solely for the purpose of managing and administering any assets disposed of by the Authority. The bill provides that these legal entities may include limited liability companies, limited partnerships, charitable foundations, real estate holding companies, investment holding companies, nonstock corporations, and benefit corporations and provides that any such entities shall be operated under the governance of the Authority. The bill sets out other requirements for such entities, including that they shall not be deemed to be a state or governmental agency, advisory agency, or public body or instrumentality and that no director, officer, or employee of any such entity shall be deemed to be an officer or employee for purposes of the State and Local Government Conflict of Interests Act. The bill requires, however, that the Auditor of Public Accounts or his legally authorized representatives shall annually audit the financial accounts of the Authority and any such entity, provided that the working papers and records of the Auditor of Public Accounts relating to such audits shall not be subject to the provisions of the Virginia Freedom of Information Act. The bill (i) adds two members to the board of directors appointed by the Speaker of the House and the Senate Committee on Rules and sets the quorum for the Authority's board of directors at nine; (ii) requires the reporting of certain additional information to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance, the Secretary of Technology, and the Director of Planning and Budget; and (iii) clarifies the Authority's powers related the MACH37 Cyber Accelerator entity.

Law Advice: FYI - No Direct Impact

SB1405 Health services plans; effects of actions of other states.

Companion Bill: HB2299

Chief Patron: Favola

Summary:

Requires the State Corporation Commission (SCC) to conduct a proceeding to review and evaluate the effect of a law or other regulatory action of another state that requires a health services plan operating in the Commonwealth to distribute or reduce its surplus on grounds that it is excessive. Currently the SCC may, but is not required to, conduct such a proceeding or examination only when another state enacts a law providing a program or benefits for the residents of the other state. The measure authorizes the SCC, if it finds that the other state's action is harmful to the interests of residents of the Commonwealth, to (i) prohibit the health services plan from distributing or reducing its surplus for the benefit of residents of another state or (ii) take any other action the SCC finds necessary to protect the interests of the residents of the Commonwealth. The measure also prohibits a health services plan from distributing or reducing its surplus pursuant to a law or regulatory action that is the subject of such a proceeding by the SCC except with the approval of the SCC. The bill contains an emergency clause. This bill is identical to HB 2299.

Law Advice: FYI - No Direct Impact

SB1417 Counselors; client notification.

Chief Patron: Petersen

Summary:

Requires any person licensed by the Board of Counseling and operating in a nonhospital setting to post a copy of his license in a conspicuous place. The posting shall also provide clients with (i) the number of the toll-free complaint line at the Department of Health Professions, (ii) the website address of the Department for the purposes of accessing the licensee's record, and (iii) notice of the client's right to report to the Department if he believes the licensee may have engaged in unethical, fraudulent, or unprofessional conduct.

Law Advice: FYI - No Direct Impact

SB1424 Conflicts of Interests Act, State & Local Gov't & General Assembly, etc.; ethics reforms.

Companion Bill: HB2070

Chief Patron: Norment

Summary:

Removes the distinction between tangible and intangible gifts and prohibits any state or local officer or employee, member of the General Assembly, and certain candidates from soliciting, accepting, or receiving within any calendar year a single gift with a value exceeding \$100 or a combination of gifts with a value exceeding \$100 from certain persons; however, such prohibition does not apply to gifts from personal friends. The bill also prohibits the immediate family of such officers, employees, members, or candidates from soliciting, accepting, or receiving such gifts. The bill provides an exception for gifts received at widely attended events, which are those events at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill also requires persons subject to the Conflict of Interest Acts to request approval from the Virginia Conflict of Interest and Ethics Advisory Council (the Council) and receive the approval of the Council prior to accepting or receiving any travel-related transportation, lodging, meal, hospitality, or other thing of value provided by certain third parties that has a value exceeding \$100. The bill modifies the current composition of the Council, reducing the number of members from 15 to 9 and requires that there be bipartisan balance of the General Assembly members appointed to the Council. The bill requires electronic filing of disclosure forms with the Council and

provides that local officers and employees will file disclosure forms locally instead of with the Council. The bill provides that the making of a knowing and intentional false statement on a disclosure form is punishable as a Class 5 felony. The bill also prohibits the Governor, his campaign committee, and any political action committee established on his behalf from knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$100 from persons and entities seeking loans or grants from the Commonwealth's Development Opportunity Fund, restricts such gifts and contributions from persons and entities seeking loans or grants from the Fund, and provides that any violation shall result in a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater. The bill has a delayed effective date of January 1, 2016, except the provisions of the bill related to the Council and its duties become effective July 1, 2015. This bill incorporates SB 735, SB 752, SB 812, SB 1267, SB 1278, and SB 1289 and is identical to HB 2070.

Law Advice: New Requirement

SB1427 Breastfeeding in public places; mother's right.

Companion Bill: HB1499

Chief Patron: Wexton

Summary:

Provides that a mother may breastfeed in any place where the mother is lawfully present. Current law allows breastfeeding on any property owned, leased, or controlled by the Commonwealth. This bill is identical to HB 1499.

Law Advice: FYI - No Direct Impact

SB1434 Dead bodies; disposition, identification of decedent.

Chief Patron: Hanger

Summary:

Provides that in cases in which the identity of a decedent and the county or city in which the decedent resided at the time of death are known, the person or institution having initial custody of the dead body shall notify the primary law-enforcement agency for the county or city in which the decedent resided of the decedent's death, and such law-enforcement agency shall make good faith efforts to identify and notify the decedent's next of kin. Currently, the primary law-enforcement agency for the county or city in which the person or institution having initial custody of the dead body is located is responsible for making good faith efforts to identify the decedent and notify the decedent's next of kin.

Law Advice: New Requirement

SB1435 Eminent domain; lost profits and just compensation.

Chief Patron: Deeds

Summary:

Requires that any and all liability for lost profits claimed in an action for compensation pursuant to a taking under eminent domain be set forth specifically in the award for just compensation and that in a partial acquisition, in the event that the owner of the property being condemned and the owner of the business or farm operation claiming lost profits are the same, then any enhancement shall be offset against both damage to the residue and lost profits. The bill also defines lost profits as a loss of business profits for a period not to exceed three years from the date of valuation if there is a partial taking and for a period not to exceed one year from the date of valuation if the entire parcel of

property is taken.

Law Advice: FYI - No Direct Impact

SB1440 Tobacco Region Revitalization Commission; financial viability & feasibility.

Companion Bill: HB2330

Chief Patron: Ruff

Summary:

Renames the Tobacco Indemnification and Community Revitalization Commission as the Tobacco Region Revitalization Commission (the Commission) and requires it to contract with a manager to oversee Commission loans, grants, and other distributions of money. The bill requires the manager to provide a written report on the financial viability and feasibility of any such distribution and prohibits the Commission from making the distribution until its viability and feasibility have received recommendations from the manager. The bill eliminates future appointments of three nonlegislative citizen members and requires 13 of the remaining 28 Commission members to have experience in particular fields. The bill requires the Commission to (i) adopt policies governing the Tobacco Region Opportunity Fund; (ii) require a dollar-for-dollar match from entities receiving grants; (iii) make no distribution to a tobacco-dependent community solely based on the historical production of tobacco; (iv) require each project to have an accountability matrix, provide a set of quantified outcome expectations and other figures, and demonstrate how it will address low employment levels or other indicators; (v) develop a strategic plan every two years; and (vi) establish a public database of awards. The bill also establishes the Virginia Tobacco Region Revolving Fund (the Fund), the assets of which are to be used to make loans to local governments for the financing of any project. The bill empowers the Virginia Resources Authority (the Authority) to administer the Fund, pledge assets of the Fund as security for bonds issued to finance a project, sell or collect on loans made from the Fund, and, in accordance with a memorandum of agreement with the Commission, establish the rates and terms of loans. The bill directs the Commission, in conjunction with the Authority, to make an annual report to the General Assembly and the Governor on all loans made from the Fund. This bill is identical to HB 2330.

Law Advice: Change in Requirement

SJ228 Higher education; endorsement of SCHEV's statewide strategic plan, report.

Companion Bill: HJ555

Chief Patron: Martin

Summary:

Endorses the framework of mission, vision, goals, and strategies for the statewide strategic plan for higher education developed and approved by the State Council of Higher Education for Virginia (SCHEV) as the Commonwealth's vision and plan for higher education and requires SCHEV to report annually for six years on the Commonwealth's progress toward achieving the plan's goals to the Governor, General Assembly, institutions of higher education, and the public.

Law Advice: FYI - No Direct Impact

SJ243 Veterans Services, Department of; JLARC to review.

Companion Bill: HJ557

Chief Patron: Dance

Summary:

Directs the Joint Legislative Audit and Review Commission to study the Department of Veterans Services, including, among other things, the review of programs administered by the Department's agencies and other issues related to the provision of services to veterans.

Law Advice: Monitor and Track

SJ245 Sexual Assault Awareness Month.

Companion Bill: HJ600

Chief Patron: Favola

Summary:

Designates the month of April, in 2015 and in each succeeding year, as Sexual Assault Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

SJ259 Confirming Governor's interim appointments of certain persons.

Chief Patron: Vogel

Summary:

Confirms interim appointments of certain persons made by Governor McAuliffe and communicated to the General Assembly August 1 and 11, 2014.

Law Advice: FYI - No Direct Impact

SJ268 Medicaid; Joint Legislative Audit and Review Commission to study.

Companion Bill: HJ637

Chief Patron: Hanger

Summary:

Directs the Joint Legislative Audit and Review Commission to study pathways for determining eligibility for Medicaid-funded long-term care. In conducting its study, JLARC shall review (i) the Commonwealth's long-term care preadmission screening process, including the process by which individuals access such screenings, the timeliness of such screenings, support for individual choice upon meeting long-term care criteria, and assurance that the assessment teams are neutral and have no financial or legal ties to discharge locations and (ii) state and federal long-term care financial eligibility laws, including the use of annuities to protect assets, transfer of assets, lien and estate recovery, assessing a child as a family of one for eligibility purposes, and the effects of the new Modified Adjusted Gross Income eligibility standards and access to nursing home care services. The Joint Legislative Audit and Review Commission shall complete its meetings by November 30, 2016.

Law Advice: Monitor and Track

SJ273 Clean Power Plan; DEQ to compare projected health benefits with those of existing regulations.

Chief Patron: Wagner

Summary:

Directs the Department of Environmental Quality to study whether the projected health benefits of the proposed federal Clean Power Plan, cited by the Environmental Protection Agency (EPA) as a benefit of the Plan, are already expected to result from the ongoing enforcement and revision of existing air quality regulations. The provisions of the resolution are contingent on funding in a 2015 general appropriation act.

Law Advice: Monitor and Track

SR66 Commending the 2015 inductees into the Virginia Sports Hall of Fame.

Companion Bill: HR201

Chief Patron: Lucas

Summary:

Commending the 2015 inductees into the Virginia Sports Hall of Fame.

Law Advice: FYI - No Direct Impact