

University of Virginia -- Office of State Governmental Relations
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Tuesday, June 28, 2016

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HB4 [Constitutional amendment; right to work \(submitting to qualified voters\).](#)

Companion Bill: SB446

Chief Patron: Bell, Richard P.

Summary:

Provides for a referendum at the November 8, 2016, election to approve or reject an amendment to Article I of the Constitution of Virginia to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise. This bill is identical to [SB 446](#).

Law Advice: FYI - No Direct Impact

HB16 [Health insurance; payment for services by dentists and oral surgeons.](#)

Chief Patron: Ware

Summary:

Requires that reimbursements payable or paid by a dental plan for covered services be reasonable and not provide nominal reimbursement in order to claim that services are covered services under the applicable dental plan. A reimbursement is reasonable if it is the negotiated fee, rate, or reimbursement methodology that is set forth in the contract between a dental plan and a dentist or oral surgeon and is acceptable to the provider. The measure applies to contracts between a dental plan and a dentist or oral surgeon for the provision of health care to patients that is entered into, amended, extended, or renewed on or after January 1, 2017. The bill contains a delayed effective date of January 1, 2017.

Law Advice: FYI - No Direct Impact

Delayed effective date: January 1, 2017.

HB25 [Firefighting equipment or emergency medical services vehicle; penalty for tampering with, etc.](#)

Chief Patron: Habeeb

Summary:

Provides that a person who injures, destroys, removes, tampers with, or otherwise interferes with the operation of (i) any firefighting equipment or apparatus or (ii) any emergency medical services vehicle is guilty of a Class 1 misdemeanor.

Law Advice: FYI - No Direct Impact

HB29 [Budget Bill.](#)

Companion Bill: SB29

Chief Patron: Jones

Summary:

Amending Chapter 665 of the 2015 Acts of Assembly.

Law Advice: New Requirement

HB30 [Budget Bill.](#)

Companion Bill: SB30

Chief Patron: Jones

Summary:

Appropriations of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509, Code of Virginia, and to provide a portion of revenues for the two years ending respectively on the thirtieth day of June, 2017, and the thirtieth day of June, 2018.

Law Advice: New Requirement

HB44 [Workers' compensation; injuries or deaths presumed to be in course of employment.](#)

Chief Patron: Habeeb

Summary:

Establishes presumptions in claims under the Virginia Workers' Compensation Act that the accident arose out of and in the course of employment if the employee (i) dies with there being no evidence that he ever regained consciousness after the accident, (ii) dies at the accident location or nearby, or (iii) is found dead where he is reasonably expected to be as an employee. These presumptions will exist in the absence of a preponderance of evidence to the contrary and where the factual circumstances are of sufficient strength from which the only rational inference to be drawn is that the accident arose out of and in the course of employment.

Law Advice: Change in Requirement

HB46 [School Readiness Committee; Secretary of Education, et al., shall establish, increases membership.](#)

Chief Patron: Greason

Summary:

Directs the Secretary of Education to establish a School Readiness Committee with the first goal of addressing the development and alignment of an effective professional development and credentialing system for the early childhood education workforce in the Commonwealth, including the (i) development of a competency-based professional development pathway for practitioners who teach children birth to age five in both public and private early childhood education programs; (ii) consideration of articulation agreements between associate and baccalaureate degree programs; (iii) refinement of teacher licensure and education programs to address competencies specific to early childhood development; (iv) alignment of existing professional development funding streams; and (v) development of innovative approaches to increasing accessibility, availability, affordability, and accountability of the Commonwealth's workforce development system for early childhood education teachers and providers.

Law Advice: FYI - No Direct Impact

Committee includes one member from a four-year institution with a teacher education program.

HB51 [Weapons other than handguns; purchase by certain officers.](#)

Companion Bill: SB615

Chief Patron: Miller

Summary:

Allows officers of certain agencies to purchase, at a fair market price and with approval of the agency head, weapons other than handguns that are issued for personal use of an officer so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check. Current law allows this type of purchase only for the Department of State Police. This bill is identical to [SB 615](#).

Law Advice: Change in Authority

HB66 [New Economy Workforce Credential Grant Fund and Program; established.](#)

Chief Patron: Byron

Summary:

Establishes the New Economy Workforce Credential Grant Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of disbursing funds to certain public institutions of higher education and other educational institutions in the Commonwealth to provide grants to Virginia students who complete certain noncredit workforce training programs at the institution and subsequently attain a relevant noncredit workforce credential. The bill also includes provisions relating to the amount and terms of such grants, academic credit for the attainment of noncredit workforce

credentials, and reporting on completion of noncredit workforce training programs and attainment of noncredit workforce credentials. This bill is identical to [SB 576](#).

Law Advice: FYI - No Direct Impact

HB87 [Health Insurance Reform Commission; assessments of legislation.](#)

Chief Patron: Byron

Summary:

Clarifies the applicable governmental agency that is tasked with determining whether a proposed mandated health insurance benefit exceeds the scope of the essential health benefits. The existing provision that gives this task to the Exchange is misplaced because the Exchange is a program, administered by the Centers for Medicare and Medicaid Services, through which health insurance is offered. If applicable federal rules require an agency of the Commonwealth to identify the state-mandated benefits that are in addition to the essential health benefits but do not identify a specific agency that is responsible for making such identification, the Bureau of Insurance shall be the applicable agency.

Law Advice: FYI - No Direct Impact

HB197 [Commonwealth Mental Health First Aid Program; established.](#)

Chief Patron: Lingamfelter

Summary:

Directs the Commissioner of the Department of Behavioral Health and Developmental Services to establish and maintain the Commonwealth Mental Health First Aid Program to provide training by certified trainers of individuals residing or working in the Commonwealth on how to identify and assist individuals who have or may be developing a mental health or substance use disorder or who may be experiencing a mental health or substance abuse crisis.

Law Advice: FYI - No Direct Impact

HB202 [Anatomical gifts; search and rescue dog training.](#)

Chief Patron: Knight

Summary:

Requires the Department of Health to convene a work group of stakeholders, which shall include representatives of the Department of Health, the Department of Emergency Management, the State Anatomical Program, procurement organizations, and local search and rescue teams and organizations, to (i) identify and evaluate options for using human remains donated to search and rescue teams and organizations as anatomical gifts for the purpose of training dogs to find human remains during search

and rescue operations and (ii) establish policies and procedures to govern the process of using anatomical gifts for such purpose. The work group shall report its activities, findings, and recommendations to the General Assembly by December 1, 2016.

Law Advice: FYI - No Direct Impact

HB209 [Educational Institutions; revising and recodifying laws.](#)

Chief Patron: LeMunyon

Summary:

Creates proposed Title 23.1 (Institutions of Higher Education; Other Educational and Cultural Institutions) as a revision of existing Title 23 (Educational Institutions). Proposed Title 23.1 consists of 32 chapters divided into five subtitles: Subtitle I (General Provisions); Subtitle II (Students and Campus); Subtitle III (Management and Financing); Subtitle IV (Public Institutions of Higher Education); and Subtitle V (Other Educational and Cultural Institutions). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to institutions of higher education and other educational and cultural institutions in the Commonwealth. The bill is a recommendation of the Virginia Code Commission and has a delayed effective date of October 1, 2016.

Law Advice: New Requirement

Delayed effective date: October 1, 2016. Will require updating Board Manual, various policies, web pages, and other references to sections included in Title 23 of the Code Virginia.

HB220 [Virginia FOIA; public access to resumes and other information related to gubernatorial appointee.](#)

Chief Patron: Taylor

Summary:

Provides that the personnel, working papers, and correspondence record exemption shall not be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor. The bill further provides that the resumes and applications for appointment submitted by persons who are appointed by the Governor shall be available to the public upon request. The bill provides that its provisions apply to persons appointed by the Governor on or after July 1, 2016. The bill contains technical amendments.

Law Advice: New Requirement

HB221 [Active duty health care providers at public or private health care facilities; services and duties.](#)

Chief Patron: Stolle

Summary:

Changes the requirement that active duty health care providers in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States providing health care services at any public or private health care facility provide services in accordance with official military orders to a requirement that they provide services in accordance with official military duties.

Law Advice: FYI - No Direct Impact

HB222 **[Recognition of EMS Personnel Licensure Interstate Compact; created.](#)**

Companion Bill: SB233

Chief Patron: Stolle

Summary:

Creates the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact to (i) protect the public through verification of competency and ensure accountability for patient-care-related activities of licensed emergency medical services (EMS) personnel, (ii) facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority, and (iii) authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. The bill authorizes the State Emergency Medical Services Advisory Board to review decisions of the Interstate Commission for EMS Personnel Practice and, upon approval by the Interstate Commission of any action that will have the result of increasing the cost to the Commonwealth of membership in the compact, recommend to the General Assembly that the Commonwealth withdraw from the compact. The bill also provides that the compact shall expire on July 1, 2021, if it has not become effective as a result of enactment into law by at least 10 member states. This bill is identical to [SB 233](#).

Law Advice: New Authority

HB231 **[Augmented estate; elective share of surviving spouse.](#)**

Companion Bill: SB181

Chief Patron: Leftwich

Summary:

Revises provisions of the Code related to the elective share of the surviving spouse of a decedent dying on or after January 1, 2017, to track revisions made to the Uniform Probate Code by the Uniform Law Commission. The bill calculates the elective share of the surviving spouse as a graduated percentage, taking into account both spouses' assets and the length of marriage. Under current law, the surviving spouse is awarded 50% of the estate if there were no children and 33.3% if there were children. The bill also clarifies the process by which the elective share is to be claimed and provides instructions for the valuation of assets to encourage uniformity in the method of calculation of the elective share. This bill is

identical to [SB 181](#).

Law Advice: FYI - No Direct Impact

HB232 [Medical bills; authenticity and reasonableness, who may identify & provide testimony.](#)

Chief Patron: Leftwich

Summary:

Allows a plaintiff's guardian, agent under an advance directive, or agent under a power of attorney to identify a medical bill and provide testimony on the bill to establish a rebuttable presumption of authenticity and reasonableness of the bill where the court finds the plaintiff is unable to provide testimony. Current law requires the plaintiff to identify and provide testimony on the bill.

Law Advice: FYI - No Direct Impact

HB239 [Physicians; division of fees.](#)

Companion Bill: SB201

Chief Patron: O'Bannon

Summary:

Clarifies rules prohibiting division of fees among physicians licensed to practice medicine or osteopathy in the Commonwealth and provides that rules prohibiting division of fees among physicians shall not prohibit (i) members of a group practice of physicians licensed to practice medicine or osteopathy from making any division of their total fees among themselves as they may determine; (ii) arrangements permitted under the Practitioner Self-Referral Act (§ 54.1-2410 et seq.); or (iii) certain payments, business arrangements, or payment practices that would be permitted in accordance with 42 U.S.C. § 1320a-7b(b)(3). This bill is identical to [SB 201](#).

Law Advice: Change in Requirement

HB252 [Assistant speech-language pathologists; duties, report.](#)

Chief Patron: Kory

Summary:

Allows a person who has met the qualifications prescribed by the Board of Audiology and Speech-Language Pathology (the Board) to practice as an assistant speech-language pathologist in accordance with regulations of the Board and to perform limited duties that are otherwise restricted to the practice of a speech-language pathologist under the supervision and direction of a licensed speech-language pathologist. The bill also requires the Board to review the need for and impact of licensure or

certification of assistant speech-language pathologists and report its findings to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2016.

Law Advice: FYI - No Direct Impact

HB293 [Prescription Monitoring Program; requirements of prescribers of benzodiazepine or opiates.](#)

Companion Bill: SB513

Chief Patron: Herring

Summary:

Requires a prescriber to obtain information from the Prescription Monitoring Program at the time of initiating a new course of treatment that includes the prescribing of opioids anticipated to last more than 14 consecutive days. Currently, a prescriber must request such information when a course of treatment is expected to last 90 days. The bill also eliminates the requirement that a prescriber request information about a patient from the Prescription Monitoring Program when prescribing benzodiazepine; allows a prescriber to delegate the duty to request information from the Prescription Monitoring Program to another licensed, registered, or certified health care provider who is employed at the same facility under the direct supervision of the prescriber or dispenser who has routine access to confidential patient data and has signed a patient data confidentiality agreement; and creates an exemption from the requirement that a prescriber check the Prescription Monitoring Program for cases in which (i) the opioid is prescribed to a patient currently receiving hospice or palliative care; (ii) the opioid is prescribed to a patient as part of treatment for a surgical procedure, provided that such prescription is not refillable; (iii) the opioid is prescribed to a patient during an inpatient hospital admission or at discharge; (iv) the opioid is prescribed to a patient in a nursing home or a patient in an assisted living facility that uses a sole source pharmacy; (v) the Prescription Monitoring Program is not operational or available due to temporary technological or electrical failure or natural disaster; or (vi) the prescriber is unable to access the Prescription Monitoring Program due to emergency or disaster and documents such circumstances in the patient's medical record. The bill requires the Director of the Department of Health Professions to report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on utilization of the Prescription Monitoring Program and any impact on the prescribing of opioids. The provisions of the bill expire on July 1, 2019. This bill is identical to [SB 513](#).

Law Advice: Change in Requirement

HB310 [Mobile dental clinics; exemption from registration requirements.](#)

Chief Patron: Orrock

Summary:

Adds to the list of mobile dental clinics exempt from the requirement to register with the Board of Dentistry mobile dental clinics operated by federally qualified health centers with a dental component that provides dental services via mobile model to adults and children within 30 miles of the federally

qualified health center; mobile dental clinics operated by free health clinics or health safety net clinics that have been granted tax-exempt status pursuant to § 501(c)(3) of the Internal Revenue Code that provide dental services via mobile model to adults and children within 30 miles of the free health clinic or health safety net clinic; and mobile dental clinics that provide dental services via mobile model to individuals who are not ambulatory and who reside in long-term care facilities, assisted living facilities, adult care homes, or private homes.

Law Advice: FYI - No Direct Impact

HB311 [Emergency medical services providers; interstate agreements.](#)

Chief Patron: Orrock

Summary:

Directs the Secretary of Health and Human Resources to undertake efforts to establish collaborative agreements with other states to allow emergency medical services providers to provide emergency medical services across state lines and to report to the General Assembly regarding the status of such efforts no later than November 1, 2016. The bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective March 1, 2016.

HB312 [SHHR; increase sharing of electronic health records, report.](#)

Chief Patron: Orrock

Summary:

Directs the Secretary of Health and Human Resources to work with stakeholders, which shall include representatives of hospitals and other health care providers in the Commonwealth, to (i) evaluate interoperability of electronic health records systems among health systems and health care providers and the ability of health systems and health care providers to share patient records in electronic format and (ii) develop recommendations for improving the ability of health systems and health care providers to share electronic health records with the goal of ensuring that all health care providers in the Commonwealth are able to share electronic health information to reduce the cost of health care and improve the efficiency of health care services. The Secretary shall report his findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2016. The bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective March 1, 2016.

HB313 [Immunizations; adds type of health professionals who may administer.](#)

Chief Patron: Orrock

Summary:

Adds physician assistants, nurse practitioners, and licensed practical nurses and pharmacists who administer pursuant to a valid prescription to the types of health professionals who may administer vaccinations to children and who may provide to the person who presents the child for immunizations a certificate stating that such immunizations have been administered. Under current law, physicians and registered nurses are authorized to administer vaccinations and provide such certificates.

Law Advice: Change in Authority

HB314 [Drugs; administration by certain school employees.](#)

Chief Patron: Orrock

Summary:

Provides that a prescriber may authorize an employee of a school for students with disabilities licensed by the Board of Education, or a private school accredited pursuant to § 22.1-19 of the Code of Virginia as administered by the Virginia Council for Private Education, who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia pursuant to a written order or standing protocol and provides immunity from civil damages to such employees for ordinary negligence in acts or omissions resulting from the rendering of such treatment, provided that the insulin is administered in accordance with the child's medication schedule or such employee has reason to believe the individual receiving the glucagon is suffering or about to suffer life-threatening hypoglycemia. The bill also allows nurse practitioners and physician assistants to provide training programs on the administration of drugs to students of private schools accredited pursuant to § 22.1-19 of the Code of Virginia as administered by the Virginia Council for Private Education.

Law Advice: FYI - No Direct Impact

HB319 [Health regulatory boards; continuing education for certain individuals.](#)

Chief Patron: Rasoul

Summary:

Requires health regulatory boards to promulgate regulations providing for the satisfaction of board-required continuing education for individuals registered, certified, licensed, or issued a multistate licensure privilege by a health regulatory board through delivery of health care services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services. The bill has a delayed effective date of January 1, 2017.

Law Advice: FYI - No Direct Impact

Delayed effective date: January 1, 2017.

HB322 [Alcoholic beverage control; summary suspension of license in emergency circumstances.](#)

Chief Patron: Knight

Summary:

Allows the Alcoholic Beverage Control Board to temporarily suspend any license or permit if it has reasonable cause to believe that an act of violence resulting in death or serious bodily injury or reoccurrence of such acts has occurred on the licensed premises or other designated area and the Board finds that there exists a continuing threat to public safety and that summary suspension of the license or permit is justified to protect the health, safety, or welfare of the public. The bill sets up the process for initial and formal investigations and for a hearing and appeal for summary suspension. The bill does not apply to temporary licenses or permits, which may already be summarily suspended under current law, nor does it apply to holders of wholesale wine or beer licenses or holders of wine or beer importers licenses.

Law Advice: FYI - No Direct Impact

HB329 [Amber lights, flashing; allows publicly owner or operated transit buses to use.](#)

Companion Bill: SB299

Chief Patron: Villanueva

Summary:

Allows publicly owned or operated transit buses to use flashing amber lights. This bill is identical to [SB 299](#).

Law Advice: New Authority

HB330 [Clinical nurse specialists; Board of Nursing may register applicant.](#)

Chief Patron: Pogge

Summary:

Provides that the Board of Nursing may register an applicant as a clinical nurse specialist if such applicant is an advanced practice registered nurse who (i) holds a valid license to practice professional nursing and (ii) has successfully completed a graduate-level clinical nurse specialist program within a regionally accredited college or university that meets all educational qualifications and standards

established by national certification guidelines and holds a national clinical nurse specialist certification that prepares the professional nurse to deliver advanced nursing services. The bill eliminates the duty of the Board of Nursing to approve programs that entitle professional nurses to be registered as clinical nurse specialists and to prescribe minimum standards for such programs.

Law Advice: FYI - No Direct Impact

HB337 [Neurodegenerative diseases; informed consent to experimental treatment.](#)

Chief Patron: Pogge

Summary:

Provides that in the case of persons suffering from neurodegenerative diseases causing progressive deterioration of cognition for which there is no known cure, the implementation of experimental courses of therapeutic treatment, including non-pharmacological treatment, to which a legally authorized representative has given informed consent shall not constitute the use of force. This provision replaces a current provision that informed consent to experimental courses of treatment, without reference to non-pharmacological treatment, given by a legally authorized representative shall not constitute the use of force in cases of organic brain diseases causing progressive deterioration in which there is no known cure or medically accepted treatment to the disorder.

Law Advice: Change in Requirement

HB355 [Forensic Science Board; membership.](#)

Chief Patron: Boysko

Summary:

Adds the Director of the Virginia Division of Consolidated Laboratory Services to the Forensic Science Board, the Department of Forensic Science's policy board, and eliminates the member designated from the now defunct Virginia Institute of Forensic Science and Medicine.

Law Advice: FYI - No Direct Impact

HB378 [Workers' compensation; fee schedules for medical and legal services.](#)

Companion Bill: SB631

Chief Patron: Farrell

Summary:

Directs the Workers' Compensation Commission (the Commission) to adopt regulations establishing fee schedules setting the maximum pecuniary liability of the employer for medical services provided to an injured person pursuant to the Virginia Workers' Compensation Act, in the absence of a contract under

which the provider has agreed to accept a specified amount for the medical service. The regulations implementing the fee schedules shall become effective on January 1, 2018. The initial fee schedules will set amounts based on a reimbursement objective, which is the average of all amounts paid to providers in the same category of providers for the medical service in the same medical community. The Commission is required to retain a firm to assist it in establishing the initial fee schedules. The firm will recommend a methodology that will provide statistically valid estimates of the reimbursement objective for fee scheduled medical services within the medical communities. Reimbursements for medical services provided to treat traumatic injuries and serious burns are excluded from the fee schedules and liability for their treatment costs will be based, absent a contract, on 80 percent of the provider's charges. However, the required reimbursement will be 100 percent of the provider's charges if the employer unsuccessfully contests the compensability of the claim. The Commission is required to review and revise the fee schedules in the year after they become effective and biennially thereafter. The liability of the employer for certain medical services not included in a fee schedule will be set by the Commission. A stop-loss feature allows hospitals to receive payments or reimbursements that exceed the fee schedule amount for certain claims when the total charges exceed a charge outlier threshold, which initially is 150 percent of the maximum fee for the service set forth in the applicable fee schedule. Providers are prohibited from using a different charge master or schedule of fees for any medical service provided for workers' compensation patients than the provider uses for health care services provided to patients who are not claimants. The measure requires the Commission, when determining whether the employee's attorney's work with regard to a contested claim resulted in an award of benefits that inure to the benefit of a third-party insurance carrier or health care provider, and in determining the reasonableness of the amount of any fee awarded to an attorney, to consider only the amount paid by the employer or insurance carrier to the third-party insurance carrier or health care provider for medical services rendered to the employee through a certain date and not to consider additional amounts previously paid to a health care provider or reimbursed to a third-party insurance carrier. The Commission shall have an independent, peer-reviewed study conducted every two years. The regulations setting fee schedules are exempt from the Administrative Process Act if the Commission utilizes a regulatory advisory panel to assist in the development of such regulations and provides an opportunity for public comment on the regulations prior to adoption. The measure prohibits certain practices involving the use by third parties of contracts whereby a provider agrees to accept payment of less than the fee scheduled amount, including restricting the sale, lease, or other dissemination of information regarding the payment amounts or terms of a provider contract without the express written consent and prior notification of all parties to the provider contract and prohibiting an employer from shopping for the lowest discount for a specific provider among the provider contracts held in multiple PPO networks. The regulatory advisory panel is directed to make recommendations to the Commission prior to July 1, 2017, on workers' compensation issues relating to (i) pharmaceutical costs not previously included in the fee schedules; (ii) durable medical equipment costs not previously included in the fee schedules; (iii) certain awards of attorney fees; (iv) peer review of medical costs; (v) prior authorization for medical services; and (vi) other issues that the Commission assigns to it. The existing peer review provisions are repealed. The measure has an emergency clause and is identical to [SB 631](#).

Law Advice: New Requirement

Effective March 7, 2016.

HB386 [Certified nurse aides; training in observational and reporting techniques.](#)

Companion Bill: SB328

Chief Patron: Minchew

Summary:

Adds training in observational and reporting techniques to the list of training and education requirements for nurse aide training programs. This bill is identical to [SB 328](#).

Law Advice: Change in Requirement

HB409 [The Virginia Retirement System; technical corrections.](#)

Companion Bill: SB51

Chief Patron: Ingram

Summary:

Makes technical corrections to programs administered by the Virginia Retirement System, some of which will become effective on January 1, 2017. This bill is identical to [SB 51](#).

Law Advice: FYI - No Direct Impact

See bill for effective dates of specific sections/provisions.

HB415 [People with Disabilities, Virginia Board for; powers and duties, report.](#)

Chief Patron: Pogge

Summary:

Requires the Board for People with Disabilities to submit an annual report, beginning July 1, 2017, to the Governor that provides an in-depth assessment of at least two major service areas for people with disabilities. Under current law, the Board assesses the entire system on a triennial basis. The bill provides that the Board once every four years shall make available to the public all the service areas it intends to review over the following four years and shall ensure that such areas are reviewed at least once in the four-year period.

Law Advice: FYI - No Direct Impact

HB435 [Adult day care centers; exempt from licensure, Programs of All-Inclusive Care for the Elderly.](#)

Chief Patron: Stolle

Summary:

Exempts adult day care centers that provide services only to individuals enrolled in a Programs of All-

Inclusive Care for the Elderly program from the requirement for obtaining a license issued by the Department of Social Services.

Law Advice: FYI - No Direct Impact

HB438 [Sediment reduction credits; use by Municipal Separate Storm Sewer Systems \(MS4\) permittees.](#)

Companion Bill: SB292

Chief Patron: Bulova

Summary:

Authorizes Municipal Separate Storm Sewer System (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay TMDL. Currently, MS4s have similar authority for nitrogen and phosphorus; the bill adds a third pollutant, sediment. The sediment credits cannot be used if they are associated with phosphorus credits used in stormwater nonpoint nutrient runoff water quality criteria. This bill is identical to [SB 292](#).

Law Advice: FYI - No Direct Impact

HB440 [Impaired waters clean-up plan; progress report, annual submission.](#)

Chief Patron: Lingamfelter

Summary:

Reduces from semiannual to annual the requirement in the Chesapeake Bay and Virginia Waters Clean-Up and Oversight Act that the Secretary of Natural Resources submit a progress report on the implementation of the impaired waters clean-up plan to several legislative oversight committees.

Law Advice: FYI - No Direct Impact

HB448 [Nutrient offset credits; allows new and expanding wastewater discharge facilities to acquire.](#)

Companion Bill: SB314

Chief Patron: Cox

Summary:

Allows a new or expanding facility registered under the Watershed General Permit to acquire nutrient offset credits, on land located in the same tributary as the facility, on which best management practices have been implemented that would achieve reductions greater than those currently required by federal or state law or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill also allows the

acquisition of credits or the allocation of credits under the general permit for a period longer than the current five-year restriction, subject to the approval of the State Water Control Board. This bill is identical to [SB 314](#).

Law Advice: FYI - No Direct Impact

HB454 [Motor vehicles; vehicles not to be equipped with televisions and video within view of driver.](#)

Companion Bill: SB286

Chief Patron: Davis

Summary:

Provides that motor vehicles may be equipped with visual displays of moving images if the equipment is factory-installed and has an interlock device that disables the equipment when the motor vehicle operator is performing a "driving task," which is defined by the bill. Current law allows equipment with a visual display of a television broadcast or signal if the equipment's interlock disables when the motor vehicle is driven. The bill would allow the viewing of a visual display while the vehicle is being operated autonomously. The bill also provides that vehicles used by universities for vehicle technology research are not required to have government plates. This bill is identical to [SB 286](#).

Law Advice: Change in Requirement

HB475 [Students who have been treated for pediatric cancer; return to learn protocol.](#)

Chief Patron: Filler-Corn

Summary:

Requires the Department of Education to review relevant federal regulations and suggest revisions to Department guidance documents on such federal regulations relating to a return to learn protocol for students who have been treated for pediatric cancer.

Law Advice: FYI - No Direct Impact

HB498 [TPA-certified optometrists; prescription of certain Schedule II controlled substances.](#)

Chief Patron: Hodges

Summary:

Provides that a TPA-certified optometrist who is authorized to prescribe controlled substances may issue

prescriptions for or provide manufacturer's samples of analgesics included on Schedule II consisting of hydrocodone in combination with acetaminophen to his patients.

Law Advice: New Authority

HB504 [Nurse aide; renewal of certification.](#)

Chief Patron: Garrett

Summary:

Changes the frequency with which certification as a nurse aide must be renewed from biennially to annually.

Law Advice: Change in Requirement

HB515 [Higher educational institutions; institutional 6-year plan, economic development, report.](#)

Chief Patron: Landes

Summary:

Requires each public institution of higher education to include in its institutional six-year plan a report of the institution's active contributions to efforts to stimulate the economic development of the Commonwealth, the area in which the institution is located, and, for those institutions subject to a management agreement, the areas that lag the Commonwealth in terms of income, employment, and other factors.

Law Advice: New Requirement

Initial report to be included in 2017 submission of 2018-24 Six-Year Plan (per SCHEV).

HB523 [Higher educational institutions; student mental health policies.](#)

Companion Bill: SB425

Chief Patron: LeMunyon

Summary:

Specifies that the contact person designated by a memorandum of understanding between a public four-year institution of higher education and a mental health care provider to be notified when a student is involuntarily committed, or when a student is discharged from a facility, shall be notified only to the extent allowable under state and federal privacy laws. This bill is identical to [SB 425](#).

Law Advice: Change in Requirement

HB527 [Nonresident medical equipment suppliers; registration with Board of Pharmacy](#)

Chief Patron: Hodges

Summary:

Requires any person located outside the Commonwealth other than a registered nonresident pharmacy that ships, mails, or delivers to a consumer in the Commonwealth any hypodermic syringes or needles, medicinal oxygen, Schedule VI controlled device, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, sterile water and saline for irrigation, or solutions for peritoneal dialysis pursuant to a lawful order of a prescriber to be registered with the Board of Pharmacy. The bill requires registrants to renew registration by March 1 of each year and to notify the Board of Pharmacy of any substantive change in information previously submitted to the Board within 30 days. The bill also requires nonresident medical equipment suppliers to maintain a valid, unexpired license, permit, or registration in the state in which it is located, if required by the resident state, or to furnish proof that it meets the minimum statutory and regulatory requirements for medical equipment suppliers in the Commonwealth if the state in which the nonresident medical equipment supplier is located does not require a license, permit, or registration. The bill also requires nonresident medical equipment suppliers to maintain records of distribution of medical equipment into the Commonwealth in such a manner that they are readily retrievable from records of distribution into other jurisdictions and to provide the records to the Board, its authorized agent, or any agent designated by the Superintendent of State Police upon request within seven days of receipt of such request.

Law Advice: FYI - No Direct Impact

HB528 [Prescription drugs; manufacture and distribution in the Commonwealth.](#)

Chief Patron: Hodges

Summary:

Eliminates the requirement that the Board of Pharmacy establish and implement a pedigree system for recording each distribution of a controlled substance from sale by a pharmaceutical manufacturer to a dispenser or person who will administer the controlled substance; defines "co-licensed partner" as a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law, and specifies that a co-licensed partner may be a manufacturer of a controlled substance; and defines "third-party logistics provider" as a person who provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product. The bill specifies that bulk drug substances used for compounding drugs distributed by a supplier other than a licensed wholesale distributor or registered nonresident wholesale distributor must be provided by a supplier who is approved by the Board of Pharmacy as well as the federal Food and Drug Administration and requires every pharmacy, nonresident pharmacy, wholesale distributor, and nonresident wholesale distributor to comply with federal requirements for an electronic, interoperable system to identify, trace, and verify prescription drugs as they are distributed. The bill authorizes the

Board of Pharmacy to deny, revoke, suspend, or take other disciplinary actions against holders of a third-party logistics provider permit, manufacturer permit, or nonresident manufacturer permit; applies the inspection and audit requirements that apply to wholesale distributors to nonresident wholesale drug distributors, third-party logistics providers, manufacturers, and nonresident manufacturers; creates a permitting process for third-party logistics providers; allows holders of a manufacturer permit to distribute the drug manufactured, made, produced, packed, packaged, repackaged, relabeled, or prepared to anyone other than the end user without the need to obtain a wholesale distributor permit; and creates a process for registration of nonresident manufacturers of prescription drugs.

Law Advice: FYI - No Direct Impact

HB534 [General Services, Department of; shall post reports from statewide electronic procurement system.](#)

Chief Patron: Kory

Summary:

Requires the Department of General Services (the Department) to post reports from the Commonwealth's statewide electronic procurement system, known as eVA, on the Department's website. The report shall include, at a minimum, current leasing opportunities and sales of surplus real property posted on the eVA's Virginia Business Opportunities website. Such reports shall also be made available by electronic subscription.

Law Advice: FYI - No Direct Impact

HB562 [Massage therapists; licensure, exemption of certain practitioner of healing arts.](#)

Chief Patron: Robinson

Summary:

Requires that massage therapists be licensed, rather than certified, to practice in the Commonwealth. The bill directs the Board of Nursing to promulgate regulations to implement the provisions of the act within 280 days, provides that the Board of Nursing shall continue to issue certificates for massage therapy until the effective date of such regulations, and provides that any person holding a certificate to practice massage therapy prior to January 1, 2017, shall be deemed to be licensed thereafter and the Board of Nursing shall at the time of renewal provide to such person a license.

Law Advice: Change in Requirement

HB564 [Optometrists; increases number of hours of continuing education requirements.](#)

Chief Patron: Robinson

Summary:

Increases the total number of hours of continuing education required for optometrists from 16 to 20, requires that at least 10 of such hours be obtained through real-time interactive activities, and provides that no more than two of such hours may consist of courses related to recordkeeping or the management of an optometry practice, provided that such courses are not primarily for the purpose of augmenting the licensee's income or promoting the sale of specific instruments or products. For TPA-certified optometrists, the bill requires that at least 10 of the 20 hours be in the areas of ocular and general pharmacology; diagnosis and treatment of the human eye and its adnexa, including treatment with new pharmaceutical agents; or new or advanced clinical devices, techniques, modalities, or procedures. The bill allows optometrists who complete more than 20 hours of continuing education in a year to carry forward up to 10 hours to the next year and provides that the Board of Optometry is not prevented or limited from requiring additional hours or types of continuing education as part or in lieu of disciplinary action.

Law Advice: Change in Requirement

HB574 [Dietitians and nutritionists; clarifies the situations under which they may practice.](#)

Chief Patron: Robinson

Summary:

Provides that a person who meets certain requirements may hold himself out as a dietitian or nutritionist, provided that he is employed by or under contract to a government agency and practices solely within the scope of such employment. The bill also defines "nutritional genomics" and requires a dietitian or nutritionist who receives nutritional genomics testing information to maintain such information in accordance with applicable federal and state law. In addition, the bill updates the names of organizations from which dietitians and nutritionists are authorized to receive professional certifications in order to practice in Virginia.

Law Advice: FYI - No Direct Impact

HB578 [Virginia Public Procurement Act; architectural and engineering services, etc.](#)

Companion Bill: SB169

Chief Patron: Albo

Summary:

Provides that in the case of the selection process for a Request for Proposal for architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or applicable capital outlay standards, until after the qualified offerors are ranked.

This bill is identical to [SB 169](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB579 [Optometry; repeals certain provision for license to practice.](#)

Chief Patron: Robinson

Summary:

Repeals a provision allowing a person who has successfully passed an examination in optometry in another state and is the holder of a license to that effect issued by the licensing board of that state and who has conducted an ethical professional practice for at least one year to be issued a license to practice optometry in the Commonwealth without an examination.

Law Advice: Change in Authority

HB580 [Nurses; adds definitions of certified nurse midwife, etc.](#)

Chief Patron: Robinson

Summary:

Adds definitions of "advanced practice registered nurse," "certified nurse midwife," and "certified registered nurse anesthetist" as they apply to the licensing chapters of the Code of Virginia for the Boards of Medicine and Nursing.

Law Advice: FYI - No Direct Impact

HB581 [Nurse practitioners; practicing outside of a patient care team.](#)

Companion Bill: SB264

Chief Patron: Robinson

Summary:

Provides that in cases in which a physician who is serving as a patient care team physician dies, becomes disabled, retires from active practice, surrenders his license or has it suspended or revoked by the Board of Medicine, or relocates his practice such that he is no longer able to serve, and a nurse practitioner who was part of the patient care team is unable to enter into a new practice agreement with another patient care team physician, the nurse practitioner may continue to practice without a patient care team physician for an initial period not to exceed 60 days upon notification to the designee of the Boards of Medicine and Nursing. The initial period may be extended for a period not to exceed 60 additional days upon approval of the Boards' designee, provided that the nurse practitioner provides evidence of efforts

made to secure another patient care team physician and of access to physician input. This bill is identical to [SB 264](#).

Law Advice: New Authority

HB583 [Peer providers; Commissioner of BHDS to certify individuals in accordance with regulations.](#)

Chief Patron: Yost

Summary:

Authorizes the Commissioner of Behavioral Health and Developmental Services to certify individuals as peer providers in accordance with regulations adopted by the Board of Behavioral Health and Developmental Services.

Law Advice: FYI - No Direct Impact

HB586 [Health regulatory boards; confidentiality of certain information obtained by boards.](#)

Chief Patron: Yost

Summary:

Provides that in disciplinary actions involving allegations that a practitioner is or may be unable to practice with reasonable skill and safety to patients and the public because of a mental or physical disability, a health regulatory board shall consider whether to disclose and may decide not to disclose in its notice or order the practitioner's health records or his health services, although such information may be considered by the board in a closed hearing and included in a confidential exhibit to a notice or order. The bill provides that the public notice or order shall identify, if known, the practitioner's mental or physical disability that is the basis of its determination.

Law Advice: FYI - No Direct Impact

HB616 [Discharge from involuntary admission; advance directive.](#)

Chief Patron: Bell, Robert B.

Summary:

Requires that, prior to the release from involuntary admission or discharge from involuntary admission to mandatory outpatient treatment of an individual who has not executed an advance directive, the individual be given a written explanation of the procedures for executing an advance directive and an advance directive form.

Law Advice: New Requirement

HB628 [Sex Offender and Crimes Against Minors Registry Act; public dissemination.](#)

Chief Patron: Bell, Robert B.

Summary:

Adds the current work address and the name of any institution of higher education at which he is currently enrolled to the information that must be made publicly available by means of the Internet for a person convicted of an offense for which registration on the Sex Offender and Crimes Against Minors Registry is required.

Law Advice: FYI - No Direct Impact

HB629 [Prescription drugs; pharmacies may participate in voluntary drug disposal programs.](#)

Chief Patron: Hodges

Summary:

Provides that pharmacies may participate in voluntary drug disposal programs, provided that such programs are operated in accordance with state and federal law by a pharmacy, and requires the Board of Pharmacy to maintain a list of such pharmacies on a website maintained by the Board. The bill also provides that no person that participates in a drug disposal program shall be liable for any theft, robbery, or other criminal act related to participation in the pharmacy drug disposal program or for any acts of simple negligence in the collection, storage, or destruction of prescription drugs collected through such pharmacy drug disposal program, provided that the pharmacy practice site is acting in good faith and in accordance with applicable state and federal law and regulations.

Law Advice: New Authority

HB637 [Medical malpractice actions; extends limitations period.](#)

Chief Patron: Habeeb

Summary:

Extends the two-year limitations period for personal injury actions in malpractice cases arising out of the negligent failure to diagnose an intracranial, intraspinal, or spinal schwannoma or to communicate such diagnosis to the patient for a period of one year from the date the existence of an intracranial, intraspinal, or spinal schwannoma is communicated to the patient. This bill is a recommendation of the Boyd-Graves Conference.

Law Advice: Change in Requirement

HB645 [Criminal defendants; orders for evaluation or treatment, duties of clerk of court.](#)

Companion Bill: SB342

Chief Patron: Leftwich

Summary:

Requires the clerk of court to provide a copy of an order for an evaluation for sanity, competency to stand trial, or competency restoration to the appointed evaluator or hospital as soon as practicable but no later than the close of business on the next business day following entry of the order. The evaluator or hospital must acknowledge receipt of the order to the clerk on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia. The bill also requires the same verification of receipt procedures for an order for psychiatric hospitalization of an inmate from a local correctional facility. The bill also provides that no person will be liable for any act or omission relating to any requirement in the bill unless the person was grossly negligent or engaged in willful misconduct. This bill is identical to [SB 342](#).

Law Advice: FYI - No Direct Impact

HB652 [Neurological death; updates terminology.](#)

Chief Patron: O'Bannon

Summary:

Updates terminology related to declarations of neurological death.

Law Advice: Change in Requirement

HB653 [Consent to organ donation.](#)

Companion Bill: SB176

Chief Patron: O'Bannon

Summary:

Eliminates the requirement that a person indicate his willingness to make an anatomical gift every time he renews or replaces his license. This bill is identical to [SB 176](#).

Law Advice: FYI - No Direct Impact

HB657 [Prescription Monitoring Program; indicators of misuse, disclosure of](#)

[information.](#)

Chief Patron: O'Bannon

Summary:

Directs the Director of the Department of Health Professions to develop, in consultation with an advisory panel that shall include representatives of the Boards of Medicine and Pharmacy, criteria for indicators of unusual patterns of prescribing or dispensing of covered substances by prescribers or dispensers and authorizes the Director to disclose information about the unusual prescribing or dispensing of a covered substance by an individual prescriber or dispenser to the Enforcement Division of the Department of Health Professions.

Law Advice: FYI - No Direct Impact

[HB665 Employee Retirement Security & Pension Reform, Commission on; established, report, sunset provision.](#)

Chief Patron: Howell

Summary:

Creates the Commission on Employee Retirement Security and Pension Reform (the Commission) in the legislative branch to study and make recommendations relating to the financial soundness of retirement plans covering state and local government employees; the suitability of retirement plans offered or maintained for current state and local government employees and the attributes of retirement plans that will be suitable for future employees; the impact on state and local governments of the anticipated retirement of experienced employees between 2016 and 2026 and strategies for replacing such employees; and the elements of compensation and benefits packages that are essential to attracting and retaining a highly productive state and local government workforce.

The Commission will be composed of 11 legislative members, eight nonlegislative citizen members, and two state officials. Legislative members from the House of Delegates will include the Speaker of the House of Delegates, the Chairman of the House Committee on Appropriations, the Chairman of the House Committee on Finance, and three members of the House of Delegates to be appointed by the Speaker of the House of Delegates. Legislative members from the Senate will include the Majority Leader of the Senate, any Chairman of the Senate Committee on Finance who is not the Majority Leader of the Senate, and three members of the Senate to be appointed by the Senate Committee on Rules. Five nonlegislative citizen members will be appointed by the Speaker of the House of Delegates, one of whom will be appointed from a list of five nominees jointly submitted by the Virginia Association of Counties and the Virginia Municipal League, one of whom will be appointed from a list of three nominees submitted by the Virginia Governmental Employees Association, and one of whom will be appointed from a list of three nominees submitted by the Virginia Education Association. The Senate Committee on Rules will appoint three nonlegislative citizen members, one of whom will be appointed from a list of five nominees jointly submitted by the Virginia Sheriffs' Association and the Virginia State Police Association. The Directors of the Department of Human Resource Management and the Virginia Retirement System will serve on the Commission *ex officio* with nonvoting privileges. All other Commission members will have voting privileges.

The Commission will initially focus on the financial soundness of retirement plans covering state and

local government employees and strategies for reducing unfunded liabilities under such plans. The Commission is authorized to employ actuaries and other experts, conduct statistical analyses, engage in financial modeling, and undertake such other activities as are consistent with its duties. The costs for such actuaries, experts, statistical analyses, and financial models utilized to study retirement plans, retirement options, and other retirement matters on behalf of state and local employees participating in the Virginia Retirement System will be paid by the Virginia Retirement System. The costs for any non-retirement analysis or consultation will not be paid from funds of the Virginia Retirement System.

The Department of Human Resource Management will provide staff support to the Commission. Technical assistance will be provided by the staff of the Virginia Retirement System, the Committee on House Appropriations, the Committee on Senate Finance, and the Division of Legislative Services.

The bill provides for the Commission's work to end on July 1, 2021.

Law Advice: Monitor and Track

HB685 [Direct primary care agreements; Commonwealth's insurance laws do not apply.](#)

Chief Patron: Landes

Summary:

Provides that the Commonwealth's insurance laws do not apply to direct primary care agreements. The measure further provides that (i) a direct primary care practice is not subject to the jurisdiction of the State Corporation Commission (SCC) and is not required to obtain a certificate of authority or license to market, sell, or offer to sell a direct primary care agreement; (ii) entering into a direct primary care agreement shall not be considered to be engaging in the business of insurance; and (iii) a direct primary care agreement is not a contract of insurance and is not subject to regulation by the SCC. The bill defines a direct primary care agreement as an agreement entered into between a health care provider and an individual patient under which the provider charges a predetermined fee as consideration for providing primary care to the patient, subject to certain conditions. A direct primary care practice is prohibited from submitting a claim to an insurer with respect to services provided to direct primary care patients covered by their direct primary care agreement, unless the services are outside the scope of the agreement.

Law Advice: FYI - No Direct Impact

HB691 [Workplace safety; employer reporting requirements for work-related incidents.](#)

Chief Patron: Carr

Summary:

Extends from eight to 24 hours the time period within which an employer is required to notify the Virginia Department of Labor and Industry of any work-related incident resulting in hospitalization, amputation, or loss of an eye.

Law Advice: Change in Requirement

HB706 [Alcoholic beverage control; corkage fee for beer and cider.](#)

Chief Patron: Yancey

Summary:

Permits any restaurant with an ABC license to permit the consumption of lawfully acquired beer or cider by bona fide customers on the premises in all areas and locations covered by the license under certain conditions and allows the licensee to charge a corkage fee to such customer for the beer or cider so consumed; however, the licensee shall not charge any other fee to such customer. Under current law, a licensed restaurant may charge a corkage fee for wine.

Law Advice: New Authority

HB735 [Landlord and tenant laws; responsibility of landlord to pay certain costs, etc.](#)

Chief Patron: Miller

Summary:

Provides under the landlord and tenant law and the Virginia Residential Landlord and Tenant Act (VRLTA) that unless a tenant is at fault in cases of mold needing remediation, the landlord is obliged to pay all costs associated with the tenant's temporary relocation as well as the costs of mold remediation. Among other things, the bill (i) provides that, except for applicable lawful householder's exemptions, nothing affects the right of a landlord with respect to an inchoate or perfected lien of a landlord on the personal property of a tenant of any leased or rented commercial or residential premises or the right of such landlord to distress, levy, and seize such personal property as otherwise provided by law; (ii) clarifies that residential provisions under the landlord and tenant law do not apply to dwelling units under the VRLTA; (iii) provides that a landlord's collection agency and a third party providing background screening or credit reporting services to the landlord or his managing agent may have access to tenant records; (iv) allows the landlord to charge a tenant for his records, if the rental agreement so provides; (v) clarifies that a landlord is not obligated to make repairs to address damages identified in the move-in inspection report unless otherwise required to do so under the VRLTA; (vi) requires a tenant to maintain carbon monoxide detectors to the standards established in the Uniform Statewide Building Code; and (vii) provides that if, upon inspection of the dwelling unit, the landlord determines that repairs are necessary, the landlord may make such repairs and send the tenant an invoice for payment. If, upon inspection of the dwelling unit, the landlord discovers a violation of the rental agreement, the VRLTA, or other applicable law, the landlord may send a written notice of termination. If a tenant declines to permit the landlord or managing agent to exhibit the dwelling unit for sale or lease, the landlord may recover damages, costs, and reasonable attorney fees against such tenant. The bill contains technical amendments.

Law Advice: FYI - No Direct Impact

HB738 [Registered surgical technologists and surgical assistants; extends registration deadline.](#)

Chief Patron: Garrett

Summary:

Extends the deadline, from July 1, 2015, to December 31, 2016, by which individuals who practiced either as a surgical technologist or a surgical assistant prior to July 1, 2014, may register with the Board of Medicine to become a registered surgical technologist or registered surgical assistant.

Law Advice: Change in Authority

HB740 [Federal Rehabilitation Act and Older Americans Act; amends certain language in Code.](#)

Chief Patron: Yost

Summary:

Amends certain language in the Code of Virginia to conform to the federal Rehabilitation Act. The bill adds to the services to be provided through grants or contracts with centers for independent living to include services that (i) facilitate the transition of individuals with significant disabilities from nursing homes and other institutions to home and community-based residences, (ii) provide assistance to individuals with significant disabilities who are at risk of entering institutions so that the individuals may remain in the community, and (iii) facilitate the transition of youth with significant disabilities, who were eligible for individualized education programs under the Individuals with Disabilities Education Act or who have completed their secondary education, to post-secondary life. The bill also requires that individualized plans for employment for recipients of vocational rehabilitation services provided or funded by the Department for Aging and Rehabilitative Services (DARS) be developed as soon as possible, but not later than 90 days after the due date of the determination of eligibility. The bill also repeals a section of the Code of Virginia that lists certain services employers may provide through projects with DARS designed to provide vocational rehabilitation in realistic employment settings and to provide on-the-job training for persons with disabilities.

Law Advice: FYI - No Direct Impact

HB746 [Virginia Residential Property Disclosure Act; required disclosures, zoning and permitted uses.](#)

Chief Patron: Bell, John J.

Summary:

Requires the disclosure to purchasers of the zoning classification or permitted uses of parcels adjacent to the parcel that is being purchased.

Law Advice: FYI - No Direct Impact

HB756 [E-911 Services Board; renamed 9-1-1 Services Board, powers and duties.](#)

Chief Patron: Lingamfelter

Summary:

Renames the E-911 Services Board as the 9-1-1 Services Board (the Board). The powers and duties of the Board are revised to authorize and direct it to (i) support and assist public safety answering points (PSAPs) in the provision of 9-1-1 operations and services; (ii) plan, promote, and assist in the statewide development, deployment, and maintenance of an emergency services IP network to support future 9-1-1 and other public safety applications and technologies; and (iii) consult and coordinate with other entities. An "emergency services IP network," among other things, provides an IP transport infrastructure that supports next generation 9-1-1 service core functions. "Next generation 9-1-1 service" is defined as a service that automatically directs 9-1-1 emergency telephone calls and other emergency service requests in data formats to the appropriate PSAPs by routing using geographical information system data. The measure expands the 9-1-1 Services Board to include a member representing VoIP service providers affiliated with cable companies. The measure also requires the 9-1-1 Services Board to develop or adopt and publish standards for an emergency services IP network and core next generation 9-1-1 services on that network to ensure that enhanced public safety telephone services seamlessly interoperate within the Commonwealth and with surrounding states.

Law Advice: FYI - No Direct Impact

HB760 [Auditor of Public Accounts; Auditor to incorporate in Commonwealth Data Point.](#)

Chief Patron: Freitas

Summary:

Requires the Auditor of Public Accounts (the Auditor) to incorporate in the Commonwealth Data Point the following enhancements: (i) graphs, charts, or other visual displays of aggregated data showing (a) current state spending by expense category, (b) year-to-year state spending, and (c) other data deemed appropriate by the Auditor, including display of available line item expenditures, and (ii) frequently asked questions and their responses. The bill also requires the Commonwealth Data Point to contain a listing of the positions and salary of each full-time state employee, organized by agency.

Law Advice: FYI - No Direct Impact

Direct requirements of HB760 are on the APA, but may require UVA to provide additional information to the APA.

HB775 [Fantasy Contests Act; created, registration required, conditions of](#)

[registration, civil penalty.](#)

Companion Bill: SB646

Chief Patron: Miller

Summary:

Creates the Fantasy Contests Act (the Act), which applies to fantasy contests with an entry fee offered in Virginia. The bill defines "fantasy contest" as any online fantasy or simulated game or contest in which (i) the value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and (iii) no winning outcome is based on the score, the point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event. The bill requires operators of fantasy contests to register annually with the Department of Agriculture and Consumer Services. The bill sets forth the conditions for registration and penalties for violation of the Act. The bill provides that such contests are not illegal gambling.

Law Advice: FYI - No Direct Impact

HB778 [Fraud and Abuse Whistle Blower Protection Act; application for grievance procedure.](#)

Chief Patron: McQuinn

Summary:

Changes the basis on which whistle blowers covered by the state grievance procedure may file a claim for reward under the Fraud and Abuse Whistle Blower Protection Act from a requirement that disclosure of information must result in a savings of at least \$10,000 to a requirement that such disclosure of information must result in a recovery of at least \$5,000.

Law Advice: FYI - No Direct Impact

HB786 [Virginia Public Procurement Act; authorized enhancement or remedial measures.](#)

Chief Patron: Adams

Summary:

Requires any enhancement or remedial measure authorized by the Governor under subsection C of § 2.2-4310 for procurement by state agencies to include a compliance provision for the use of small, women-owned, minority-owned, and service disabled veteran-owned businesses certified by the Department of Small Business and Supplier Diversity. The bill requires that a contract be awarded in accordance with an award priority provided in such enhancement or remedial measure if such priority

business participated in and met the requirements of the solicitation. If the contract cannot be awarded on this basis, the contract must be awarded to a qualified business in accordance with the next established award priority, and so on until a contract is awarded on the basis of an established priority. The bill provides that if no qualified priority businesses are participating, the procurement award may be made without regard to the enhancement or remedial measure.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB807 Jamestown-Yorktown Foundation; planning, coordination, and implementation of 400th anniversary.

Chief Patron: Cox

Summary:

Requires all agencies and institutions of the Commonwealth, upon request, to designate liaisons and provide advice and assistance to the Jamestown-Yorktown Foundation for the planning, coordination, and implementation of the 400th anniversary of landmark events in Virginia's history in 2019. The bill permits the Jamestown-Yorktown Foundation, with the prior written approval of the Governor, to perform the following actions directly relating to the planning, coordination, and implementation of the 400th anniversary of landmark events in Virginia's history in 2019: (i) solicit and accept grants, donations, contributions, gifts, fees, sales, or other funds received, collected, or undertaken by the Jamestown-Yorktown Foundation for the 400th anniversary commemoration, which nongeneral funds shall be retained and not reverted back to the general fund at the end of any fiscal year; (ii) hire employees up to the Maximum Employment Level for the Foundation as provided in the general appropriation act, despite any potential suspension on hiring that may be mandated for the state agencies; and (iii) contact international, national, interstate, state, regional, and local elected and appointed officials. The year 2019 marks the 400th anniversary of the meeting of the first representative legislative assembly in the New World, known then as the House of Burgesses and being the antecedent of today's Virginia General Assembly, the oldest legislative body in the Western Hemisphere, and marks the 400th anniversary of other milestones in Virginia's and the nation's history, including the arrival of the first Africans to British America, the Virginia Company of London's attempt to expand the colony by recruiting a group of single women to send to Virginia, and observance of a service of Thanksgiving held at Berkeley Plantation. The bill has an expiration date of July 1, 2020.

Law Advice: FYI - No Direct Impact

HB817 Virginia Freedom of Information Act; record exclusions, rule of redaction, etc.

Companion Bill: SB494

Chief Patron: LeMunyon

Summary:

Reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill defines the term "information" and provides that it is declaratory of the law as it existed prior to the September 17, 2015, decision of the Supreme Court of Virginia in the case of the *Department of Corrections v. Surovell*. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. The bill contains technical amendments. This bill is identical to [SB 494](#).

Law Advice: Change in Requirement

HB818 [Virginia Freedom of Information Act; designation of officer, posting of rights and responsibilities.](#)

Chief Patron: LeMunyon

Summary:

Requires certain local public bodies to post a FOIA rights and responsibilities document on their respective public government website. The bill also requires all state public bodies, including state authorities, and all local public bodies that are subject to FOIA to designate and publicly identify one or more FOIA officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of FOIA. The bill sets out where contact information for the designated FOIA officer is to be posted. The bill requires that any such FOIA officer shall possess specific knowledge of the provisions of FOIA and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council.

Law Advice: New Requirement

HB820 [Insurance policies; electronic delivery of information to policyholder, etc.](#)

Chief Patron: Byron

Summary:

Authorizes a health carrier to deliver electronically to any of its policyholders, subscribers, or enrollees or to post to the health carrier's publicly available website, in lieu of any other method of delivery, any evidence of coverage or other forms required to be given to policyholders, subscribers, and enrollees that do not contain personally identifiable information. The evidence of coverage and associated forms are required to be readily available to download using publicly available software at no cost. The carrier is

required to notify the policyholder, subscriber, or enrollee that he may request a paper copy of the evidence of coverage and associated forms without charge. The measure also repeals a clause that would have sunset on December 31, 2016, that (i) makes the notification to an insurer of any change of the electronic address for the named insured the sole responsibility of the named insured and (ii) states that giving notice of change of the named insured's electronic address to the agent of record shall not be deemed to be notice to the insurer unless it is specifically identified as a change and receipt has been accepted by the agent of record.

Law Advice: FYI - No Direct Impact

HB823 [Governmental agencies; contracting for items from another governmental commercial activities list.](#)

Chief Patron: LeMunyon

Summary:

Provides that any state governmental agency that purchases goods or services from another governmental agency, including those found on the commercial activities list, shall place the purchase orders for such goods and services on the Department of General Services' central electronic procurement system. The bill requires institutions of higher education authorized in accordance with the Restructured Higher Education Financial and Administrative Operations Act (§ 23.38.88 et seq.) to provide government-to-government purchase order data through interface or integration with the Department of General Services' central electronic procurement system. The bill also requires the Department of General Services to publish on its central electronic procurement system website a government-to-government transaction transparency report.

Law Advice: New Requirement

HB825 [Military medical personnel; pilot program for personnel to practice medicine.](#)

Companion Bill: SB437

Chief Patron: Stolle

Summary:

Directs the Department of Veterans Services, in collaboration with the Department of Health Professions, to establish a pilot program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine under the supervision of a licensed physician or podiatrist. The bill requires the Department of Veterans Services to establish general requirements for participating in the program. This bill is identical to [SB 437](#).

Law Advice: FYI - No Direct Impact

HB829 [Prescribers of covered substances; continuing education.](#)

Chief Patron: Stolle

Summary:

Authorizes the Director of the Department of Health Professions to disclose information to the Board of Medicine about prescribers who meet a certain threshold for prescribing covered substances for the purpose of requiring relevant continuing education. The threshold shall be determined by the Board of Medicine in consultation with the Prescription Monitoring Program. The bill also directs the Board of Medicine to require prescribers identified by the Director of the Department of Health Professions to complete two hours of continuing education in each biennium on topics related to pain management, the responsible prescribing of covered substances, and the diagnosis and management of addiction. Prescribers required to complete continuing education shall be notified of such requirement no later than January 1 of each odd-numbered year. The provisions of the bill will expire on July 1, 2022.

Law Advice: FYI - No Direct Impact

HB834 [Virginia Growth and Opportunity Board and Fund; established, report.](#)

Companion Bill: SB449

Chief Patron: Cox

Summary:

Establishes the Virginia Growth and Opportunity Board to administer grants from the Virginia Growth and Opportunity Fund for regional economic and workforce development projects. The bill provides that regional councils will be established across the Commonwealth, consisting of representatives of government and the business and education communities, and councils may submit applications for collaborative projects in their regions that enhance private-sector growth, competitiveness, and workforce development. A portion of the grant funds will be awarded on a population basis and a portion on a competitive basis, but no such grants shall be awarded absent a subsequent enactment of the General Assembly authorizing the award of grants. This bill is identical to [SB 449](#).

Law Advice: New Authority

HB846 [Virginia Collaborative Economic Development Act; established, sunset provision.](#)

Companion Bill: SB459

Chief Patron: Hugo

Summary:

Creates the Virginia Collaborative Economic Development Performance Grant Fund (the Fund). The Fund will be administered by the Go Virginia Board. Two or more localities that collaborate and adopt a collaborative economic development plan will be eligible for grants from the Fund over a period of six

years if the collaboration results in the location or expansion of a company in the Commonwealth that (i) creates at least 200 new jobs with average salaries at least equal to the average wage and (ii) makes a capital investment of at least \$25 million. The total amount of the grant applied for shall not exceed 50 percent of the total investment of the localities in executing the collaborative economic development plan, and each annual installment of the grant may not exceed 45 percent of the total annual amount of personal income tax withheld by the certified company from the newly created jobs. Upon making a written finding of significant fiscal distress in or extraordinary economic opportunity for the participating localities, the Go Virginia Board may lower the job and capital investment requirements to no fewer than 25 new jobs and no less than \$1 million in capital investment and may award up to 100 percent of the total investment of the localities. No grants shall be awarded absent a subsequent enactment of the General Assembly authorizing the award of the grants, and the grant program will sunset on July 1, 2026. This bill is identical to [SB 459](#).

Law Advice: New Authority

HB854 [Firefighter or emergency medical services; personnel interrogation, observer.](#)

Chief Patron: Hugo

Summary:

Allows firefighters or emergency medical services personnel subjected to an interrogation that could lead to dismissal, demotion, or suspension for punitive reason to have a retired member of the department present as an observer. Current law allows only current members of the department to be present. The bill changes the term "current" to "active" to clarify members' status as active or retired.

Law Advice: FYI - No Direct Impact

HB870 [Unfair claim settlement practices; appraisal of automobile repair costs.](#)

Companion Bill: SB193

Chief Patron: Hugo

Summary:

Authorizes the repair facility or the insurer making the appraisal of the cost of repairing a motor vehicle that has been damaged as the result of a covered loss to prepare an initial repair appraisal, which may be the final repair appraisal, on the motor vehicle either from personal inspection of the vehicle by a representative of the repair facility or insurer or from photographs, videos, or electronically transmitted digital imagery of the motor vehicle. The measure prohibits an insurer from requiring an owner of a motor vehicle to submit photographs, videos, or electronically transmitted digital imagery as a condition of an appraisal. Supplemental repair estimates that become necessary after the repair work has been initiated due to discovery of additional damage to the motor vehicle may also be made from photographs, videos, or electronically transmitted digital imagery of the motor vehicle, provided that in the case of disputed repairs a personal inspection is required. Currently, a person is prohibited from making appraisals of the cost of repairing a motor vehicle that has been damaged as a result of a collision

unless the appraisal is based upon a personal inspection. An insurer's violation of the requirement with such frequency as to indicate a general business practice constitutes an unfair claim settlement practice. This bill is identical to [SB 193](#).

Law Advice: FYI - No Direct Impact

HB875 [Real-time location data; disclosure in emergencies.](#)

Chief Patron: Hugo

Summary:

Provides that an investigative or law-enforcement officer may obtain real-time location data from an electronic communication service or remote computing service provider when the officer believes that an emergency involving immediate danger to a person requires such disclosure and a warrant for such disclosure cannot be obtained in time to prevent the identified danger, regardless of whether the service provider believes that such disclosure is required by the emergency.

Law Advice: Change in Authority

HB884 [Research and development expenses tax credits.](#)

Companion Bill: SB58

Chief Patron: Hugo

Summary:

Modifies the existing research and development expenses tax credit and creates a similar tax credit for businesses with Virginia research and development expenses in excess of \$5 million for the taxable year. The bill changes the existing tax credit by (i) extending the expiration date from January 1, 2019, to January 1, 2022; (ii) increasing the credit from 15 percent of the first \$234,000 of the business's Virginia qualified research and development expenses that exceed a base amount to 15 percent of the first \$300,000 of such expenses and from 20 percent of the first \$234,000 of such expenses to 20 percent of the first \$300,000 of such expenses if the research and development was conducted in conjunction with a Virginia college or university; (iii) establishing an alternative computation for the tax credit at the election of the taxpayer beginning with taxable year 2016; and (iv) increasing from \$6 million to \$7 million the maximum amount of tax credits that may be granted by the Department of Taxation for each fiscal year beginning with fiscal year 2017.

Under current law, a taxpayer is allowed a refundable credit equal to (a) 15 percent of the first \$234,000 of the taxpayer's Virginia qualified research and development expenses that exceed a base amount or (b) if the research and development was conducted in conjunction with a Virginia college or university, 20 percent of the taxpayer's first \$234,000 in Virginia qualified research and development expenses that exceed a base amount. Under the alternative computation established by the bill for the existing credit, the taxpayer will be allowed a refundable tax credit equal to 10 percent of the difference of (1) the taxpayer's Virginia qualified research and development expenses for the current taxable year and (2) 50 percent of such taxpayer's average Virginia qualified research and development expenses for the

immediately preceding three taxable years. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the immediately preceding three years, the credit will equal five percent of the taxpayer's Virginia qualified research and development expenses for the current taxable year. The maximum credit allowed to a taxpayer each year under the alternative computation will be \$45,000, or \$60,000 if the research and development was conducted in conjunction with a Virginia public or private college or university.

The bill also creates a new tax credit beginning with taxable year 2016 for businesses with Virginia research and development expenses in excess of \$5 million for the taxable year. The new tax credit will include the same elements as described above for the alternative computation, except that it is not refundable and there is no annual limit on the maximum amount of credits allowed to the taxpayer. In addition, the Department may grant up to \$20 million in tax credits each fiscal year beginning with fiscal year 2017. The amount of the new tax credit that may be claimed by the taxpayer for each year will be limited to 75 percent of the taxpayer's Virginia income tax liability for the year. Any unused credit for the year may be carried forward and applied against the taxpayer's income taxes in the next 10 succeeding taxable years. The new research and development expenses tax credit expires January 1, 2022. The bill prohibits a taxpayer from claiming a credit for expenses incurred using embryonic stem cells.

The bill prohibits a taxpayer from claiming both the existing and new research and development expenses tax credit for the same taxable year. This bill is identical to [SB 58](#).

Law Advice: FYI - No Direct Impact

HB894 [Standards of Learning Innovation Committee; change in membership.](#)

Chief Patron: Greason

Summary:

Requires that the membership of the Standards of Learning Innovation Committee include at least one representative of a four-year public institution of higher education and at least one representative of a two-year public institution of higher education and specifies that the business representative or representatives on the Committee shall represent the business community in the Commonwealth. The bill requires an affirmative vote of a majority of the legislative members in attendance and a majority of the nonlegislative citizen members in attendance to adopt any recommendations. The bill also staggers the terms of legislative members and nonlegislative citizen members. The bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective April 1, 2016.

HB905 [Hospitals; advance disclosure of charge for elective procedure, test, or service.](#)

Chief Patron: Yancey

Summary:

Requires every hospital to furnish a patient scheduled to receive an elective procedure, test, or service to be performed by the hospital, upon his request or the request of his legally authorized representative made no less than three days in advance of the date on which such elective procedure, test, or service is scheduled to be performed, with an estimate of the payment amount for which the participant will be responsible for such elective procedure, test, or service.

Law Advice: New Requirement

HB930 [Virginia Public Procurement Act; procurement of information technology goods and services.](#)

Companion Bill: SB150

Chief Patron: Davis

Summary:

Prohibits a public body from requiring that an offeror state any exception to any liability provisions in responding to a Request for Proposal for information technology goods and services. If selected for negotiation after the proposal is submitted, the offeror must state any exception to the liability provisions in writing at the beginning of the negotiation. This bill is a recommendation of the Joint Commission on Technology and Science. This bill is identical to [SB 150](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB951 [Taxation, Department of; disclosure of certain tax information.](#)

Companion Bill: SB325

Chief Patron: Keam

Summary:

Permits the Department of Taxation (the Department) to disclose to a taxpayer whether the taxpayer's employer submitted withholding records to the Department as required. The bill also requires the Department to maintain a list of licensed cigarette stamping agents and make it available upon request to any federal, state, or local law-enforcement agency. This bill is identical to [SB 325](#).

Law Advice: FYI - No Direct Impact

HB961 [Higher educational institutions; alternative tuition or fee structures to students, report.](#)

Chief Patron: Rush

Summary:

Permits each public institution of higher education to offer alternative tuition or fee structures that result in lower cost of attendance to students. The State Council of Higher Education for Virginia (the Council) shall offer guidance, upon request, to any public institution of higher education in establishing such alternative tuition or fee structure. The Council is also directed to develop recommendations regarding financial incentives and benefits that might be offered to public institutions of higher education that offer alternative tuition and fee structures and to report its recommendations to the Joint Subcommittee on the Future Competitiveness of Virginia Higher Education by November 1, 2016.

Law Advice: New Authority

Monitor SCHEV recommendations to Joint Subcommittee.

HB1012 [Virginia College Building Authority; financing projects, participating institutions.](#)

Companion Bill: SB313

Chief Patron: Massie

Summary:

Permits any organization that is exempt from federal income taxation pursuant to § 501(c)(3) of the Internal Revenue Code and that is owned or controlled by a public institution of higher education in the Commonwealth or whose purpose is to support or otherwise benefit a public institution of higher education in the Commonwealth to finance projects through the Virginia College Building Authority. This bill is identical to [SB 313](#).

Law Advice: New Authority

HB1013 [Threat assessment teams; dissemination of certain records and information.](#)

Chief Patron: Massie

Summary:

Excludes from the Virginia Freedom of Information Act any records received by the Department of Criminal Justice Services pursuant to the operation of or for the purposes of evaluating threat assessment teams and oversight committees, school safety audits, and school crisis, emergency management, and medical emergency response plans of public schools and threat assessment teams of public institutions of higher education, to the extent that such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components. The bill allows criminal record, juvenile record, and health record information to be disseminated to members of a threat assessment team established by a local school board. Current law allows only threat assessment teams established by an institution of higher education to access such information. The bill provides that no member of a threat assessment

team shall redisclose any such information or use the information beyond the purpose for which the disclosure was made.

Law Advice: New Requirement

[HB1015 Higher educational institutions; memorandum of understanding with local law-enforcement agencies.](#)

Chief Patron: Massie

Summary:

Permits each public institution of higher education or nonprofit private institution of higher education to request the cooperation of the primary law-enforcement agency of the locality in which the institution is located to establish a written memorandum of understanding with such law-enforcement agency to address the prevention of and response to criminal sexual assault and requires such law-enforcement agency to cooperate in establishing such memorandum of understanding.

Law Advice: New Authority

[HB1016 Sexual assault response teams; participants in annual meeting, FOIA exclusion for records.](#)

Chief Patron: Massie

Summary:

Adds the Title IX coordinator; representatives from the office of student affairs, human resources, and counseling services; and a representative of campus security of any institution of higher education in the jurisdiction to the list of persons invited to participate in the annual meeting of a sexual assault response team. The bill also excludes records reflecting the substance of meetings in which individual sexual assault cases are discussed by a sexual assault response team from mandatory disclosure under the Virginia Freedom of Information Act. The findings of a sexual assault response team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

Law Advice: Change in Requirement

[HB1044 Prescription Monitoring Program; disclosure of certain information.](#)

Companion Bill: SB491

Chief Patron: Landes

Summary:

Provides that the Director of the Department of Health Professions may disclose information in the possession of the Prescription Monitoring Program about a specific recipient who is a member of a

Virginia Medicaid managed care program to a physician or pharmacist licensed in the Commonwealth and employed by the Virginia Medicaid managed care program to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. The bill also requires the Prescription Monitoring Program advisory committee to provide guidance to the Director regarding such disclosures. This bill is identical to [SB 491](#).

Law Advice: FYI - No Direct Impact

HB1062 [Higher educational institutions; management agreements.](#)

Chief Patron: Jones

Summary:

Corrects incorrect Code references relating to management agreements entered into by public institutions of higher education.

Law Advice: FYI - No Direct Impact

HB1064 [Virginia Information Technologies Agency; duties and responsibilities, etc.](#)

Chief Patron: Jones

Summary:

Makes numerous technical or organizational changes to Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 related to the establishment and operation of the Virginia Information Technologies Agency (VITA). The bill does not make substantive changes to VITA's powers and duties. The bill was developed by a staff workgroup led by the Division of Legislative Services pursuant to § 1-6 of the 2015 Appropriation Act to address concerns identified in the Joint Legislative Audit and Review Commission's 2014 Report on Virginia's Information Technology Governance Structure.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB1077 [Drug Control Act; adds certain chemical substances to Schedule I.](#)

Companion Bill: SB480

Chief Patron: Garrett

Summary:

Adds certain chemical substances to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the

substance to the schedule. This bill is identical to [SB 480](#).

Law Advice: FYI - No Direct Impact

HB1102 [Trauma-informed sexual assault investigation; DCJS to establish.](#)

Chief Patron: Filler-Corn

Summary:

Requires the Department of Criminal Justice Services, in consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, to develop multidisciplinary curricula on trauma-informed sexual assault investigation.

Law Advice: FYI - No Direct Impact

HB1103 [ABLE savings trust accounts; exclusion from determination of state means-tested assistance, etc.](#)

Chief Patron: Filler-Corn

Summary:

Provides that, notwithstanding any other provision of state law that requires consideration of one or more financial circumstances of an individual for the purpose of determining (i) the individual's eligibility to receive any assistance or benefit pursuant to such provision of state law or (ii) the amount of any such assistance or benefit that such individual is eligible to receive pursuant to such provision of state law, any (a) moneys in an ABLE savings trust account for which such individual is the beneficiary, including any interest on such moneys, (b) contributions to an ABLE savings trust account for which such individual is the beneficiary, and (c) distribution for qualified disability expenses for such individual from an ABLE savings trust account for which such individual is the beneficiary shall be disregarded for such purpose with respect to any period during which such individual remains the beneficiary of, makes contributions to, or receives distributions for qualified disability expenses from such ABLE savings trust account.

Law Advice: New Requirement

HB1108 [Virginia Public Procurement Act; contracting generally, use of experience modification factor.](#)

Chief Patron: Webert

Summary:

Prohibits the use of any experience modification factor as a condition of any bidder's or offeror's eligibility to participate in a solicitation for construction. The bill includes the same prohibition for any contract or offer to contract not covered by the VPPA. The bill also provides that it applies to any offer to contract as defined in the bill, Invitation to Bid, or Request for Proposal for construction services

issued on or after July 1, 2016. The bill defines "experience modification factor."

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB1110 [Temporary detention; notice of recommendation, communication with magistrate.](#)

Companion Bill: SB567

Chief Patron: Bell, Robert B.

Summary:

Provides that the magistrate conducting a temporary detention hearing shall consider, if available, information provided by the person who initiated emergency custody. The bill also requires the community services board evaluating a person for temporary detention, if the evaluator recommends that the person not be subject to temporary detention, (i) to notify, if present, the person who initiated emergency custody of such recommendation in addition to the current obligation to notify the petitioner and an onsite treating physician; (ii) to promptly inform the person who initiated emergency custody that the community services board will facilitate communication between such person and the magistrate if such person disagrees with the recommendation of the community services board; and (iii) to arrange for the person who initiated emergency custody to communicate, upon request, with the magistrate as soon as practicable prior to the expiration of the period of emergency custody. Finally, the bill imposes a duty on health care providers providing services to a person subject to emergency custody, temporary detention, or involuntary admission proceedings to make a reasonable attempt to notify the person's family member or personal representative and clarifies that such representative includes an agent named in an advance directive; currently, such health care provider has discretion as to whether to make such notification.

Law Advice: Change in Requirement

HB1126 [DCJS; training standards and model policies for law-enforcement personnel, powers and duties.](#)

Chief Patron: Miller

Summary:

Reorganizes the Department of Criminal Justice Services' powers and duties for establishing training standards and publishing model policies for law-enforcement personnel by combining each discrete subject into one list. The bill also requires the Department to periodically update such model policies.

Law Advice: FYI - No Direct Impact

HB1128 [Spouse's liability for medical care; exemption for principal residence.](#)

Chief Patron: Habeeb

Summary:

Provides that a lien arising out of a judgment for a spouse's emergency medical care shall not be enforced against the judgment debtor's principal residence held as tenants by the entireties unless the residence is refinanced or transferred to new owners.

Law Advice: FYI - No Direct Impact

HB1135 [Virginia-grown food products; purchase by state agencies & institutions & local school divisions.](#)

Chief Patron: Kory

Summary:

Requires that the Department of General Services to include a link to the Virginia Department of Agriculture and Consumer Services Virginia Grown website on the Department of General Services' central electronic procurement system to facilitate purchases of Virginia-grown food products. The bill also exempts purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB1160 [Physical evidence recovery kits.](#)

Companion Bill: SB291

Chief Patron: Bell, Robert B.

Summary:

Establishes a comprehensive procedure for the collection and analysis of physical evidence recovery kits for victims of sexual assault, including those who elect at the time of the exam not to report a sexual assault to a law-enforcement agency. Kits from victims who elect not to report are known as "anonymous physical evidence recovery kits" and will be stored at the Division of Consolidated Laboratory Services (the Division) for two years, although the Division, the victim, or the law-enforcement agency may elect for the kits to be retained for a longer period of time. If the victim later elects to report the sexual assault, the victim's kit will be released to law enforcement. Health care providers are required to explain these procedures and time frames to victims. Where the victim elects to report the offense to law enforcement at the time of the exam, law enforcement is required to take possession of the victim's kit forthwith upon notification from the health care provider that the kit has been collected and, with limited exceptions, to submit the kit to the Department of Forensic Science for analysis within 60 days. The bill outlines the exceptions to mandatory submission for analysis, time

frames, and storage requirements for retention of analyzed samples; expungement of DNA samples obtained but not connected to a crime; and victims' notification rights. This bill incorporates [HB 1158](#) and is identical to [SB 291](#).

Law Advice: New Requirement

HB1228 [Boxing and wrestling events; provisions for sanctioning organizations.](#)

Chief Patron: Miller

Summary:

Enhances the conflict of interest provisions for sanctioning organizations required for approval by the Director of the Department of Professional and Occupational Regulation (DPOR). The bill (i) reduces the compliance burden on sanctioning organizations by including specific participant safety criteria rather than referencing the entire law governing boxing and wrestling events, (ii) prohibits gate fees for amateur-only events conducted by sanctioning organizations, (iii) establishes an annual application fee of \$500, (iv) clarifies that amateur-only events may be conducted only under the purview of sanctioning organizations authorized by the Director of DPOR, and (v) exempts amateur boxing from regulation. The bill includes an emergency clause.

Law Advice: FYI - No Direct Impact

See bill for effective dates of specific sections.

HB1230 [Higher educational institutions; student intellectual property rights.](#)

Chief Patron: Herring

Summary:

Requires the boards of visitors of state-supported institutions of higher education to adopt policies that are supportive of the intellectual property rights of matriculated students who are not employed by such institution.

Law Advice: New Requirement

Requires revision of existing policy.

HB1238 [General Services, Department of; disposition of surplus materials, police animals.](#)

Companion Bill: SB38

Chief Patron: Morefield

Summary:

Allows the handler last in control of an animal especially trained for police work to purchase the animal for the price of \$1. The bill also allows an immediate survivor of any full-time sworn law-enforcement officer who (i) is killed in the line of duty or (ii) dies in service and has at least 10 years of service to purchase the animal issued to the officer by the agency or institution for the price of \$1. This bill is identical to [SB 38](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB1250 [Virginia Erosion and Stormwater Management Act; consolidation of programs, opt-out for locations.](#)

Companion Bill: SB673

Chief Patron: Wilt

Summary:

Combines existing statutory programs relating to soil erosion and stormwater management, directing the State Water Control Board (the Board) to permit, regulate, and control both erosion and stormwater runoff.

The bill requires any locality that operates a municipal separate storm sewer system (MS4) or a Virginia Stormwater Management Program (VSMP) to adopt a Virginia Erosion and Stormwater Management Program (VESMP) that regulates any land-disturbing activity that disturbs an area of 10,000 square feet or more, or 2,500 square feet or more if in a Chesapeake Bay Preservation Area. A locality that lacks an MS4 and for which the Department of Environmental Quality (DEQ) is currently administering a VSMP is required to (i) adopt such a VESMP, (ii) adopt such a VESMP with DEQ conducting plan review and making recommendations on the compliance of each plan with technical criteria, or (iii) continue to operate a separate Virginia Erosion and Sediment Control Program (VESCP) that regulates any disturbance of 10,000 square feet or more and, in a Preservation Area, regulates a disturbance of 2,500 square feet or more and meets certain other requirements. Any eligible locality that chooses the third option is to have a VSMP administered on its behalf by the Board for any land-disturbing activity that disturbs one acre or more of land, including an activity that disturbs a smaller area but is part of a larger development that results in a disturbance of one acre or more. Towns are afforded additional options in relation to the counties in which they are located.

The bill directs certain charges or penalties to the Stormwater Local Assistance Fund, which provides matching grants to local governments for stormwater best management practices. Finally, the bill directs DEQ to evaluate fees related to the consolidated Virginia Erosion and Stormwater Management Program and directs the Board to adopt regulations to carry out the purposes of the bill, delaying the effective date of the bill until the later of July 1, 2017, or 30 days after the adoption of such regulations.

The bill is identical to [SB 673](#).

Law Advice: FYI - No Direct Impact

See bill for effective dates.

HB1266 Guardianship appointments, modifications, and terminations; notice sent to DMAS.

Chief Patron: Habeeb

Summary:

Requires that notices of guardianship appointments, modifications, and terminations be sent to the Department of Medical Assistance Services. Current law requires that such notices be sent only to the local department of social services.

Law Advice: FYI - No Direct Impact

HB1273 X-ray machines; expands authority of Department of Health to regulate.

Chief Patron: O'Bannon

Summary:

Clarifies the authority of the Department of Health (the Department) related to registration and inspection of X-ray producing devices and requires the Department to develop a list of qualified private inspectors of X-ray machines and develop regulations for the annual registration of such private inspectors. The bill authorizes the Department to collect a fee, not to exceed \$150, for registration of private inspectors of X-ray machines.

Law Advice: FYI - No Direct Impact

HB1275 Magistrates; complaint made by complainant, the written complaint shall be returned to complainant.

Chief Patron: Fariss

Summary:

Provides that if an officer authorized to issue criminal warrants does not issue an arrest warrant in response to a written complaint, the written statement shall be returned to the complainant.

Law Advice: Change in Requirement

HB1277 Restaurants; annual inspections.

Chief Patron: Robinson

Summary:

Provides that every restaurant in the Commonwealth shall be inspected at least annually, with no more than 12 months elapsing between each such inspection.

Law Advice: Change in Requirement

HB1281 [Concealed weapons; exemption for certain retired officers from prohibition to carry.](#)

Chief Patron: Hugo

Summary:

Decreases from 15 to 10 the number of years of service required for certain retired officers to be exempt from the prohibition on carrying a concealed weapon.

Law Advice: Change in Requirement

Similar to SB479

HB1288 [Small Business and Supplier Diversity, Dept. of; certification of employment services organizations.](#)

Chief Patron: Hope

Summary:

Provides that for solicitations under the Virginia Public Procurement Act, each public body shall include, in addition to small, women-owned, and minority-owned businesses, employment services organizations, as defined in the bill, certified by the Department and set goals for the participation of employment services organizations in procurement transactions. The bill clarifies that the certification process conducted by the Department includes employment services organizations. Finally, the bill states that contracts and subcontracts awarded to employment services organizations shall be credited toward a contractor's small, women-owned, and minority-owned business contracting and subcontracting goals.

Law Advice: Change in Requirement

HB1292 [Schedule IV drugs; adds eluxadoline to list.](#)

Chief Patron: Pillion

Summary:

Adds eluxadoline to the list of Schedule IV drugs. The bill contains a technical amendment.

Law Advice: FYI - No Direct Impact

HB1299 U. S. of America and the Commonwealth of Virginia; purchase of flags by public bodies.

Companion Bill: SB229

Chief Patron: Edmunds

Summary:

Provides that whenever a state or local public body or school division purchases a flag of the United States or a flag of the Commonwealth for public use, such flag must be made in the United States from articles, materials, or supplies that are grown, produced, and manufactured in the United States, if available. The bill has a delayed effective date of July 1, 2017. This bill is identical to [SB 229](#).

Law Advice: New Requirement

Exempt under Restructuring. Delayed effective date: July 1, 2017.

HB1303 Higher educational institutions; educational programs for members of board of visitors.

Chief Patron: Landes

Summary:

Prohibits the reappointment of any member of the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges who fails to attend during his first four-year term the statutorily required educational programs provided by the State Council of Higher Education for Virginia that address the role, duties, and responsibilities of such governing boards.

Law Advice: Change in Requirement

HB1318 Virginia Freedom of Information Act; noncriminal incidents and reports.

Companion Bill: SB727

Chief Patron: Fowler

Summary:

Clarifies that the FOIA exclusion for noncriminal incidents and reports applies to any public body that engages in criminal law-enforcement activities and does not rely on the definition of "noncriminal incidents records" in § 15.2-1722 of the Code of Virginia. The bill addresses a decision of the Virginia Supreme Court in *Fitzgerald v. Loudoun County Sheriff's Office*, which held that a noncriminal record must be a compilation in order for the exemption for noncriminal records to apply. The bill was also the subject of a Virginia Freedom of Information Advisory Council opinion (AO-08-15) concerning this exemption, which highlighted the need for clarification of this exemption based on the Fitzgerald

holding.

Law Advice: Change in Requirement

HB1331 [Income tax, state; withholding taxes, penalties.](#)

Companion Bill: SB230

Chief Patron: Bloxom

Summary:

Codifies provisions in the current general appropriation act that (i) require all employers to electronically file withholding tax returns and (ii) require the annual withholding tax return and employee withholding statements to be furnished to the Department of Taxation by January 31 (which date appears in the Code of Virginia as February 28). The general appropriation act allows a waiver from each requirement if the Tax Commissioner finds it creates an unreasonable burden on the employer. This bill is identical to [SB 230](#).

Law Advice: FYI - No Direct Impact

HB1343 [Research & development in the Commonwealth; Va. Research Investment Fund & Committee, created, etc.](#)

Chief Patron: Jones

Summary:

Establishes the Virginia Research Investment Committee (the Committee) to administer grants and loans from the Virginia Research Investment Fund (the Fund), created by this bill, to promote research, development, and commercialization in the Commonwealth. The bill provides that the State Council of Higher Education for Virginia (SCHEV) will establish guidelines related to administration and award of grants from the Fund, in consultation with the Committee. Upon receipt of completed grant applications, SCHEV will forward them to an entity with recognized science and technology expertise to review and rank the applications. Applications will then be forwarded to the Committee to make a final decision about the award of grants and funds. The Committee will be comprised of the Director of SCHEV, who will also serve as chairman, the Secretary of Finance, the Secretary of Technology, the staff directors of the House Appropriations and Senate Finance Committees, and three citizen members. The Speaker of the House of Delegates and the Senate Committee on Rules would each appoint one citizen member, and the Governor would appoint two citizen members, all to be selected from the nonlegislative citizen members of the Go Virginia Board if such Board is created by the 2016 Session of the General Assembly and becomes law. Of the moneys appropriated to the Fund, the General Assembly may specifically designate a portion of the moneys to be invested by the Board of the Virginia Retirement System. Only \$4 million of such invested funds may be awarded in any given year, and if the Committee decides to award a loan, such loan must come out of this \$4 million.

Law Advice: New Authority

HB1344 [Bonds; certain capital projects.](#)

Companion Bill: SB731

Chief Patron: Jones

Summary:

Authorizes the Virginia Public Building Authority and the Virginia College Building Authority to issue bonds in a total aggregate amount not to exceed \$2,235,432,677 plus costs to fund certain capital projects. This bill is identical to [SB 731](#).

Law Advice: New Authority

HB1345 [Line of Duty Act; revises Act by codifying revisions.](#)

Chief Patron: Jones

Summary:

Revises the Line of Duty Act (the Act) by codifying revisions to the Act from the appropriation act and, among other changes, 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 (the Department), and creating separate health benefits plans for beneficiaries under the Act. The bill has a delayed effective date of July 1, 2017, except that a final enactment requiring each nonparticipating employer to pay its pro rata share of estimated implementation costs to the VRS and the Department becomes effective July 1, 2016.

Law Advice: FYI - No Direct Impact

HB1362 [Conflicts of Interests Acts, State & Local Government & General Assembly, etc.; lobbyist reporting.](#)

Companion Bill: SB692

Chief Patron: Gilbert

Summary:

Requires the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts to be filed annually. Lobbyists are required to file by July 1 for the preceding 12-month period complete through the last day of April, and persons subject to the conflict of interests acts are required to file on or before January 15. The bill also requires the Governor, Lieutenant Governor, and Attorney General, members of the Governor's Cabinet, and members of the General Assembly to file on or before May 1 a separate report of gifts received during the period beginning January 1 through adjournment sine die of the regular session of the General Assembly. Effective January 1, 2017, the bill removes from the Code the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts and requires

the Virginia Conflict of Interest and Ethics Advisory Council (Council) to prescribe the forms to be used to comply with disclosure requirements.

The bill also makes numerous other changes related to lobbyist reporting and the conflict of interests acts, including (i) exempting from the definition of a gift any gift with a value of less than \$20; (ii) providing that the filing of a single disclosure form by a person subject to the conflict of interests acts satisfies the filing requirement for all positions or offices held or sought by such person; (iii) clarifying that lobbying disclosure forms are filed with the Council and are open to public inspection and copying in the office of the Council, and not the Secretary of the Commonwealth; (iv) clarifying that candidates for statewide office, the General Assembly, and constitutional office are required to file a statement of economic interests with the Council; (v) authorizing travel provided to facilitate attendance by a legislator at certain meetings where attendance is approved by the Chairman of the House or Senate Committee on Rules in addition to approval by either committee; (vi) clarifying that gifts to certain members of a lobbyist's family are not considered gifts; (vii) providing that the definition of procurement transaction for purposes of the laws governing lobbyists is limited to those transactions in which the stated or expected value of the contract is \$5 million or more; (viii) providing that records relating to formal advisory opinions or informal advice of the Council shall be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act; (ix) providing that a lobbyist's principal is not required to disclose the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance or the attendance of a member of his immediate family at the entertainment event; and (x) authorizes the Council to grant an extension from a filing deadline for good cause. The bill contains an emergency clause that applies to the changes described in clauses (vii) through (x).

Finally, the bill requires that the Supreme Court of Virginia report to the Council by October 1, 2016, on the application of the conflict of interests acts on members of the judiciary and evaluate the feasibility of creating separate provisions that would apply to such member. This bill incorporates [HB 779](#), [HB 857](#), [HB 860](#), [HB 861](#), [HB 862](#), [HB 868](#), [HB 889](#), [HB 890](#), [HB 891](#), [HB 892](#), and [HB 1361](#) and is identical to [SB 692](#).

Law Advice: Change in Requirement

See bill for effective dates of specific sections/provisions.

HJ2 [Constitutional amendment; right to work \(second reference\).](#)

Companion Bill: SJ70

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

HJ7 [Virginia Economic Development Partnership Authority; JLARC to review Authority, report.](#)

Chief Patron: Byron

Summary:

Directs the Joint Legislative Audit and Review Commission to review the Virginia Economic Development Partnership Authority. This is a two-year study.

Law Advice: FYI - No Direct Impact

HJ45 [Health insurance; coverage for abuse deterrent formulations for opioid medications.](#)

Chief Patron: Byron

Summary:

Continues the study by the Health Insurance Reform Commission of mandating health insurance coverage for abuse deterrent formulations for opioid medications.

Law Advice: Monitor and Track

HJ97 [Commonwealth's aerospace industry; Joint Commission on Technology and Science to study.](#)

Companion Bill: SJ97

Chief Patron: Yancey

Summary:

Directs the Joint Commission on Technology and Science (JCOTS) to (i) identify strategies to grow Denbigh High School's Aviation Academy and encourage its transformation into a statewide program, to be named the Virginia Aviation Academy; (ii) research and identify federally funded research and development activities in the Commonwealth and recommend strategies to create additional opportunities for such activities; (iii) collect information regarding practices and efforts used successfully in other states to grow their aerospace industries; (iv) analyze the potential advantages and disadvantages of eliminating taxation on aerospace and aviation parts and labor; (v) gather information regarding opportunities in the Commonwealth related to maintenance and rehabilitation of aerospace equipment; (vi) explore any other topics related to growing the Commonwealth's aerospace industry; (vii) request the Virginia Economic Development Partnership to develop strategies to grow the Commonwealth's aerospace industry and (viii) consult with representatives of all relevant stakeholders,

including but not limited to public and private institutions of higher education, the Virginia Academy of Science, Engineering, and Medicine, the NASA Langley Research Center, the NASA Wallops Flight Facility, and the Mid-Atlantic Regional Spaceport. The final report of JCOTS, due no later than the first day of the 2017 Session of the General Assembly, shall be entitled "A Blueprint for Growth of the Virginia Aviation and Aerospace Industry." This resolution is identical to [SJ 97](#).

Law Advice: Monitor and Track

HJ120 [Biosolids and industrial residuals in Virginia; JLARC to study.](#)

Chief Patron: Landes

Summary:

Directs the Joint Legislative Audit and Review Commission to analyze scientific literature on the health effects of biosolids (treated sewage sludge) and industrial residuals (wastes resulting from industrial processes), evaluate the feasibility of requiring municipal utilities that are currently permitted to generate "Class B" material to upgrade their facilities to generate "Class A" material, and undertake other analyses. This is a two-year study.

Law Advice: FYI - No Direct Impact

HJ157 [Virginia Community College System; Joint Legislative Audit and Review Commission to review.](#)

Chief Patron: Jones

Summary:

Directs the Joint Legislative Audit and Review Commission to review the Virginia Community College System. This is a two-year study.

Law Advice: FYI - No Direct Impact

HJ201 [Commending the Virginia Breast Cancer Foundation.](#)

Chief Patron: Peace

Summary:

Law Advice: FYI - No Direct Impact

HJ206 [Omphalocele Awareness Day; designating as January 31, 2016, and each succeeding year thereafter.](#)

Chief Patron: Pillion

Summary:

Law Advice: FYI - No Direct Impact

HJ519 [Commending the University of Virginia athletics program.](#)

Chief Patron: Toscano

Summary:

Law Advice: FYI - No Direct Impact

HR65 [Commending the 2016 inductees into the Virginia Sports Hall of Fame.](#)

Companion Bill: SR14

Chief Patron: James

Summary:

Law Advice: FYI - No Direct Impact

HR262 [Commending Malcolm Moses Brogdon.](#)

Chief Patron: Toscano

Summary:

Law Advice: FYI - No Direct Impact

SB38 [General Services, Department of; animals trained for police work.](#)

Companion Bill: HB1238

Chief Patron: Carrico

Summary:

Allows the handler last in control of an animal especially trained for police work to purchase the animal for the price of \$1. The bill also allows an immediate survivor of any full-time sworn law-enforcement

officer who (i) is killed in the line of duty or (ii) dies in service and has at least 10 years of service to purchase the animal issued to the officer by the agency or institution for the price of \$1. This bill is identical to [HB1238](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB51 [Virginia Retirement System; technical corrections to programs.](#)

Companion Bill: HB409

Chief Patron: Howell

Summary:

Makes technical corrections to programs administered by the Virginia Retirement System, some of which will become effective on January 1, 2017. This bill is identical to [HB 409](#).

Law Advice: FYI - No Direct Impact

See bill for effective dates of specific sections/provisions.

SB58 [Research and development expenses; modifies the existing tax credits.](#)

Companion Bill: HB884

Chief Patron: McDougle

Summary:

Modifies the existing research and development expenses tax credit and creates a similar tax credit for businesses with Virginia research and development expenses in excess of \$5 million for the taxable year. The bill changes the existing tax credit by (i) extending the expiration date from January 1, 2019, to January 1, 2022; (ii) increasing the credit from 15 percent of the first \$234,000 of the business's Virginia qualified research and development expenses that exceed a base amount to 15 percent of the first \$300,000 of such expenses and from 20 percent of the first \$234,000 of such expenses to 20 percent of the first \$300,000 of such expenses if the research and development was conducted in conjunction with a Virginia college or university; (iii) establishing an alternative computation for the tax credit at the election of the taxpayer beginning with taxable year 2016; and (iv) increasing from \$6 million to \$7 million the maximum amount of tax credits that may be granted by the Department of Taxation for each fiscal year beginning with fiscal year 2017.

Under current law, a taxpayer is allowed a refundable credit equal to (a) 15 percent of the first \$234,000 of the taxpayer's Virginia qualified research and development expenses that exceed a base amount or (b) if the research and development was conducted in conjunction with a Virginia college or university, 20 percent of the taxpayer's first \$234,000 in Virginia qualified research and development expenses that exceed a base amount. Under the alternative computation established by the bill for the existing credit,

the taxpayer will be allowed a refundable tax credit equal to 10 percent of the difference of (1) the taxpayer's Virginia qualified research and development expenses for the current taxable year and (2) 50 percent of such taxpayer's average Virginia qualified research and development expenses for the immediately preceding three taxable years. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the immediately preceding three years, the credit will equal five percent of the taxpayer's Virginia qualified research and development expenses for the current taxable year. The maximum credit allowed to a taxpayer each year under the alternative computation will be \$45,000, or \$60,000 if the research and development was conducted in conjunction with a Virginia public or private college or university.

The bill also creates a new tax credit beginning with taxable year 2016 for businesses with Virginia research and development expenses in excess of \$5 million for the taxable year. The new tax credit will include the same elements as described above for the alternative computation, except that it is not refundable and there is no annual limit on the maximum amount of credits allowed to the taxpayer. In addition, the Department may grant up to \$20 million in tax credits each fiscal year beginning with fiscal year 2017. The amount of the new tax credit that may be claimed by the taxpayer for each year will be limited to 75 percent of the taxpayer's Virginia income tax liability for the year. Any unused credit for the year may be carried forward and applied against the taxpayer's income taxes in the next 10 succeeding taxable years. The new research and development expenses tax credit expires January 1, 2022. The bill prohibits a taxpayer from claiming a credit for expenses incurred using embryonic stem cells.

The bill prohibits a taxpayer from claiming both the existing and new research and development expenses tax credit for the same taxable year. This bill incorporates [SB 161](#), and is identical to [HB 884](#).

Law Advice: FYI - No Direct Impact

SB83 [Higher educational institutions; required agreements with law enforcement.](#)

Chief Patron: Favola

Summary:

Requires all mutual aid agreements and memoranda of understanding required between public or private institutions of higher education and adjacent local law-enforcement agencies or the Department of State Police to specify the procedure for sharing information.

Law Advice: New Requirement

SB127 [Uniform Powers of Appointment Act; codification of Act.](#)

Chief Patron: Edwards

Summary:

Codifies the Uniform Powers of Appointment Act (the Act), which governs the use of an estate planning tool that permits the owner of property to name a third party and give that person the power to direct the distribution of that property among some class of eligible recipients. The Act is based on the Restatement

(Third) of Property: Wills and Other Donative Transfers and was adopted by the Uniform Law Commission in 2013.

Law Advice: FYI - No Direct Impact

SB150 [Virginia Public Procurement Act; procurement of information technology goods & service.](#)

Companion Bill: HB930

Chief Patron: Reeves

Summary:

Prohibits a public body from requiring that an offeror state any exception to any liability provisions in responding to a Request for Proposal for information technology goods and services. If selected for negotiation after the proposal is submitted, the offeror must state any exception to the liability provisions in writing at the beginning of the negotiation. This bill is a recommendation of the Joint Commission on Technology and Science. This bill is identical to [HB 930](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB169 [Virginia Public Procurement Act; Request for Proposals for architectural or engineering services.](#)

Companion Bill: HB578

Chief Patron: Ruff

Summary:

Provides that in the case of the selection process for a Request for Proposal for architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or applicable capital outlay standards, until after the qualified offerors are ranked. This bill is identical to [HB 578](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB176 [Organ donation; indication consent to remain on driver's license.](#)

Companion Bill: HB653

Chief Patron: Howell

Summary:

Eliminates the requirement that a person indicate his willingness to make an anatomical gift every time he renews or replaces his license. This bill is identical to [HB 653](#).

Law Advice: FYI - No Direct Impact

SB181 [Augmented estate; elective share of surviving spouse.](#)

Companion Bill: HB231

Chief Patron: Chafin

Summary:

Revises provisions of the Code related to the elective share of the surviving spouse of a decedent dying on or after January 1, 2017, to track revisions made to the Uniform Probate Code by the Uniform Law Commission. The bill calculates the elective share of the surviving spouse as a graduated percentage, taking into account both spouses' assets and the length of marriage. Under current law, the surviving spouse is awarded 50% of the estate if there were no children and 33.3% if there were children. The bill also clarifies the process by which the elective share is to be claimed and provides instructions for the valuation of assets to encourage uniformity in the method of calculation of the elective share. This bill is identical to [HB 231](#).

Law Advice: FYI - No Direct Impact

SB193 [Unfair claim settlement practices; appraisal of automobile repair costs.](#)

Companion Bill: HB870

Chief Patron: Stuart

Summary:

Authorizes the repair facility or the insurer making the appraisal of the cost of repairing a motor vehicle that has been damaged as the result of a covered loss to prepare an initial repair appraisal, which may be the final repair appraisal, on the motor vehicle either from personal inspection of the vehicle by a representative of the repair facility or insurer or from photographs, videos, or electronically transmitted digital imagery of the motor vehicle. The measure prohibits an insurer from requiring an owner of a motor vehicle to submit photographs, videos, or electronically transmitted digital imagery as a condition of an appraisal. Supplemental repair estimates that become necessary after the repair work has been initiated due to discovery of additional damage to the motor vehicle may also be made from photographs, videos, or electronically transmitted digital imagery of the motor vehicle, provided that in the case of disputed repairs a personal inspection is required. Currently, a person is prohibited from making appraisals of the cost of repairing a motor vehicle that has been damaged as a result of a collision unless the appraisal is based upon a personal inspection. An insurer's violation of the requirement with

such frequency as to indicate a general business practice constitutes an unfair claim settlement practice. This bill is identical to [HB 870](#).

Law Advice: FYI - No Direct Impact

SB201 [Division of fees among physicians.](#)

Companion Bill: HB239

Chief Patron: Dunnivant

Summary:

Clarifies rules prohibiting division of fees among physicians licensed to practice medicine or osteopathy in the Commonwealth and provides that rules prohibiting division of fees among physicians shall not prohibit (i) members of a group practice of physicians licensed to practice medicine or osteopathy from making any division of their total fees among themselves as they may determine; (ii) arrangements permitted under the Practitioner Self-Referral Act (§ 54.1-2410 et seq.); or (iii) certain payments, business arrangements, or payment practices that would be permitted in accordance with 42 U.S.C. § 1320a-7b(b)(3). This bill is identical to [HB 239](#).

Law Advice: Change in Requirement

SB225 [Autism Advisory Council; extends sunset provision.](#)

Chief Patron: Hanger

Summary:

Extends from July 1, 2016, to July 1, 2018, the expiration of the Autism Advisory Council.

Law Advice: FYI - No Direct Impact

SB229 [U. S. of America and the Commonwealth of Virginia; purchase of flags by public bodies.](#)

Companion Bill: HB1299

Chief Patron: McEachin

Summary:

Provides that whenever a state or local public body or school division purchases a flag of the United States or a flag of the Commonwealth for public use, such flag must be made in the United States from articles, materials, or supplies that are grown, produced, and manufactured in the United States, if available. The bill has a delayed effective date of July 1, 2017. This bill is identical to [HB 1299](#).

Law Advice: New Requirement

Exempt under Restructuring. Delayed effective date: July 1, 2017.

SB230 [Income tax withholding; employer penalties.](#)

Companion Bill: HB1331

Chief Patron: Alexander

Summary:

Codifies provisions in the current general appropriation act that (i) require all employers to electronically file withholding tax returns and (ii) require the annual withholding tax return and employee withholding statements be furnished to the Department of Taxation by January 31 (which date appears in the Code of Virginia as February 28). The general appropriation act allows a waiver from each requirement if the Tax Commissioner finds it creates an unreasonable burden on the employer. This bill is identical to [HB 1331](#).

Law Advice: FYI - No Direct Impact

SB233 [Recognition of EMS Personnel Licensure Interstate Compact.](#)

Companion Bill: HB222

Chief Patron: Reeves

Summary:

Creates the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact to (i) protect the public through verification of competency and ensure accountability for patient-care-related activities of licensed emergency medical services (EMS) personnel, (ii) facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority, and (iii) authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. The bill authorizes the State Emergency Medical Services Advisory Board to review decisions of the Interstate Commission for EMS Personnel Practice and, upon approval by the Interstate Commission of any action that will have the result of increasing the cost to the Commonwealth of membership in the compact, recommend to the General Assembly that the Commonwealth withdraw from the compact. The bill also provides that the compact shall expire on July 1, 2021, if it has not become effective as a result of enactment into law by at least 10 member states. This bill is identical to [HB 222](#).

Law Advice: New Authority

SB248 [Minors; authority to consent to physical evidence recovery kit examination.](#)

Chief Patron: Black

Summary:

Provides that if a parent or guardian of a minor refuses to consent to a physical evidence recovery kit examination of the minor, the minor may consent.

Law Advice: FYI - No Direct Impact

SB264 [Nurse practitioners; practicing outside of a patient care team.](#)

Companion Bill: HB581

Chief Patron: Dance

Summary:

Provides that in cases in which a physician who is serving as a patient care team physician dies, becomes disabled, retires from active practice, surrenders his license or has it suspended or revoked by the Board of Medicine, or relocates his practice such that he is no longer able to serve, and a nurse practitioner who was part of the patient care team is unable to enter into a new practice agreement with another patient care team physician, the nurse practitioner may continue to practice without a patient care team physician for an initial period not to exceed 60 days upon notification to the designee of the Boards of Medicine and Nursing. The initial period may be extended for a period not to exceed 60 additional days upon approval of the Boards' designee, provided that the nurse practitioner provides evidence of efforts made to secure another patient care team physician and of access to physician input. This bill is identical to [HB 581](#).

Law Advice: New Authority

SB265 [Nurse Licensure Compact; current Compact replaced with a revised version.](#)

Chief Patron: Dance

Summary:

Replaces the current Nurse Licensure Compact to which Virginia is a party with a revised version. The current Nurse Licensure Compact is a multistate nursing compact that provides the structure for the reciprocal recognition of other states' licenses to practice as a registered nurse or a licensed practical nurse. The revised compact, among other changes, adds recognition of other states' licenses to practice as a licensed vocational nurse. The bill becomes effective upon adoption of the Nurse Licensure Compact by 26 states or on December 31, 2018, whichever occurs first. The bill repeals the current Nurse Licensure Compact, Article 6 (§ 54.1-3030 et seq.) of Chapter 30 of Title 54.1, effective on the date the new compact becomes effective. The bill also provides that the Virginia Nurses Association may request that the General Assembly reconsider the Nurse Licensure Compact if its constituency becomes dissatisfied with the Compact's provisions.

Law Advice: New Authority

Delayed effective date: upon adoption of the Nurse Licensure Compact by 26 states or on December 31, 2018 (whichever occurs first).

SB286 **Motor vehicles; vehicles not to be equipped with televisions and video within view of driver.**

Companion Bill: HB454

Chief Patron: DeSteph

Summary:

Provides that motor vehicles may be equipped with visual displays of moving images if the equipment is factory-installed and has an interlock device that disables the equipment when the motor vehicle operator is performing a "driving task," which is defined by the bill. Current law allows equipment with a visual display of a television broadcast or signal if the equipment's interlock disables when the motor vehicle is driven. The bill would allow the viewing of a visual display while the vehicle is being operated autonomously. The bill also provides that vehicles used by universities for vehicle technology research are not required to have government plates. This bill is identical to [HB 454](#).

Law Advice: Change in Requirement

SB287 **Prescription Monitoring Program; reports by dispensers shall be made within 24 hours or next day.**

Chief Patron: Wexton

Summary:

Provides that, beginning January 1, 2017, reports by dispensers to the Prescription Monitoring Program (the Program) shall be made within 24 hours or the dispenser's next business day, whichever comes later. The bill also allows the Director of the Department of Health Professions to disclose information about a specific recipient to a prescriber for the purpose of establishing the treatment history of the specific recipient when the prescriber is consulting on the treatment of such recipient; allows the Director to disclose information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in providing clinical consultation on the care and treatment of the recipient; removes the requirement that information disclosed to a dispenser for the purpose of determining the validity of a prescription be disclosed only when the recipient is seeking a covered substance from the dispenser or the facility in which the dispenser practices; and provides that a prescriber may include information obtained from the Program for the purpose of establishing the treatment history of a specific recipient in the recipient's medical record.

Law Advice: Change in Requirement

Delayed effective date: January 1, 2017.

SB291 [Physical evidence; procedure for collection, etc., of recovery kits.](#)

Companion Bill: HB1160

Chief Patron: Black

Summary:

Establishes a comprehensive procedure for the collection and analysis of physical evidence recovery kits for victims of sexual assault, including those who elect at the time of the exam not to report a sexual assault to a law-enforcement agency. Kits from victims who elect not to report are known as "anonymous physical evidence recovery kits" and will be stored at the Division of Consolidated Laboratory Services (the Division) for two years, although the Division, the victim, or the law-enforcement agency may elect for the kits to be retained for a longer period of time. If the victim later elects to report the sexual assault, the victim's kit will be released to law enforcement. Health care providers are required to explain these procedures and time frames to victims. Where the victim elects to report the offense to law enforcement at the time of the exam, law enforcement is required to take possession of the victim's kit forthwith upon notification from the health care provider that the kit has been collected and, with limited exceptions, to submit the kit to the Department of Forensic Science for analysis within 60 days. The bill outlines the exceptions to mandatory submission for analysis, time frames, and storage requirements for retention of analyzed samples; expungement of DNA samples obtained but not connected to a crime; and victims' notification rights. This bill incorporates [SB 158](#) and [SB 159](#) and is identical to [HB 1160](#).

Law Advice: New Requirement

SB292 [Sediment reduction credits.](#)

Companion Bill: HB438

Chief Patron: Hanger

Summary:

Authorizes Municipal Separate Storm Sewer System (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay TMDL. Currently, MS4s have similar authority for nitrogen and phosphorus; the bill adds a third pollutant, sediment. The sediment credits cannot be used if they are associated with phosphorus credits used in stormwater nonpoint nutrient runoff water quality criteria. This bill is identical to [HB 438](#).

Law Advice: FYI - No Direct Impact

SB294 [State officers & employees; retaliatory actions against persons providing certain testimony.](#)

Chief Patron: DeSteph

Summary:

Prohibits officers and employees of a state agency from retaliating or threatening to retaliate against a person for providing testimony before a committee or subcommittee of the General Assembly. The bill provides that to be covered, a person who provides testimony before a committee or subcommittee of the General Assembly shall do so in good faith and upon a reasonable belief that the information is accurate. Testimony that is reckless or that the person knew or should have known was false, confidential, malicious, or otherwise prohibited by law or policy shall not be deemed good faith testimony. Under the bill, an intentional violation by an officer or employee of a state agency constitutes malfeasance in office. The bill also provides that any person who believes that he is the subject of retaliatory action may file a complaint with the Office of the Inspector General and expands the authority of the Office to include receiving and investigating such complaints.

Law Advice: New Requirement

SB299 [Amber lights, flashing; allows publicly owned or operated transit buses to use.](#)

Companion Bill: HB329

Chief Patron: Ebbin

Summary:

Allows publicly owned or operated transit buses to use flashing amber lights. This bill is identical to [HB 329](#).

Law Advice: New Authority

SB305 [DPOR; notices in English and Spanish regarding handling of asbestos.](#)

Chief Patron: Ebbin

Summary:

Requires the Department of Professional and Occupational Regulation to provide with every asbestos worker's license a notice, in English and Spanish, containing a summary of the basic worker safety procedures regarding the handling of asbestos and information on how to file a complaint with the Virginia Board for Asbestos, Lead, and Home Inspectors. This bill is a recommendation of the Virginia Housing Commission.

Law Advice: FYI - No Direct Impact

SB313 [Virginia College Building Authority; financing projects, participating institutions.](#)

Companion Bill: HB1012

Chief Patron: Petersen

Summary:

Permits any organization that is exempt from federal income taxation pursuant to § 501(c)(3) of the Internal Revenue Code and that is owned or controlled by a public institution of higher education in the Commonwealth or whose purpose is to support or otherwise benefit a public institution of higher education in the Commonwealth to finance projects through the Virginia College Building Authority. This bill is identical to [HB 1012](#).

Law Advice: New Authority

SB314 [Nutrient offset credits; new and expanding wastewater discharge facilities to acquire.](#)

Companion Bill: HB448

Chief Patron: Dance

Summary:

Allows a new or expanding facility registered under the Watershed General Permit to acquire nutrient offset credits, on land located in the same tributary as the facility, on which best management practices have been implemented that would achieve reductions greater than those currently required by federal or state law or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill also allows the acquisition of credits or the allocation of credits under the general permit for a period longer than the current five-year restriction, subject to the approval of the State Water Control Board. This bill is identical to [HB 448](#).

Law Advice: FYI - No Direct Impact

SB325 [Department of Taxation; disclosure of certain tax information.](#)

Companion Bill: HB951

Chief Patron: Howell

Summary:

Permits the Department of Taxation (the Department) to disclose to a taxpayer whether the taxpayer's employer submitted withholding records to the Department as required. The bill also requires the Department to maintain a list of licensed cigarette stamping agents and make it available upon request to any federal, state, or local law-enforcement agency. This bill is identical to [HB 951](#).

Law Advice: FYI - No Direct Impact

SB328 [Nurse aide education programs; observational and reporting techniques to be included in curriculum.](#)

Companion Bill: HB386

Chief Patron: Favola

Summary:

Requires observational and reporting techniques to be included in the curriculum of nurse aide education programs used to prepare nurse aides for certification. This bill is identical to [HB 386](#).

Law Advice: Change in Requirement

SB338 [Higher educational institutions; study abroad programs.](#)

Chief Patron: Alexander

Summary:

Directs the State Council of Higher Education for Virginia to develop guidelines for study abroad programs.

Law Advice: Monitor and Track

SB342 [Criminal defendants; orders for evaluation or treatment, duties of clerk of court.](#)

Companion Bill: HB645

Chief Patron: Lucas

Summary:

Requires the clerk of court to provide a copy of an order for an evaluation for sanity, competency to stand trial, or competency restoration to the appointed evaluator or hospital as soon as practicable but no later than the close of business on the next business day following entry of the order. The evaluator or hospital must acknowledge receipt of the order to the clerk on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia. The bill also requires the same verification of receipt procedures for an order for psychiatric hospitalization of an inmate from a local correctional facility. The bill also provides that no person will be liable for any act or omission relating to any requirement in the bill unless the person was grossly negligent or engaged in willful misconduct. This bill is identical to [HB 645](#).

Law Advice: FYI - No Direct Impact

SB348 [Pesticide Control Act; clarifies process to assess penalty for violation.](#)

Chief Patron: Deeds

Summary:

Clarifies the process by which the Board of Agriculture and Consumer Services assesses a penalty for a violation of the Virginia Pesticide Control Act (VPCA), aligning the provisions of the VPCA with those of the Administrative Process Act (APA). The bill provides that a notice of an alleged violation does not constitute a case decision under the APA and gives the recipient of such notice 30 days to provide additional relevant facts. The bill preserves the recipient's rights to an informal fact-finding conference, an appeal of a final order, and other aspects of due process found in current law.

Law Advice: FYI - No Direct Impact

SB369 [Telemedicine pilot program; to expand access, etc., to health care services in certain areas.](#)

Chief Patron: Stanley

Summary:

Directs the Center for Telehealth of the University of Virginia and the Virginia Telehealth Network to establish a pilot program to expand access to and improve coordination and quality of health care services in rural areas and medically underserved areas of the Commonwealth through the use of telemedicine. Such pilot program shall include a process for establishing and providing support to patient care teams and for assisting nurse practitioners who seek to participate in the pilot program with identifying and developing written practice agreements with patient care team physicians. The Center for Telehealth shall report to the General Assembly and the Governor on the results of the pilot program by October 15, 2017. The bill also provides that in the case of psychiatric services provided to individuals receiving services from a community services board, free health clinic, or federally qualified health center by a practitioner engaged by the Center for Telehealth of the University of Virginia to deliver such services, the requirement for an appropriate examination shall be satisfied through the use of telemedicine. The bill has an expiration date of July 1, 2018.

Law Advice: Change in Requirement

SB374 [Financial institutions; references to federal law.](#)

Chief Patron: Chafin

Summary:

Updates references to the Federal Reserve Board and its regulations that were made obsolete by the federal Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, which, among other changes, transferred rulemaking authority under the Truth in Lending Act and the Electronic Fund Transfers Act to the Consumer Financial Protection Bureau.

Law Advice: FYI - No Direct Impact

SB388 [Virginia Consumer Protection Act; failure to make required statement.](#)

Chief Patron: Surovell

Summary:

Makes it a prohibited practice under the Virginia Consumer Protection Act for a supplier to fail to provide to a consumer, or to fail to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information when the supplier is required so to do by applicable federal law.

Law Advice: New Requirement

SB399 [Practitioners of healing arts; temporary authorization to practice.](#)

Chief Patron: Dunnavant

Summary:

Replaces the requirement for a temporary license or certification to practice medicine or the duties of a profession in the Commonwealth on a temporary basis with the requirement for authorization to so practice. The bill eliminates the requirement that the Board of Medicine promulgate regulations governing approval of the credentials of practitioners authorized to practice temporarily in the Commonwealth and the form of such authorizations.

Law Advice: Change in Requirement

SB418 [Virginia Public Procurement Act; installation of artificial turf or other athletic surfaces.](#)

Chief Patron: Vogel

Summary:

Excludes the purchase of installation of artificial turf and track surfaces and all associated and necessary construction from the prohibition on using cooperative procurement to purchase construction.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB425 [Higher education; student mental health policies.](#)

Companion Bill: HB523

Chief Patron: Edwards

Summary:

Specifies that the contact person designated by a memorandum of understanding between a public four-year institution of higher education and a mental health care provider to be notified when a student is involuntarily committed, or when a student is discharged from a facility, shall be notified only to the extent allowable under state and federal privacy laws. This bill is identical to [HB 523](#).

Law Advice: Change in Requirement

SB437 [Military medical personnel; pilot program for personnel to practice medicine.](#)

Companion Bill: HB825

Chief Patron: Barker

Summary:

Directs the Department of Veterans Services, in collaboration with the Department of Health Professions, to establish a pilot program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine under the supervision of a licensed physician or podiatrist. The bill requires the Department of Veterans Services to establish general requirements for participating in the program. This bill is identical to [HB825](#).

Law Advice: FYI - No Direct Impact

SB438 [Higher educational institutions; social media accounts.](#)

Chief Patron: Barker

Summary:

Prohibits a public or private institution of higher education from requiring a student to disclose the username or password to any of such student's personal social media accounts, as defined in the bill. The bill further provides that such a prohibition shall not prevent a campus police officer appointed by a public or private institution of higher education from performing his official duties.

Law Advice: New Requirement

SB443 [Nutrient credit certification; regulations to establish timeline for consideration of applications.](#)

Chief Patron: Hanger

Summary:

Directs the State Water Control Board (the Board) to establish a timeline for consideration of applications for land conversion projects. The Department of Environmental Quality will be required to deny, approve, or approve with conditions an application within 15 days of determining that the application is complete. The bill also directs the Board to certify credits that are located in tributaries outside the Chesapeake Bay Watershed.

Law Advice: FYI - No Direct Impact

SB446 [Constitutional amendment \(voter referendum\); right to work.](#)

Companion Bill: HB4

Chief Patron: Obenshain

Summary:

Provides for a referendum at the November 8, 2016, election to approve or reject an amendment to Article I of the Constitution of Virginia to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise. This bill is identical to [HB 4.](#)

Law Advice: FYI - No Direct Impact

SB449 [Virginia Growth and Opportunity Act; report.](#)

Companion Bill: HB834

Chief Patron: Norment

Summary:

Establishes the Virginia Growth and Opportunity Board to administer grants from the Virginia Growth and Opportunity Fund for regional economic and workforce development projects. The bill provides that regional councils will be established across the Commonwealth, consisting of representatives of government and the business and education communities, and councils may submit applications for collaborative projects in their regions that enhance private-sector growth, competitiveness, and workforce development. A portion of the grant funds will be awarded on a population basis and a portion on a competitive basis, but no such grants shall be awarded absent a subsequent enactment of the General Assembly authorizing the award of grants. This bill is identical to [HB 834.](#)

Law Advice: New Authority

SB452 [Medical school; clinical rotation requirements.](#)

Chief Patron: Stanley

Summary:

Requires any public institution of higher education that awards medical degrees to create and support at least one clinical rotation in a hospital or clinic located in a medically underserved area of the state as determined by the Virginia Department of Health, in an area of the state that has an unemployment rate of one and one-half times the statewide average unemployment rate, or in a locality with a population of 50,000 or less in the Commonwealth.

Law Advice: New Requirement

SB459 **[Virginia Collaborative Economic Development Act; established.](#)**

Companion Bill: HB846

Chief Patron: Ruff

Summary:

Creates the Virginia Collaborative Economic Development Performance Grant Fund (the Fund). The Fund will be administered by the Go Virginia Board. Two or more localities that collaborate and adopt a collaborative economic development plan will be eligible for grants from the Fund over a period of six years if the collaboration results in the location or expansion of a company in the Commonwealth that (i) creates at least 200 new jobs with average salaries at least equal to the average wage and (ii) makes a capital investment of at least \$25 million. The total amount of the grant applied for shall not exceed 50 percent of the total investment of the localities in executing the collaborative economic development plan, and each annual installment of the grant may not exceed 45 percent of the total annual amount of personal income tax withheld by the certified company from the newly created jobs. Upon making a written finding of significant fiscal distress in or extraordinary economic opportunity for the participating localities, the Go Virginia Board may lower the job and capital investment requirements to no fewer than 25 new jobs and no less than \$1 million in capital investment and may award up to 100 percent of the total investment of the localities. No grants shall be awarded absent a subsequent enactment of the General Assembly authorizing the award of the grants, and the grant program will sunset on July 1, 2026. This bill is identical to [HB 846](#).

Law Advice: New Authority

SB463 **[Nurse practitioners; licensed as certified nurse midwives, practicing without patient care team.](#)**

Chief Patron: Carrico

Summary:

Requires a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife to practice in consultation with a licensed physician and in accordance with a practice agreement with such physician. Under current law, certified nurse midwives are required to practice in collaboration with, in addition to consulting with, a licensed physician. The bill also repeals a pilot

program authorizing certain certified nurse practitioners to practice with autonomy.

Law Advice: Change in Requirement

SB479 [Law-enforcement officers, retired; authority to carry concealed handguns.](#)

Chief Patron: Carrico

Summary:

Clarifies provisions relating to the authority of retired law-enforcement officers, special agents of the State Corporation Commission and Virginia Alcoholic Beverage Control Board, members of the enforcement division of the Department of Motor Vehicles, and investigators of the security division of the Virginia Lottery to carry concealed handguns. Such officers, agents, members, and investigators who resigned after 20 years of service to accept a position covered by a retirement system authorized under Title 51.1 of the Code of Virginia fall under the same provisions as retired law-enforcement officers, agents, members, and investigators. Such retired officers, agents, members, and investigators who annually meet the training and qualification standards for active law-enforcement officers are authorized to carry concealed handguns in airports and schools and are deemed to have been issued a concealed handgun permit.

Law Advice: Change in Requirement

Similar to HB1281.

SB480 [Drug Control Act; Schedule 1.](#)

Companion Bill: HB1077

Chief Patron: Obenshain

Summary:

Adds certain chemical substances to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. This bill is identical to [HB 1077](#).

Law Advice: FYI - No Direct Impact

SB491 [Prescription Monitoring Program; disclosure of certain information.](#)

Companion Bill: HB1044

Chief Patron: Hanger

Summary:

Provides that the Director of the Department of Health Professions may disclose information in the possession of the Prescription Monitoring Program about a specific recipient who is a member of a Virginia Medicaid managed care program to a physician or pharmacist licensed in the Commonwealth and employed by the Virginia Medicaid managed care program to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. The bill also requires the Prescription Monitoring Program advisory committee to provide guidance to the Director regarding such disclosures. This bill is identical to [HB 1044](#).

Law Advice: FYI - No Direct Impact

SB494 [Virginia Freedom of Information Act; record exclusions, rule of redaction, etc.](#)

Companion Bill: HB817

Chief Patron: Surovell

Summary:

Reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill defines the term "information" and provides that it is declaratory of the law as it existed prior to the September 17, 2015, decision of the Supreme Court of Virginia in the case of the *Department of Corrections v. Surovell*. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. The bill contains technical amendments. This bill is identical to [HB 817](#).

Law Advice: Change in Requirement

SB513 [Prescription Monitoring Program; requirements of prescribers of opiates.](#)

Companion Bill: HB293

Chief Patron: Dunnivant

Summary:

Requires a prescriber to obtain information from the Prescription Monitoring Program at the time of initiating a new course of treatment that includes the prescribing of opioids anticipated to last more than

14 consecutive days. Currently, a prescriber must request such information when a course of treatment is expected to last 90 days. The bill also eliminates the requirement that a prescriber request information about a patient from the Prescription Monitoring Program when prescribing benzodiazepine; allows a prescriber to delegate the duty to request information from the Prescription Monitoring Program to another licensed, registered, or certified health care provider who is employed at the same facility under the direct supervision of the prescriber or dispenser who has routine access to confidential patient data and has signed a patient data confidentiality agreement; and creates an exemption from the requirement that a prescriber check the Prescription Monitoring Program for cases in which (i) the opioid is prescribed to a patient currently receiving hospice or palliative care; (ii) the opioid is prescribed to a patient as part of treatment for a surgical procedure, provided that such prescription is not refillable; (iii) the opioid is prescribed to a patient during an inpatient hospital admission or at discharge; (iv) the opioid is prescribed to a patient in a nursing home or a patient in an assisted living facility that uses a sole source pharmacy; (v) the Prescription Monitoring Program is not operational or available due to temporary technological or electrical failure or natural disaster; or (vi) the prescriber is unable to access the Prescription Monitoring Program due to emergency or disaster and documents such circumstances in the patient's medical record. The bill requires the Director of the Department of Health Professions to report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on utilization of the Prescription Monitoring Program and any impact on the prescribing of opioids. The provisions of the bill expire on July 1, 2019. This bill is identical to [HB 293](#).

Law Advice: Change in Requirement

SB517 [State agencies; utilization of service disabled veteran businesses.](#)

Chief Patron: McPike

Summary:

Requires every state agency to include as a component of any small business enhancement measure pursuant to § 2.2-4310 of the Code of Virginia a goal of a minimum of three percent utilization of service disabled veteran businesses as defined in § 2.2-2001 of the Code of Virginia for the procurement of information technology goods and services. The bill defines "information technology" and "state agency."

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB551 [Physician assistants; unlawful use of title.](#)

Chief Patron: Cosgrove

Summary:

Provides that it is unlawful for a person to use in connection with his name the words or letters "Physician Assistant" or "PA" unless he is a licensed physician assistant. The bill requires a physician assistant to enter into a written or electronic practice agreement with at least one supervising physician or podiatrist, to maintain evidence of such agreement, and to provide it to the Board upon request. The

bill contains technical amendments.

Law Advice: Change in Requirement

SB556 [Opiate addiction treatment; nonmethadone opioid replacements.](#)

Chief Patron: Wexton

Summary:

Removes certain restrictions on licensure of providers who provide treatment for persons with opiate addiction using opioid replacements that have been approved by the U.S. Food and Drug Administration for the treatment of opioid addiction. Such restrictions include the proximity of the provider to a school and community notice requirements.

Law Advice: FYI - No Direct Impact

SB567 [Temporary detention; notice of recommendation, communication with magistrate.](#)

Companion Bill: HB1110

Chief Patron: Barker

Summary:

Provides that the magistrate conducting a temporary detention hearing shall consider, if available, information provided by the person who initiated emergency custody. The bill also requires the community services board evaluating a person for temporary detention, if the evaluator recommends that the person not be subject to temporary detention, (i) to notify, if present, the person who initiated emergency custody of such recommendation in addition to the current obligation to notify the petitioner and an onsite treating physician; (ii) to promptly inform the person who initiated emergency custody that the community services board will facilitate communication between such person and the magistrate if such person disagrees with the recommendation of the community services board; and (iii) to arrange for the person who initiated emergency custody to communicate, upon request, with the magistrate as soon as practicable prior to the expiration of the period of emergency custody. Finally, the bill imposes a duty on health care providers providing services to a person subject to emergency custody, temporary detention, or involuntary admission proceedings to make a reasonable attempt to notify the person's family member or personal representative and clarifies that such representative includes an agent named in an advance directive; currently, such health care provider has discretion as to whether to make such notification.

Law Advice: Change in Requirement

SB595 [Dead human bodies; storage of body for more than 48 hours prior to disposition.](#)

Chief Patron: Alexander

Summary:

Requires any institution that has initial custody of a dead human body to ensure, if the dead body is to be stored for more than 48 hours, that the dead body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or to enter into an agreement with a local funeral service establishment to store the dead body.

Law Advice: New Requirement

SB598 [Erosion and sediment control; compliance with stormwater management program.](#)

Chief Patron: DeSteph

Summary:

Clarifies that certain flow rate capacity and velocity requirements for plans approved on and after July 1, 2014, shall be satisfied by compliance with Virginia Stormwater Management Program (VSMP) Regulations where the land-disturbing activity is conducted in accordance with extended permit coverage regulations.

Law Advice: FYI - No Direct Impact

SB607 [Public employees; safety and health program.](#)

Chief Patron: Dance

Summary:

Directs the Commissioner of Labor and Industry or the Safety and Health Codes Board to adopt regulations for enforcing the occupational and health program applicable to employees of the Commonwealth, its agencies, institutions, and political subdivisions, or any public body. The measure provides that these regulations and procedures for enforcing the program shall include provisions for the issuance of proposed penalties, the payment of such penalties or a negotiated sum in lieu of such penalties, and the deposit of such payments into the general fund of the state treasury.

Law Advice: Monitor and Track

Monitor regulations for potential new requirements.

SB608 [Firearms; confiscation, reporting, and return by law enforcement.](#)

Chief Patron: Reeves

Summary:

Replaces current requirements that law-enforcement agencies report information regarding confiscated firearms to the Department of State Police with a requirement that such information be reported to a firearms tracing system maintained by the U.S. Department of Justice. The bill requires law-enforcement agencies to return stolen firearms to the rightful owner unless the person is prohibited from possessing the firearm or it is needed in a criminal prosecution.

Law Advice: Change in Requirement

SB615 [Purchase of weapons other than handguns by certain officers.](#)

Companion Bill: HB51

Chief Patron: Chase

Summary:

Allows officers of certain agencies to purchase, at a fair market price and with approval of the agency head, weapons other than handguns that are issued for personal use of an officer so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check. Current law allows this type of purchase only for the Department of State Police. This bill is identical to [HB 51](#).

Law Advice: Change in Authority

SB631 [Workers' compensation; fee schedules for medical services.](#)

Companion Bill: HB378

Chief Patron: Wagner

Summary:

Directs the Workers' Compensation Commission (the Commission) to adopt regulations establishing fee schedules setting the maximum pecuniary liability of the employer for medical services provided to an injured person pursuant to the Virginia Workers' Compensation Act, in the absence of a contract under which the provider has agreed to accept a specified amount for the medical service. The regulations implementing the fee schedules shall become effective on January 1, 2018. The initial fee schedules will set amounts based on a reimbursement objective, which is the average of all amounts paid to providers in the same category of providers for the medical service in the same medical community. The Commission is required to retain a firm to assist it in establishing the initial fee schedules. The firm will recommend a methodology that will provide statistically valid estimates of the reimbursement objective for fee-scheduled medical services within the medical communities. Reimbursements for medical services provided to treat traumatic injuries and serious burns are excluded from the fee schedules and liability for their treatment costs will be based, absent a contract, on 80 percent of the provider's charges. However, the required reimbursement will be 100 percent of the provider's charges if the employer unsuccessfully contests the compensability of the claim. The Commission is required to review and revise the fee schedules in the year after they become effective and biennially thereafter. The liability of

the employer for certain medical services not included in a fee schedule will be set by the Commission. A stop-loss feature allows hospitals to receive payments or reimbursements that exceed the fee schedule amount for certain claims when the total charges exceed a charge outlier threshold, which initially is 150 percent of the maximum fee for the service set forth in the applicable fee schedule. Providers are prohibited from using a different charge master or schedule of fees for any medical service provided for workers' compensation patients than the provider uses for health care services provided to patients who are not claimants. The measure requires the Commission, when determining whether the employee's attorney's work with regard to a contested claim resulted in an award of benefits that inure to the benefit of a third-party insurance carrier or health care provider, and in determining the reasonableness of the amount of any fee awarded to an attorney, to consider only the amount paid by the employer or insurance carrier to the third-party insurance carrier or health care provider for medical services rendered to the employee through a certain date and not to consider additional amounts previously paid to a health care provider or reimbursed to a third-party insurance carrier. The Commission shall have an independent, peer-reviewed study conducted every two years. The regulations setting fee schedules are exempt from the Administrative Process Act if the Commission utilizes a regulatory advisory panel to assist in the development of such regulations and provides an opportunity for public comment on the regulations prior to adoption. The measure prohibits certain practices involving the use by third parties of contracts whereby a provider agrees to accept payment of less than the fee-scheduled amount, including restricting the sale, lease, or other dissemination of information regarding the payment amounts or terms of a provider contract without the express written consent and prior notification of all parties to the provider contract and prohibiting an employer from shopping for the lowest discount for a specific provider among the provider contracts held in multiple PPO networks. The regulatory advisory panel is directed to make recommendations to the Commission prior to July 1, 2017, on workers' compensation issues relating to (i) pharmaceutical costs not previously included in the fee schedules, (ii) durable medical equipment costs not previously included in the fee schedules, (iii) certain awards of attorney fees, (iv) peer review of medical costs, (v) prior authorization for medical services, and (vi) other issues that the Commission assigns to it. The existing peer review provisions are repealed. The measure has an emergency clause and is identical to [HB 378](#).

Law Advice: New Requirement

Effective March 7, 2016.

SB645 [**FOIA; exempt records concerning critical infrastructure information.**](#)

Chief Patron: McPike

Summary:

Defines the term "critical infrastructure information" for purposes of FOIA. The bill also provides that any public body receiving a request for such records shall notify the Secretary of Public Safety and Homeland Security or his designee of the request and the response made by the public body. The bill contains an emergency clause.

Law Advice: Change in Requirement

Effective April 6, 2016.

SB646 Fantasy Contests Act; created, registration required, conditions of registration, civil penalty.

Companion Bill: HB775

Chief Patron: McDougle

Summary:

Creates the Fantasy Contests Act (the Act), which applies to fantasy contests with an entry fee offered in Virginia. The bill defines "fantasy contest" as any online fantasy or simulated game or contest in which (i) the value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and (iii) no winning outcome is based on the score, the point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event. The bill requires a fantasy contest operator, as a condition for registration, to establish procedures that include ensuring that players who are the subject of a fantasy contest are restricted from entering a fantasy contest that is determined, in whole or part, on the accumulated statistical results of a team of individuals in which such players are participants. The bill requires operators of fantasy contests to register annually with the Department of Agriculture and Consumer Services and to contract with a testing laboratory to verify the procedures for fantasy contests. The bill sets forth penalties for violation of the Act. The bill provides that fantasy contests conducted in accordance with these measures are not illegal gambling.

Law Advice: FYI - No Direct Impact

SB673 Virginia Erosion and Stormwater Management Act; consolidation of programs, opt-out for locations.

Companion Bill: HB1250

Chief Patron: Hanger

Summary:

Combines existing statutory programs relating to soil erosion and stormwater management, directing the State Water Control Board (the Board) to permit, regulate, and control both erosion and stormwater runoff.

The bill requires any locality that operates a municipal separate storm sewer system (MS4) or a Virginia Stormwater Management Program (VSMP) to adopt a Virginia Erosion and Stormwater Management Program (VESMP) that regulates any land-disturbing activity that disturbs an area of 10,000 square feet or more, or 2,500 square feet or more if in a Chesapeake Bay Preservation Area. A locality that lacks an MS4 and for which the Department of Environmental Quality (DEQ) is currently administering a VSMP is required to (i) adopt such a VESMP, (ii) adopt such a VESMP with DEQ conducting plan review and making recommendations on the compliance of each plan with technical criteria, or (iii) continue to operate a separate Virginia Erosion and Sediment Control Program (VESCP) that regulates any

disturbance of 10,000 square feet or more and, in a Preservation Area, regulates a disturbance of 2,500 square feet or more and meets certain other requirements. Any eligible locality that chooses the third option is to have a VSMP administered on its behalf by the Board for any land-disturbing activity that disturbs one acre or more of land, including an activity that disturbs a smaller area but is part of a larger development that results in a disturbance of one acre or more. Towns are afforded additional options in relation to the counties in which they are located.

The bill directs certain charges or penalties to the Stormwater Local Assistance Fund, which provides matching grants to local governments for stormwater best management practices. Finally, the bill directs DEQ to evaluate fees related to the consolidated Virginia Erosion and Stormwater Management Program and directs the Board to adopt regulations to carry out the purposes of the bill, delaying the effective date of the bill until the later of July 1, 2017, or 30 days after the adoption of such regulations.

The bill is identical to [HB 1250](#).

Law Advice: FYI - No Direct Impact

See bill for effective dates.

SB679 [General Services, Department of; shall provide dashboard of purchase order reports from eVa.](#)

Chief Patron: Dunnivant

Summary:

Requires the Department of General Services to make available a dashboard compilation of purchase order reports from the Commonwealth's statewide electronic procurement system consisting of aggregated data showing (i) current fiscal year purchase orders, (ii) purchase orders from the previous fiscal year, and (iii) other relevant data derived from any enhancement or remedial measure implemented by the Governor pursuant to subsection C of § 2.2-4310 of the Code of Virginia.

Law Advice: FYI - No Direct Impact

Could result in additional reporting to DGS.

SB692 [Conflicts of Interests Acts, State & Local Government & General Assembly, etc.; lobbyist reporting.](#)

Companion Bill: HB1362

Chief Patron: Norment

Summary:

Requires the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts to be filed annually. Lobbyists are required to file by July 1 for the preceding 12-month period complete through the last day of April, and persons subject to the conflict of interests acts are required to file on or

before January 15. The bill also requires the Governor, Lieutenant Governor, and Attorney General, members of the Governor's Cabinet, and members of the General Assembly to file on or before May 1 a separate report of gifts received during the period beginning January 1 through adjournment sine die of the regular session of the General Assembly. Effective January 1, 2017, the bill removes from the Code the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts and requires the Virginia Conflict of Interest and Ethics Advisory Council (Council) to prescribe the forms to be used to comply with disclosure requirements.

The bill also makes numerous other changes related to lobbyist reporting and the conflict of interests acts, including (i) exempting from the definition of a gift any gift with a value of less than \$20; (ii) providing that the filing of a single disclosure form by a person subject to the conflict of interests acts satisfies the filing requirement for all positions or offices held or sought by such person; (iii) clarifying that lobbying disclosure forms are filed with the Council and are open to public inspection and copying in the office of the Council, and not the Secretary of the Commonwealth; (iv) clarifying that candidates for statewide office, the General Assembly, and constitutional office are required to file a statement of economic interests with the Council; (v) authorizing travel provided to facilitate attendance by a legislator at certain meetings where attendance is approved by the Chairman of the House or Senate Committee on Rules in addition to approval by either committee; (vi) clarifying that gifts to certain members of a lobbyist's family are not considered gifts; (vii) providing that the definition of procurement transaction for purposes of the laws governing lobbyists is limited to those transactions in which the stated or expected value of the contract is \$5 million or more; (viii) providing that records relating to formal advisory opinions or informal advice of the Council shall be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act; (ix) providing that a lobbyist's principal is not required to disclose the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance or the attendance of a member of his immediate family at the entertainment event; and (x) authorizes the Council to grant an extension from a filing deadline for good cause. The bill contains an emergency clause that applies to the changes described in clauses (vii) through (x).

Finally, the bill requires that the Supreme Court of Virginia report to the Council by October 1, 2016, on the application of the conflict of interests acts on members of the judiciary and evaluate the feasibility of creating separate provisions that would apply to such member. This bill incorporates [SB 213](#), [SB 304](#), [SB 657](#), and [SB 738](#) and is identical to [HB 1362](#).

Law Advice: Change in Requirement

See bill for effective dates of specific sections/provisions.

[SB701 Cannabidiol oil and THC-A oil; permitting of pharmaceutical processors to manufacture and provide.](#)

Chief Patron: Marsden

Summary:

Authorizes a pharmaceutical processor, after obtaining a permit from the Board of Pharmacy (the Board) and under the supervision of a licensed pharmacist, to manufacture and provide cannabidiol oil and THC-A oil to be used for the treatment of intractable epilepsy. The bill sets limits on the number of

permits that the Board may issue and requires that the Board adopt regulations establishing health, safety, and security requirements for permitted processors. The bill provides that only a licensed practitioner of medicine or osteopathy who is a neurologist or who specializes in the treatment of epilepsy may issue a written certification to a patient for the use of cannabidiol oil or THC-A oil. The bill also requires that a practitioner who issues a written certification for cannabidiol oil or THC-A oil, the patient issued such certification, and, if the patient is a minor or incapacitated, the patient's parent or legal guardian register with the Board. The bill requires further that a pharmaceutical processor shall not provide cannabidiol oil or THC-A oil to a patient or a patient's parent or legal guardian without first verifying that the patient, the patient's parent or legal guardian if the patient is a minor or incapacitated, and the practitioner who issued the written certification have registered with the Board. Finally, the bill provides an affirmative defense for agents and employees of pharmaceutical processors in a prosecution for the manufacture, possession, or distribution of marijuana. An enactment clause provides that except for provisions requiring the Board to promulgate regulations, the provisions of the bill do not become effective unless reenacted by the 2017 Session of the General Assembly.

Law Advice: New Authority

SB727 [Virginia Freedom of Information Act; public access to noncriminal records.](#)

Companion Bill: HB1318

Chief Patron: McDougle

Summary:

Clarifies public access to noncriminal records maintained by public bodies engaged in criminal law-enforcement activities. The bill reverses an April 2015 Virginia Supreme Court decision in *Fitzgerald v. Loudoun County Sheriff's Office*, which held that a noncriminal record must be a compilation in order for the exemption for noncriminal records to apply. The bill was also the subject of a Virginia Freedom of Information Advisory Council opinion (AO-08-15) concerning this exemption, which highlighted the need for clarification of this exemption based on the *Fitzgerald* holding. This bill incorporates [SB 676](#).

Law Advice: Change in Requirement

SB731 [Capital outlay funding; issuance of bonds by VPBA & VCBA for certain projects & programs.](#)

Companion Bill: HB1344

Chief Patron: Hanger

Summary:

Authorizes the Virginia Public Building Authority and the Virginia College Building Authority to issue bonds in a total aggregate amount not to exceed \$2,235,432,677 plus costs to fund certain capital projects. This bill is identical to [HB 1344](#).

Law Advice: New Authority

SB732 [Assisted living facilities; no facility shall be required to provide or allow hospice care.](#)

Chief Patron: Hanger

Summary:

Provides that, to the extent allowed by federal law, no assisted living facility shall be required to provide or allow hospice care if such hospice care restrictions are included in a disclosure statement that is signed by the resident prior to admission.

Law Advice: FYI - No Direct Impact

SB743 [Division of Energy; state certifying authority for solar energy projects.](#)

Chief Patron: Wagner

Summary:

Adds to the duties of the Division of Energy of the Department of Mines, Minerals and Energy the duty of serving as the state certifying authority in determining conformity with state requirements for solar energy projects and the production of coal, oil, and gas.

Law Advice: FYI - No Direct Impact

SB746 [Recovery of attorney fees from agency; actions brought in violation of law or for improper purpose.](#)

Chief Patron: Wagner

Summary:

Provides that a person who contests an agency action in a civil case brought under the Administrative Process Act and who substantially prevails on the merits of the case is entitled to recover reasonable costs and attorney fees from that agency if the agency action was in violation of law or was for an improper purpose. Under current law, such person is entitled to recover reasonable costs and attorney fees if the agency's position is not substantially justified, and the award of attorney fees is limited to \$25,000.

Law Advice: FYI - No Direct Impact

SB774 [DMAS; Request for Proposal.](#)

Chief Patron: Dunnavant

Summary:

Directing the Department of Medical Assistance Services to issue a Request for Proposal for statewide nonemergency medical transportation services.

Law Advice: FYI - No Direct Impact

SJ48 [Blood Cancer Awareness Month; designating September 2016, and each succeeding year thereafter.](#)

Chief Patron: Black

Summary:

Designates September, in 2016 and in each succeeding year, as Blood Cancer Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

SJ49 [Lymphoma Awareness Day; designating September 15, 2016, and each succeeding year thereafter.](#)

Chief Patron: Black

Summary:

Designates September 15, in 2016 and in each succeeding year, as Lymphoma Awareness Day in Virginia.

Law Advice: FYI - No Direct Impact

SJ62 [Wear Red Day; designating as first Friday in February 2017, and each succeeding year thereafter.](#)

Chief Patron: Vogel

Summary:

Designates the first Friday in February, in 2017 and in each succeeding year, as Wear Red Day in Virginia.

Law Advice: FYI - No Direct Impact

SJ70 [Constitutional amendment; right to work \(second reference\).](#)

Companion Bill: HJ2

Chief Patron: Obenshain

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

SJ97 [Commonwealth's aerospace industry; Virginia Economic Development Partnership to study.](#)

Companion Bill: HJ97

Chief Patron: Newman

Summary:

Directs the Joint Commission on Technology and Science (JCOTS) to (i) identify strategies to grow Denbigh High School's Aviation Academy and encourage its transformation into a statewide program, to be named the Virginia Aviation Academy; (ii) research and identify federally funded research and development activities in the Commonwealth and recommend strategies to create additional opportunities for such activities; (iii) collect information regarding practices and efforts used successfully in other states to grow their aerospace industries; (iv) analyze the potential advantages and disadvantages of eliminating taxation on aerospace and aviation parts and labor; (v) gather information regarding opportunities in the Commonwealth related to maintenance and rehabilitation of aerospace equipment; (vi) explore any other topics related to growing the Commonwealth's aerospace industry; (vii) request the Virginia Economic Development Partnership to develop strategies to grow the Commonwealth's aerospace industry; and (viii) consult with representatives of all relevant stakeholders, including but not limited to public and private institutions of higher education, the Virginia Academy of Science, Engineering, and Medicine, the NASA Langley Research Center, the NASA Wallops Flight Facility, and the Mid-Atlantic Regional Spaceport. The final report of JCOTS, due no later than the first day of the 2017 Session of the General Assembly, shall be entitled "A Blueprint for Growth of the Virginia Aviation and Aerospace Industry." This resolution is identical to [HJ 97](#).

Law Advice: Monitor and Track

SJ127 [Constitutional amendment; right to work \(submitting to qualified voters\).](#)

Chief Patron: Obenshain

Summary:

Law Advice: FYI - No Direct Impact

See also HJ2 and SJ70.

SJ129 [Public Transportation Safety Day; designating as April 29, 2016, & each succeeding year thereafter.](#)

Chief Patron: Alexander

Summary:

Designates April 29, in 2016 and in each succeeding year, as Public Transportation Safety Day in Virginia.

Law Advice: FYI - No Direct Impact

SJ137 [Commending Brian O'Connor.](#)

Chief Patron: Deeds

Summary:

Law Advice: FYI - No Direct Impact

SR14 [Commending the 2016 inductees into the Virginia Sports Hall of Fame.](#)

Companion Bill: HR65

Chief Patron: Lucas

Summary:

Law Advice: FYI - No Direct Impact

SR36 [Commending the University of Virginia baseball team.](#)

Chief Patron: Deeds

Summary:

Law Advice: FYI - No Direct Impact