

University of Virginia -- Office of State Governmental Relations
LAW REPORT
Tuesday, June 19, 2018

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HB1 [Scholastic records; prohibited access to directory information.](#)

Chief Patron: Wilt

Summary:

Clarifies that student directory information may be publicly disclosed by a school if the school has given notice to the parent or eligible student of (i) the types of information that the school has designated as directory information; (ii) the right of the parent or eligible student to refuse the designation of any or all of the types of information about the student as directory information; and (iii) the period of time within which a parent or eligible student must notify the school in writing that he does not want any or all of the types of information about the student designated as directory information. The bill also provides, however, that no school shall disclose the address, phone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) or the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless the parent or eligible student has affirmatively consented in writing to such disclosure.

Law Advice: New Requirement

See SB512 which also imposes new requirements concerning release of student directory information

HB3 [Dual enrollment courses; quality, consistency, etc., of courses.](#)

Chief Patron: Landes

Summary:

Requires the State Board for Community Colleges, in coordination with the State Council of Higher Education for Virginia, the Department of Education, and the Virginia Association of School Superintendents, to develop and implement (i) a plan to achieve and maintain the same standards regarding quality, consistency, and level of evaluation and review for dual enrollment courses offered by local school divisions as are required for all courses taught in the Virginia Community College System and (ii) a process and criteria for determining whether any dual enrollment course offered in the Commonwealth that meets or exceeds such standards is transferable to a public institution of higher education as (a) a uniform certificate of general studies program or passport program course credit, (b) a general elective course credit, or (c) a course credit meeting other academic requirements of a public institution of higher education.

Law Advice: New Requirement

Will result in changes to policies relating to transfer of dual enrollment courses/credits

HB97 [Virginia Public Procurement Act; methods of procurement, single or term contracts.](#)

Chief Patron: Bell, John J.

Summary:

Increases the maximum permissible aggregate or sum of all phases of single or term contracts for professional services that may be procured without requiring competitive negotiation from \$60,000 to \$80,000. The bill also increases the maximum sum of architectural or professional engineering services contracts performed in a one-year contract term from \$500,000 to \$750,000.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB101 [Tradesmen; expiration date of licenses issued by Board for Contractors.](#)

Chief Patron: Head

Summary:

Provides that licenses for tradesmen shall expire three years from the date of issuance by the Board for Contractors. The bill requires the Board to sync the expiration date of a tradesman license, which is currently on a two-year cycle, to updates to the Uniform Statewide Building Code, which are typically on a three-year cycle.

Law Advice: FYI - No Direct Impact

HB135 [Dissemination of juvenile record information; emergency medical services agency applicants.](#)

Companion Bill: SB109

Chief Patron: Bell, John J.

Summary:

Provides that juvenile record information maintained in the Central Criminal Records Exchange may be disseminated (i) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency and (ii) to the chief law-enforcement officer of a locality, or his designee who shall be an individual employed as a public safety official of the locality, that has adopted an ordinance to conduct investigations of employment applicants for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency. This bill is identical to [SB 109](#).

Law Advice: FYI - No Direct Impact

HB139 [Health insurance; physician reimbursements, credentialing.](#)

Chief Patron: Head

Summary:

Requires health insurers and other carriers that credential the physicians in their provider networks to establish reasonable protocols and procedures for reimbursing a physician who has submitted a completed credentialing application to a carrier, after being credentialed by the carrier, for health care services provided to covered persons during the period in which the applicant's completed credentialing application is pending. The measure establishes minimum requirements for such protocols and procedures. The measure also (i) provides that a carrier is not required to pay reimbursement at the contracted in-network rate for any covered medical services provided by the new provider applicant if the new provider applicant's credentialing application is not approved or the carrier is otherwise not willing to contract with the new provider applicant; (ii) specifies that if a payment is made by the carrier to a physician or any entity that employs or engages the physician for a covered service, the patient is only responsible for any coinsurance, copayments, or deductibles permitted under the insurance contract with the carrier or participating provider agreement with the physician; and (iii) requires new provider applicants to provide notice to covered persons in advance of treatment. Finally, the measure requires the Virginia Department of Health to revise and reenact the regulations regarding managed care health insurance plans.

Law Advice: FYI - No Direct Impact

HB146 [Va. National Guard, Va. Defense Force, etc.; employment protections.](#)

Chief Patron: Cole

Summary:

Extends the rights regarding (i) leaves of absence from nongovernmental employment, (ii) reemployment, and (iii) employment nondiscrimination that are currently provided to members of the Virginia National Guard and the Virginia Defense Force and residents of Virginia who are members of the National Guard of another state to any person who is a member of the National Guard of another state who is employed or seeking employment in Virginia.

Law Advice: Change in Requirement

HB154 [Commonwealth's tax system; conformity with federal law, emergency.](#)

Companion Bill: SB230

Chief Patron: Ware

Summary:

Advances conformity of the Commonwealth's tax code with the federal tax code to February 9, 2018. The bill conforms only to certain provisions of Public Law 115-97, known as the "Tax Cuts and Jobs Act," that affect taxable years prior to 2018. The bill conforms to provisions creating an incentive for taxpayers to make contributions to hurricane relief efforts and certain other provisions. The bill also conforms to provisions of Public Law 115-123, known as the "Bipartisan Budget Act of 2018," that affect taxable year 2017. The bill contains an emergency clause and is identical to [SB 230](#).

Law Advice: FYI - No Direct Impact

Effective upon approval by Governor: February 23, 2018

HB165 [Higher educational institutions, public; loans to students, collection.](#)

Chief Patron: Yancey

Summary:

Requires each public institution that makes a loan to a student to (i) include in loan documents for each such loan an individual plan for the repayment of principal and interest and the payment of any late fees and clear and detailed information about the collection process for such loan pursuant to the Virginia Debt Collection Act, including information about the agency or entity that is responsible for collection, and (ii) establish a process for notifying each student or, in the case of an undergraduate student and as appropriate, the student's parent of any loan payment that is past due no later than (a) 30 days after such payment becomes past due and (b) if necessary, the end of the academic term during which such payment becomes past due. The bill permits each such institution, with the consent of the borrower, to modify the terms of any loan for which payments are past due to provide for repayment forbearance on such loan and repayment to commence on a mutually agreed-upon date in the future.

Law Advice: New Requirement

Minimal impact as this existing practice of Student Financial Services

HB192 [Rainwater and gray water; regulations.](#)

Chief Patron: Yancey

Summary:

Directs the State Board of Health (the Board) to adopt regulations regarding the use of gray water and rainwater. The regulations shall provide standards for the use of rainwater harvesting systems, which shall include systems that collect rainwater for use by commercial enterprises but do not provide water for human consumption. Such regulations shall not apply to water that is not for human consumption, including graywater and rainwater, that is used by certain specified facilities. The bill also directs the Board to consider recognizing rainwater as an independent source of fresh water.

Law Advice: FYI - No Direct Impact

HB211 [Ground water withdrawal permit term; lengthening to 15 years, permit fee.](#)

Chief Patron: Wright

Summary:

Lengthens from 10 years to 15 years the maximum term of a ground water withdrawal permit issued by

the State Water Control Board. The bill also lengthens from 10 years to 15 years the maximum term of a ground water withdrawal special exception and directs the Board to raise the applicable permit fee from \$6,000 to \$9,000. The bill contains technical amendments.

Law Advice: FYI - No Direct Impact

HB220 [Parks, local; waterway activities, liability.](#)

Companion Bill: SB371

Chief Patron: Morefield

Summary:

Authorizes a locality or park authority to establish, conduct, and regulate a system of boating, canoeing, kayaking, or tubing activities on waterways and to exercise certain related powers. The bill releases from certain civil liability a locality that establishes such a system or a system of hiking, biking, or horseback riding trails, or the owner of any property leased or licensed for such uses, in the absence of gross negligence or willful misconduct. This bill is identical to [SB 371](#).

Law Advice: FYI - No Direct Impact

HB226 [Patients; medically or ethically inappropriate care not required.](#)

Companion Bill: SB222

Chief Patron: Stolle

Summary:

Establishes a process whereby a physician may cease to provide health care that has been determined to be medically or ethically inappropriate for a patient. This bill is identical to [SB 222](#).

Law Advice: New Requirement

HB228 [Virginia Public Records Act; records retained in electronic medium.](#)

Chief Patron: Cole

Summary:

Provides that notwithstanding any provision of law requiring a public record to be retained in a tangible medium, an agency may retain any public record in an electronic medium, provided that the record remains accessible for the duration of its retention schedule and meets all other requirements of the Virginia Public Records Act (§ 42.1-76 et seq.). The bill provides that this provision shall not be deemed to affect any law governing the retention of exhibits received into evidence in a criminal case in any court.

Law Advice: New Authority

HB234 [Health insurance; synchronization of medications.](#)

Chief Patron: Hope

Summary:

Requires any health plan providing prescription drug coverage to permit and apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for a partial supply if the prescribing provider or the pharmacist determines the fill or refill to be in the best interest of the enrollee and the enrollee requests or agrees to a partial supply for the purpose of synchronizing the enrollee's medications. Such a proration shall not occur more frequently than annually. The measure also prohibits such a health plan from denying coverage for the dispensing of a medication that is dispensed by a network pharmacy on the basis that the dispensing is for a partial supply if the prescribing provider or the pharmacist determines the fill or refill is in the best interest of the enrollee and the enrollee requests or agrees to a partial supply for the purpose of synchronizing his medications. The measure requires health plans to allow a pharmacy to override denial codes indicating that a prescription is being refilled too soon for the purpose of synchronizing the enrollee's medications. The measure prohibits health plans from using payment structures incorporating prorated dispensing fees and requires that dispensing fees for partially filled or refilled prescriptions be paid in full for each prescription dispensed regardless of any prorated copay or fee paid for synchronization services.

Law Advice: FYI - No Direct Impact

HB297 [Administrative Process Act; exempts certain guidance documents from Act.](#)

Chief Patron: Bulova

Summary:

Exempts guidance documents, defined in the bill, from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.), provided that the agency that developed the guidance document certifies that the document conforms to the definition of a guidance document. Each guidance document is then subject to a 30-day public comment period through the Virginia Regulatory Town Hall website, after publication in the Virginia Register of Regulations and prior to the effective date of the document. If a comment received during the public comment period asserts that the guidance document is contrary to state law or regulation or that it should not be exempt, the effective date of the guidance document shall be delayed an additional 30 days, during which time the agency shall address the comments and provide a response in writing. The bill also provides that guidance documents do not include agency (i) rulings and advisory opinions, (ii) forms and instructions, (iii) bulletins and legislative summaries, (iv) studies and reports, and (v) internal manuals and memoranda. The bill has a delayed effective date of January 1, 2019.

Law Advice: Change in Requirement

HB301 [Correctional facilities, state, local, or regional; disclosure of health records.](#)

Chief Patron: Watts

Summary:

Clarifies that disclosure of health records of a person committed to a state, local, or regional correctional facility to such facility is not subject to general provisions governing disclosure of health records but is subject to provisions specific to persons committed to such facilities. The bill also provides that the person in charge of a correctional facility or his designee is entitled to obtain from a health care provider medical records concerning a person committed to such facility.

Law Advice: FYI - No Direct Impact

HB303 [Physical evidence recovery kits; submission to Department of Forensic Science.](#)

Chief Patron: Watts

Summary:

Adds as an exception to the requirement that a law-enforcement agency that receives a physical evidence recovery kit submit such kit to the Department for Forensic Science for analysis within 60 days of receipt the circumstance of another law-enforcement agency having taken over responsibility for the investigation related to such kit.

Law Advice: Change in Requirement

HB313 [Prescription Monitoring Program; prescriber and dispenser patterns, annual review, report.](#)

Companion Bill: SB728

Chief Patron: Head

Summary:

Requires the Director of the Department of Health Professions to annually review controlled substance prescribing and dispensing patterns. The bill requires the Director to conduct such review in consultation with an advisory panel consisting of representatives from the relevant health regulatory boards, the Department of Health, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services. The bill requires the Director to make any necessary changes to the criteria for unusual patterns of prescribing and dispensing and report any findings and

recommendations for best practices to the Joint Commission on Health Care by November 1 of each year. This bill is identical to [SB 728](#).

Law Advice: FYI - No Direct Impact

HB329 [High school graduation requirements; course load.](#)

Chief Patron: Yancey

Summary:

Requires the Board of Education, in establishing high school graduation requirements, to permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

Law Advice: FYI - No Direct Impact

HB339 [Va. Debt Collection Act; public higher educational institutions, payment of student debt.](#)

Chief Patron: Simon

Summary:

Requires a public institution of higher education to provide a debtor who is currently enrolled in such institution the option to pay his debt in periodic payments over the course of the term or semester in which the account became past due or, at the discretion of such institution, over a longer period, provided that such periodic payments are promptly paid until the account is satisfied.

Law Advice: New Requirement

HB344 [Higher educational institutions, public; constitutionally protected speech, etc.](#)

Chief Patron: Landes

Summary:

Requires each public institution of higher education in the Commonwealth to (i) establish and include in its student handbook, on its website, and in its student orientation programs policies regarding speech that is protected under the First Amendment and the process to report incidents of disruption of such speech; (ii) develop materials on such policies and notify any employee who is responsible for the discipline or education of enrolled students of such materials; and (iii) develop, post on its website in a searchable, publicly accessible, and conspicuous manner, and submit to the Governor and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1 of each year a report on the institution's compliance relating to free speech on campus.

Law Advice: New Requirement

Requires annual report by December 1 to Governor, House Committee on Education, and Senate Committee on Education and Health

HB345 [Coastal Adaptation and Protection, Special Assistant to the Governor; position created.](#)

Companion Bill: SB265

Chief Patron: Stolle

Summary:

Creates the executive branch position of Special Assistant to the Governor for Coastal Adaptation and Protection (the Assistant). The bill provides that the Assistant shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy. The bill directs the Assistant to initiate and assist with economic development opportunities associated with adaptation, to advance academic expertise at the Commonwealth Center for Recurrent Flooding and Resiliency, and to pursue federal, state, and local funding opportunities for adaptation initiatives. This bill is identical to [SB 265](#).

Law Advice: FYI - No Direct Impact

HB347 [SCHEV; longitudinal data to be disaggregated by degree program and level.](#)

Chief Patron: Landes

Summary:

Requires the data that the State Council of Higher Education for Virginia annually collects and publishes on (i) the percentage of graduates of public institutions of higher education and certain nonprofit private institutions of higher education in the Commonwealth who are known to be employed in the Commonwealth and (ii) the average salary and the average higher education-related debt for such graduates to be disaggregated by degree program and level. The bill requires an institution of higher education for which such data is collected and published to provide a link on its website to such data and make such link available to each admitted student.

Law Advice: New Requirement

HB377 [Virginia Water Protection Permit; exception for stormwater management facility on dry land.](#)

Chief Patron: Bulova

Summary:

Exempts from the requirement to obtain a Virginia Water Protection Permit any impact to a stormwater management facility on dry land. The bill directs the Department of Environmental Quality to adopt guidance to ensure that any project claiming this exemption creates no more than minimal ecological impact.

Law Advice: FYI - No Direct Impact

HB443 [High school graduation requirements; substitution of computer coding for foreign language credit.](#)

Chief Patron: Carroll Foy

Summary:

Requires the Board of Education, in establishing high school graduation requirements, to permit any English language learner who previously earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or an SAT II Subject Test in a foreign language to substitute computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.

Law Advice: FYI - No Direct Impact

HB454 [Higher educational institutions, public; governing boards, open educational resources.](#)

Chief Patron: Filler-Corn

Summary:

Requires the governing board of each public institution of higher education to implement guidelines for the adoption and use of low-cost and no-cost open educational resources in courses offered at such institution. The bill provides that such guidelines may include provisions for low-cost commercially published materials.

Law Advice: New Requirement

HB481 [Jury service; deferral of service if full-time student.](#)

Chief Patron: Bell, Robert B.

Summary:

Allows a court to defer a person's jury service to a later term of court if such person is enrolled as a full-time student and is attending classes at an accredited public or private institution of higher education.

Law Advice: FYI - No Direct Impact

HB501 [Home hospice programs; disposal of drugs.](#)

Chief Patron: Hodges

Summary:

Requires every hospice to develop policies and procedures for the disposal of drugs dispensed as part of the hospice plan of care for a patient, which shall include requirements that such disposal be (i) performed in a manner that complies with all state and federal requirements for the safe disposal of drugs by a licensed nurse, physician assistant, or physician who is employed by or has entered into a contract with the hospice program; (ii) witnessed by a member of the patient's family or a second employee of the hospice program who is licensed by a health regulatory board within the Department of Health Professions; and (iii) documented in the patient's medical record.

Law Advice: FYI - No Direct Impact

HB508 [Solar facilities; local regulation.](#)

Companion Bill: SB429

Chief Patron: Hodges

Summary:

Provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic or architectural preservation district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality. The bill requires that any ground-mounted solar energy generation facility existing as of January 1, 2018, be deemed a legal nonconforming use, with certain exceptions. The bill has a delayed effective date of January 1, 2019, with respect to ground-mounted solar energy generation facilities. This bill is identical to [SB 429](#).

Law Advice: FYI - No Direct Impact

HB520 [Nonresident warehousers and nonresident third-party logistics providers; Board of Pharmacy.](#)

Chief Patron: Hodges

Summary:

Requires warehouse or third-party logistics providers that are located outside the Commonwealth and that ship prescription drugs or devices into the Commonwealth to register with the Board of Pharmacy. The bill requires such nonresident warehouse and nonresident third-party logistics providers to maintain a license, permit, or registration in the resident state and to retain records in a certain manner. The bill authorizes the Board of Pharmacy to promulgate regulations related to the storage, handling, and distribution of prescription drugs or devices by nonresident warehouse and nonresident third-party logistics providers.

Law Advice: FYI - No Direct Impact

HB523 [Architects, Professional Engineers, Land Surveyors, etc., Board for; Landscape Architects.](#)

Chief Patron: Lindsey

Summary:

Adds two nonlegislative citizen members to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects and provides that one of those members be present to constitute a quorum. The bill also removes the provision requiring that the Council of Certified Virginia Interior Designers submit nominations for interior design members.

Law Advice: FYI - No Direct Impact

HB532 [Hemp, industrial; research programs.](#)

Companion Bill: SB247

Chief Patron: Freitas

Summary:

Authorizes the Commissioner of Agriculture and Consumer Services to undertake research through the establishment of (i) a higher education industrial hemp research program, to be managed by institutions of higher education, and (ii) a Virginia industrial hemp research program. The bill classifies all participants in any research program as either growers or processors and replaces the current licensing requirement, which requires a police background check, with a registration requirement. This bill is identical to [SB 247](#).

Law Advice: New Authority

Requires annual report by October 1 by any institution directly managing industrial hemp research program as authorized by HB532/SB247

HB533 [Veterans; acceptance of substantially equivalent military training, etc.](#)

Chief Patron: Freitas

Summary:

Directs the Department of Veterans Services to take steps to promote awareness among veterans of the acceptance of substantially equivalent military training, education, or experience by the Department of Professional and Occupational Regulation, the Department of Health Professions, or any other board named in Title 54.1 (Professions and Occupations).

Law Advice: FYI - No Direct Impact

HB543 [General Services, Department of; lease or sublease of surplus property to charitable organizations.](#)

Chief Patron: Freitas

Summary:

Permits the Department of General Services, with the approval of the Governor, to allow charitable organizations exempt from taxation under § 501(c)(3) of the Internal Revenue Code that provide addiction recovery services to lease or sublease at cost and on such terms as approved by the Governor surplus property or space within a building owned by the Commonwealth or any space leased by the Commonwealth in excess of current and reasonably anticipated needs, provided such use is deemed appropriate.

Law Advice: FYI - No Direct Impact

HB558 [Workers' Compensation; employer's liability for medical services provided outside the Commonwealth.](#)

Chief Patron: Habeeb

Summary:

Clarifies that the "medical community," when referring to providers of medical services rendered under the Virginia Workers' Compensation Act outside of the Commonwealth, shall be determined by the zip code of the principal place of business of the employer if located in the Commonwealth. If the employer's principal place of business is not in the Commonwealth, then it shall be determined by the zip code of the location where the Workers' Compensation Commission would conduct its hearing regarding a dispute concerning the medical services.

Law Advice: FYI - No Direct Impact

HB569 [Suicide prevention activities; Department of Behavioral Health and](#)

Developmental Services to report.

Chief Patron: Gooditis

Summary:

Requires the Commissioner of Behavioral Health and Developmental Services to report annually by December 1 to the Governor and the General Assembly on the Department's activities related to suicide prevention across the lifespan.

Law Advice: FYI - No Direct Impact

HB574 Va. Public Procurement Act; cooperative procurement, stream restoration & stormwater management.

Companion Bill: SB688

Chief Patron: Hodges

Summary:

Excludes the purchase of (i) stream restoration and (ii) stormwater management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction. This bill is identical to [SB 688](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB589 Higher educational institutions, public and private; diplomas, proof of education.

Chief Patron: Davis

Summary:

Provides that each public institution of higher education and private institution of higher education may provide any diploma or other proof of education to requesting individuals or entities using the method that it deems most appropriate, in either electronic or paper form. The bill requires the State Council of Higher Education in Virginia to post on its website a statement in accordance with such institutional authority.

Law Advice: New Authority

HB609 Housing; installation and maintenance of smoke and carbon monoxide alarms in rental property.

Companion Bill: SB391

Chief Patron: Carr

Summary:

Creates a statewide standard for the installation and maintenance of smoke and carbon monoxide alarms in rental property. The bill requires a landlord (i) to install a smoke alarm but does not permit a locality to require new or additional wiring or the upgrading of smoke alarms under certain conditions and (ii) to certify annually that smoke alarms have been installed and maintained in good working order in a residential dwelling unit pursuant to the Statewide Fire Prevention Code (§ 27-94 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). The landlord is also required to install a carbon monoxide alarm upon request by a tenant; the installation and subsequent maintenance must be in compliance with the Statewide Fire Prevention Code and the Uniform Statewide Building Code. A tenant of a rental dwelling unit with a smoke alarm or both smoke and carbon monoxide alarms shall not tamper or remove such alarms. Under the bill, a reasonable accommodation must be made for persons who are deaf or hearing impaired, upon request. Localities that have enacted a fire and carbon monoxide alarm ordinance must conform such ordinances with these state standards by July 1, 2019. The bill also requires the Department of Housing and Community Development, in consultation with the Department of Fire Programs, to develop a form for landlords for use in certifying inspections that summarizes smoke alarm maintenance requirements for landlords and tenants. The bill, as introduced, is a recommendation of the Virginia Housing Commission. This bill is identical to [SB 391](#).

Law Advice: Change in Requirement

HB614 [Social work; practice.](#)

Chief Patron: Price

Summary:

Provides that the Board of Social Work may license baccalaureate social workers, master's social workers, and clinical social workers, as those terms are defined, and may register persons proposing to obtain supervised post-degree experience in the practice of social work.

Law Advice: FYI - No Direct Impact

HB640 [Comprehensive plan, locality's; shall consider broadband infrastructure.](#)

Chief Patron: Boysko

Summary:

Provides that a locality's comprehensive plan shall consider strategies to provide broadband infrastructure that is sufficient to meet the current and future needs of residents and businesses in the locality. To this end, local planning commissions may consult with and receive technical assistance from the Center for Innovative Technology, among other resources. Also, in the preparation of a comprehensive plan, broadband infrastructure shall be included among the matters that the local planning commission shall survey and study.

Law Advice: FYI - No Direct Impact

HB663 [Cooperative agreement; reimbursement of costs necessary to examine, review, and supervise.](#)

Chief Patron: Kilgore

Summary:

Requires parties who have applied to the Department of Health for approval of a cooperative agreement to pay all costs incurred to examine the initial application and, in the event that the cooperative agreement is approved, all costs incurred for the review and ongoing supervision of the cooperative agreement by the State Health Commissioner, including costs of experts and consultants retained by the Commissioner. Prior to contracting with experts or consultants, the Commissioner shall provide reasonable notice to the parties describing the proposed scope of work and anticipated costs of such experts and consultants.

Law Advice: FYI - No Direct Impact

HB729 [Virginia Fire Services Board; powers & duties, modular training program for volunteer firefighters.](#)

Chief Patron: Head

Summary:

Directs the Virginia Fire Services Board to develop a modular training program for volunteer firefighters for adoption by local volunteer fire departments that shall include (i) Firefighter I and Firefighter II certification pursuant to standards developed by the National Fire Protection Association and (ii) an online training program. The bill has a delayed effective date of January 1, 2019.

Law Advice: FYI - No Direct Impact

HB732 [Contractors; work without valid Va. license, prohibited acts.](#)

Companion Bill: SB478

Chief Patron: Hodges

Summary:

Provides that a construction contract entered into by a person undertaking work without a valid Virginia contractor's license shall not be enforceable by the unlicensed contractor undertaking the work unless the unlicensed contractor (i) gives substantial performance within the terms of the contract in good faith and (ii) did not have actual knowledge that a license or certificate was required to perform the work for which he seeks to recover payment. This bill is identical to [SB 478](#).

Law Advice: FYI - No Direct Impact

HB746 [Wills and revocable trusts; eliminating certain inconsistencies.](#)

Chief Patron: Leftwich

Summary:

Eliminates certain inconsistencies between wills and revocable trusts by extending to revocable trusts (i) revocation of benefits to a spouse and appointments to a spouse as a fiduciary upon divorce or annulment, (ii) the default rules for nonademption of certain bequests, (iii) the default rules related to the lapsing of a failed devise or bequest to the residue, and (iv) the anti-lapse rule that provides that a testamentary disposition fails when the taker predeceases the testator. The bill also provides that a court may modify the terms of a decedent's will to correct a mistake to conform to the decedent's intent, as proved by clear and convincing evidence. The bill further provides that, if shown by clear and convincing evidence, a court may modify the terms of a decedent's will to achieve the decedent's tax objectives in a manner that is not contrary to the decedent's probable intention. Under current law, such reformation is allowed to modify the terms of a trust for similar purposes. The provisions of the bill related to modification of a will apply retroactively to wills executed prior to July 1, 2018, and judicial proceedings commenced prior to July 1, 2018, except that such modification shall not be made if a judicial proceeding has been commenced prior to July 1, 2018, and the court finds that modification would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of the parties.

Law Advice: FYI - No Direct Impact

HB754 [Elective share claim; calculation of the augmented estate.](#)

Chief Patron: Leftwich

Summary:

Provides that a surviving spouse claiming an elective share does not have the right to claim a share of the decedent spouse's separate property at death but that the decedent spouse may satisfy the surviving spouse's right to claim a share of marital property with such separate property.

Law Advice: FYI - No Direct Impact

HB760 [Virginia Public Procurement Act; exemption for Virginia-grown food products.](#)

Chief Patron: Landes

Summary:

Requires a public body to accomplish procurement by obtaining written informal solicitation of a

minimum of three bidders or offerors if practicable and including a written statement regarding the basis for awarding the contract when purchasing Virginia-grown food products under the current exemption from the Virginia Public Procurement Act for the 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

HB763 [Revenue Reserve Fund; created, report.](#)

Chief Patron: Jones, S.C.

Summary:

Creates the Revenue Reserve Fund to be used to offset shortfalls in the budget of two percent or less of general fund resources collected.

Law Advice: FYI - No Direct Impact

HB770 [Virginia Economic Development Partnership Authority; members of Authority are voting members.](#)

Chief Patron: Jones, S.C.

Summary:

Clarifies (i) that the members of the Virginia Economic Development Partnership (VEDP) Authority appointed by the Governor and the Joint Rules Committee are voting members of the Authority and (ii) the authority of VEDP to direct the Attorney General to enforce contracts related to the award of economic incentives. The bill adds a member of the VEDP Authority, to be appointed by the chairman, to each of the Committee on Business Development and Marketing and the Committee on International Trade and clarifies that these committees are advisory in nature. The bill also extends to the Joint Legislative Audit and Review Commission (JLARC) the existing closed meeting exemption for discussion of portions of the VEDP strategic, marketing, and operational plans that are exempt from public disclosure. Current law requires that VEDP report on these plans to the JLARC subcommittee on economic development but does not provide an exemption for discussion of the portions of those plans not subject to public disclosure. The bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective upon approval by Governor: March 18, 2018

HB775 [Removal of snow and ice; county executive form of government.](#)

Companion Bill: SB684

Chief Patron: Landes

Summary:

Authorizes any county outside Planning District 8 that has adopted the county executive form of government (Albemarle County) to provide by ordinance reasonable criteria and requirements for the removal of accumulations of snow and ice from public sidewalks by the owner or other person in charge of any occupied property. Currently, only counties within Northern Virginia Planning District 8 may adopt such an ordinance. This bill is identical to [SB 684](#).

Law Advice: FYI - No Direct Impact

HB778 [Health benefit plan networks; informed decision.](#)

Companion Bill: SB663

Chief Patron: Ransone

Summary:

Requires each hospital to establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition, the hospital provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan. The provisions of such requirement become effective on March 1, 2019. The bill directs the Office of Emergency Medical Services to develop a mechanism no later than January 1, 2019, to disclose to a patient, prior to services provided by an out-of-network air transport provider, a good faith estimate of the range of typical charges for out-of-network air transport services provided in that geographic area.

Law Advice: New Requirement

Delayed effective date: March 1, 2019

HB793 [Nurse practitioners; practice agreements.](#)

Chief Patron: Robinson

Summary:

Eliminates the requirement for a practice agreement with a patient care team physician for a licensed nurse practitioner who has completed the equivalent of at least five years of full-time clinical experience and submitted an attestation from his patient care team physician stating (i) that the patient care team physician has served as a patient care team physician on a patient care team with the nurse practitioner pursuant to a practice agreement; (ii) that while a party to such practice agreement, the patient care team physician routinely practiced with a patient population and in a practice area included within the

category for which the nurse practitioner was certified and licensed; and (iii) the period of time for which the patient care team physician practiced with the nurse practitioner under such a practice agreement. The bill requires that a nurse practitioner authorized to practice without a practice agreement (a) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (b) consult and collaborate with other health care providers based on the clinical conditions of the patient to whom health care is provided, and (c) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers. The bill requires (1) the Boards of Medicine and Nursing to jointly promulgate regulations governing the practice of nurse practitioners without a practice agreement; (2) the Department of Health Professions, by November 1, 2020, to report to the General Assembly a process by which nurse practitioners who practice without a practice agreement may be included in the online Practitioner Profile maintained by the Department of Health Professions; and (3) the Boards of Medicine and Nursing to report information related to the practice of nurse practitioners without a practice agreement that includes certain data, complaints and disciplinary actions, and recommended modifications to the provisions of this bill to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health and the Chairman of the Joint Commission on Health Care by November 1, 2021.

Law Advice: Change in Requirement

HB800 [Towing; increases maximum hookup and initial towing fee of any passenger car.](#)

Companion Bill: SB492

Chief Patron: Yancey

Summary:

Increases the maximum hookup and towing fee for passenger vehicles from \$135 to \$150. The bill contains a technical amendment. This bill is identical to [SB 492](#).

Law Advice: FYI - No Direct Impact

HB823 [Contractors, general; waiver or diminishment of lien rights, subordination of lien rights.](#)

Companion Bill: SB319

Chief Patron: Knight

Summary:

Provides that a general contractor may not waive or diminish his lien rights in a contract in advance of furnishing any labor, services, or materials. The bill further provides that, notwithstanding the prohibition against waiving or diminishing such a lien right, a general contractor may, prior to or after providing any labor, services, or materials, contract to subordinate his lien rights to prior and later recorded deeds of

trust, provided that such contract is (i) in writing and (ii) signed by any general contractor whose lien rights are being subordinated pursuant to such contract. This bill is identical to [SB 319](#).

Law Advice: FYI - No Direct Impact

HB826 [Alcoholic beverage control; increases general license application fee.](#)

Companion Bill: SB884

Chief Patron: Knight

Summary:

Increases the alcoholic beverage general license application fee from \$65 to \$195. The bill also increases the application fee for mixed beverage special event licenses from \$15 to \$45 and increases the state tax on wine shipper's licenses, beer shipper's licenses, and wine and beer shipper's licenses from \$95 to \$230. The bill establishes that it is a Class 1 misdemeanor for (i) any person to sell wine to retailers or consumers without paying the wine excise tax or (ii) any retailer to purchase, receive, transport, store, or sell any wine on which such retailer has reason to know such tax has not been paid and may not be paid. The bill provides for a civil penalty for (a) each manufacturer or wholesaler who fails to make any return and pay the full amount of the wine excise tax or (b) each manufacturer or wholesaler who makes a false or fraudulent return, where willful intent exists to defraud the Commonwealth of any excise tax due on each liter of wine. Current law provides for these criminal and civil penalties with regard to failure to pay the excise tax imposed on beer and wine coolers but not for failure to pay the excise tax on wine. This bill is identical to [SB 884](#).

Law Advice: Change in Requirement

HB842 [Controlled paraphernalia; possession or distribution, hypodermic needles and syringes, naloxone.](#)

Chief Patron: LaRock

Summary:

Provides that a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration from the Board of Pharmacy may dispense or distribute hypodermic needles and syringes in conjunction with such dispensing of naloxone and that a person to whom naloxone has been distributed by such individual may possess hypodermic needles and syringes in conjunction with such possession of naloxone. The bill also allows the dispensing or distributing of hypodermic needles and syringes by persons authorized to dispense naloxone. The bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective upon approval by Governor: March 2, 2018

HB846 [Virginia Retirement System; technical amendments.](#)

Companion Bill: SB248

Chief Patron: Ingram

Summary:

Makes technical amendments to Title 51.1, Pensions, Benefits, and Retirement, including clarifying that medical boards may be composed of not only physicians but also other health care professionals and that the only federal civilian service eligible to be purchased as membership credit is full-time service. This bill is identical to [SB 248](#).

Law Advice: FYI - No Direct Impact

HB852 [Virginia Institutions of Higher Education Substance Use Advisory Committee; established.](#)

Companion Bill: SB120

Chief Patron: Peace

Summary:

Directs the Board of Directors of the Virginia Alcoholic Beverage Control Authority (Board) to establish and appoint members to the Virginia Institutions of Higher Education Substance Use Advisory Committee (Advisory Committee). The bill provides that the goal of the Advisory Committee shall be to develop and update a statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private institutions of higher education. The bill provides that the Advisory Committee shall consist of representatives from Virginia's public and private institutions of higher education, including students and directors of student health, and such other members as the Board may deem appropriate. This bill is identical to [SB 120](#).

Law Advice: New Requirement

Advisory Committee to include representatives from institutions of higher education

HB854 [Polysomnographic technology; students or trainees, licensure.](#)

Chief Patron: Peace

Summary:

Provides that a student enrolled in an educational program in polysomnographic technology or a person engaged in a traineeship does not require a license to practice polysomnographic technology, provided

that such student or trainee is under the direct supervision of a licensed polysomnographic technologist or a licensed doctor of medicine or osteopathic medicine. The bill requires any such student or trainee to be identified to patients as a student or trainee in polysomnographic technology. The bill also provides that any such student or trainee is required to have a license to practice after 18 months from the start of the educational program or traineeship or six months from the conclusion of such program or traineeship, whichever is earlier.

Law Advice: FYI - No Direct Impact

HB859 [Uniform Statewide Building Code; administration and enforcement, agreements for assistance.](#)

Chief Patron: Peace

Summary:

Provides that the local governing body of a county or municipality may enter into an agreement with the governing body of another county or municipality for the provision to such county or municipality's local building department of technical assistance with administration and enforcement of the Building Code.

Law Advice: FYI - No Direct Impact

HB873 [Child care providers; criminal history background check, sunset and contingency.](#)

Companion Bill: SB121

Chief Patron: Orrock

Summary:

Extends from July 1, 2018, to July 1, 2020, the expiration date and contingency on the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant of 2014, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. This bill is identical to [SB 121](#).

Law Advice: Change in Requirement

HB878 [Schedule VI; delivery of prescription devices on behalf of medical equipment supplier.](#)

Companion Bill: SB413

Chief Patron: Orrock

Summary:

Provides that a permitted manufacturer, wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider or registered nonresident manufacturer or nonresident wholesale distributor (the provider) may deliver a Schedule VI prescription device directly to an ultimate user or consumer, provided that the provider is delivering on behalf of and has entered into an agreement with (i) a medical equipment supplier that has received a valid order from a prescriber authorizing the dispensing of the Schedule VI prescription device or (ii) a medical director of a home health agency, nursing home, assisted living facility, or hospice who has requested the distribution of the Schedule VI prescription device to be administered by persons authorized to administer such devices. The bill directs the Board of Pharmacy to promulgate regulations to implement the provisions of the measure within 280 days. This bill is identical to [SB 413](#).

Law Advice: FYI - No Direct Impact

HB879 [Hospitals and nursing homes; frequency of inspections.](#)

Chief Patron: Orrock

Summary:

Clarifies, in provisions governing frequency of hospital and nursing home inspections, that a second inspection of a hospital or nursing home that has previously been inspected may be performed before all other hospitals and nursing homes in the Commonwealth have been inspected only in cases in which the subsequent inspection is performed in conjunction with an inspection required by the Centers for Medicare and Medicaid Services. The bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective upon approval by Governor: March 23, 2018

HB883 [Regulatory reduction pilot program; Department of Planning and Budget to implement, report.](#)

Companion Bill: SB20

Chief Patron: Webert

Summary:

Directs the Department of Planning and Budget (the Department), under the supervision of the Secretary of Finance (the Secretary), to administer a three-year regulatory reduction pilot program aimed at

reducing by 25 percent the regulations and regulatory requirements, as defined in the bill, of the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services by July 1, 2021. The bill requires the Secretary to report annually to the Speaker of the House and the Chairman of the Senate Rules Committee no later than October 1, 2019, and October 1, 2020, on the progress of the regulatory reduction pilot program. The bill also requires the Secretary to report by August 15, 2021, to the Speaker of the House and the Chairman of the Senate Rules Committee (i) the progress toward identifying the 25 percent reduction goal, (ii) recommendations for expanding the program to other agencies, and (iii) any additional information the Secretary determines may be helpful to support the General Assembly's regulatory reduction and reform efforts. The bill provides that if, by October 1, 2021, the program has achieved less than a 25 percent total reduction in regulations and regulatory requirements across both pilot agencies, the Secretary shall report on the feasibility and effectiveness of implementing a 2-for-1 regulatory budget providing that for every one new regulatory requirement, two existing regulatory requirements of equivalent or greater burden must be streamlined, repealed, or replaced for a period not to exceed three years. Lastly, the bill directs all executive branch agencies subject to the Administrative Process Act (§ 2.2-4000 et seq.) to develop a baseline regulatory catalog and report such catalog data to the Department, which shall then track and report on the extent to which agencies comply with existing requirements to periodically review all regulations every four years. This bill is identical to [SB 20](#).

Law Advice: New Requirement

HB886 [**Mental health treatment; admission regulations, toxicology results.**](#)

Chief Patron: Stolle

Summary:

Requires the Board of Health to include in regulations governing hospitals a provision that requires every hospital that provides inpatient psychiatric services to establish a protocol that requires, for every refusal to admit a patient for whom there is a question of medical stability or medical appropriateness for admission due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested to do so by the referring physician.

Law Advice: FYI - No Direct Impact

Medical Center is not subject to Board of Health regulations

HB897 [**Higher educational institutions, public; six-year plans submitted by governing board, report.**](#)

Chief Patron: Landes

Summary:

Specifies that the six-year plan and amendments to or affirmation of such plan that are required to be submitted no later than July 1 of each year to various executive and legislative entities and individuals by the governing board of each public institution of higher education shall be a preliminary version and prohibits any such preliminary plan, amendments, or affirmation from being posted on the General Assembly's website. The bill requires each such governing board to submit a finalized version of such plan, amendments, or affirmation no later than December 1 of the same year and requires such finalized version to be posted on the General Assembly's website.

Law Advice: Change in Requirement

HB905 [Virginia Public Procurement Act; designation of trade secrets and proprietary information.](#)

Chief Patron: Robinson

Summary:

Provides that a bidder, offeror, or contractor shall not improperly designate as trade secrets or proprietary information (i) an entire bid, proposal, or prequalification application; (ii) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information; or (iii) line item prices or total bid, proposal, or prequalification application prices. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

Law Advice: FYI - No Direct Impact

HB906 [Virginia Freedom of Information Act; clarifies definition of electronic communication.](#)

Chief Patron: Robinson

Summary:

Clarifies the definition of electronic communication in the Virginia Freedom of Information Act by amending it to mean the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information. This bill is a recommendation of the Freedom of Information Advisory Council.

Law Advice: Change in Requirement

HB907 [Virginia Freedom of Information Act; meetings held by electronic communication means.](#)

Chief Patron: Robinson

Summary:

Consolidates existing provisions concerning public meetings conducted by electronic communication means. The bill contains technical amendments. This bill is a recommendation of the Freedom of Information Advisory Council.

Law Advice: New Requirement

HB908 [Virginia Freedom of Information Act; meetings held by electronic communication means.](#)

Chief Patron: Robinson

Summary:

Removes the Freedom of Information Act requirement that the remote locations from which members of a public body participate in meetings through electronic communication means be open to the public. Instead, members of the public must be provided an electronic communication means substantially equivalent to that provided to members of the public body through which the public may witness the meeting. The bill provides that public access to remote locations from which members of the public body participate through electronic communication means shall be encouraged but not required; however, if three or more members are gathered at the same remote location, such remote location must be open to the public. The bill also amends the annual reporting requirements for public bodies that meet by electronic communication means. This bill is a recommendation of the Freedom of Information Advisory Council.

Law Advice: Change in Requirement

HB909 [Virginia Freedom of Information Act; disclosure of law-enforcement and criminal records.](#)

Chief Patron: Robinson

Summary:

Clarifies that the discretionary exemptions contained in the Freedom of Information Act pertaining to law-enforcement and criminal records may be used by any public body. Current law only permits such exemptions to be used by public bodies engaged in criminal law-enforcement activities. The bill also restricts the application of the discretionary exemption for those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature, the release of which would jeopardize the safety or privacy of any person, to only those portions of noncriminal incident or other noncriminal investigative reports or materials that are in the possession of public bodies (i) engaged in emergency medical services, (ii) engaged in fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged in processing calls for service or other communications to an emergency 911 system or any other equivalent reporting system. This bill is a recommendation of the Freedom of Information Advisory Council.

Law Advice: Change in Authority

HB915 [Military medical personnel program; personnel may practice under supervision of physician, etc.](#)

Companion Bill: SB829

Chief Patron: Stolle

Summary:

Directs the Department of Veterans Services to establish a program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine or nursing under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program, or his designee who is licensed by the Board of Medicine and supervising within his scope of practice. The bill allows the chief medical officer of an organization participating in such program to, in consultation with the chief nursing officer of such organization, designate a registered nurse licensed by the Board of Nursing or practicing with a multistate licensure privilege to supervise military personnel participating in such program while engaged in the practice of nursing. This bill is identical to [SB 829](#).

Law Advice: FYI - No Direct Impact

HB916 [Long-Term Employment Support and Extended Employment Services; assisting persons with disabilities.](#)

Companion Bill: SB560

Chief Patron: Landes

Summary:

Requires the Department for Aging and Rehabilitative Services to administer Long-Term Employment Support Services and Extended Employment Services to assist individuals with disabilities with maintaining employment. This bill is identical to [SB 560](#).

Law Advice: FYI - No Direct Impact

HB919 [Virginia Community College System; changes to ensure a standard quality of education.](#)

Companion Bill: SB631

Chief Patron: Jones, S.C.

Summary:

Makes several changes relating to course credit at public institutions of higher education in the

Commonwealth, including requiring (i) the Virginia Community College System to develop a 15-credit-hour Passport Program and a 30-credit-hour Uniform Certificate of General Studies Program to be offered at each comprehensive community college and for which courses are transferable, except in certain circumstances, to each baccalaureate public institution of higher education and (ii) each baccalaureate public institution of higher education to develop pathway maps that clearly set forth the courses that a student at a comprehensive community college is encouraged to complete prior to transferring to the baccalaureate institution. This bill is identical to [SB 631](#).

Law Advice: New Requirement

See bill for relevant effective/implementation dates

HB922 [Electric vehicle charging stations; local and public operation.](#)

Companion Bill: SB908

Chief Patron: Bulova

Summary:

Authorizes any locality or public institution of higher education, or the Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases. The bill allows a locality to limit the use of a retail fee-based electric vehicle charging station on its property to employees of the locality and authorized visitors and to install signage that provides notice of such restriction. The bill exempts such a locality, public institution of higher education, or the Department of Conservation and Recreation from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. This bill is identical to [SB 908](#).

Law Advice: New Authority

HB925 [Industrial & high-risk programs; locality to adopt, etc., runoff programs.](#)

Chief Patron: Bulova

Summary:

Authorizes any locality that owns or operates a permitted municipal separate storm sewer system (MS4) to adopt and administer an industrial and high-risk runoff program. The bill authorizes any such locality to include in its industrial and high-risk program an industrial or commercial facility notwithstanding the fact that the facility is also subject to certain permits or the federal Emergency Planning and Community Right-to-Know Act. The bill limits the ability of the State Water Control Board (the Board), unless it is required to do so by federal law, to impose certain regulatory conditions on any locality that administers such a program and prohibits the Board from modifying existing MS4 permits to avoid such limitation. The bill authorizes the Board to require a locality to report an industrial or commercial facility if it becomes aware of a violation of an industrial stormwater management requirement.

Law Advice: FYI - No Direct Impact

HB1003 [Health care data reporting; penalty for failure to report.](#)

Chief Patron: Byron

Summary:

Provides that any medical care facility that fails to report data on utilization of services for which a certificate of public need is required or data on charity care provided to satisfy the conditions of a certificate of public need shall be subject to a civil penalty of up to \$100 per day.

Law Advice: FYI - No Direct Impact

Existing practice for Medical Center (already provides annual condition reports)

HB1006 [Labor market information; transfer of administration from Virginia Employment Commission.](#)

Chief Patron: Byron

Summary:

Requires the Virginia Board of Workforce Development (the Board) to advise and oversee the development of a strategic workforce dashboard and tools that will provide information on issues such as state and regional labor market conditions, the relationship between the supply and demand for workers, workforce program outcomes, and projected employment growth or decline. The measure also transfers from the Virginia Employment Commission (VEC) to the Board, with support from VEC, the responsibility to determine and publish a list of jobs, trades, and professions for which high demand for qualified workers exists or is projected.

Law Advice: FYI - No Direct Impact

HB1054 [Prescription requirements; treatment of sexually transmitted disease.](#)

Chief Patron: Herring

Summary:

Allows a practitioner employed by the Department of Health to prescribe antibiotic therapy to the sexual partner of a patient diagnosed with a sexually transmitted disease without the physical examination normally required. The bill also requires the Commissioner of Health to convene a workgroup consisting of Department of Health staff and private practitioners to evaluate services provided by the Department of Health pursuant to the bill and to make appropriate recommendations for the use of expedited partner therapy in Virginia. The Commissioner shall report to the Secretary of Health and Human Resources concerning his findings and recommendations by July 1, 2019. The bill contains organizational and technical amendments. The bill has an expiration date of July 1, 2020.

Law Advice: FYI - No Direct Impact

Applies only to practitioners employed by the Department of Health

HB1071 [Health regulatory boards; electronic notice of license renewal.](#)

Chief Patron: Heretick

Summary:

Provides that the Board of Funeral Directors and Embalmers, the Board of Medicine, and the Board of Nursing may send notices for license renewal electronically.

Law Advice: FYI - No Direct Impact

HB1087 [Animal research; alternative test methods, civil penalty.](#)

Chief Patron: Boysko

Summary:

Requires a manufacturer or contract testing facility to use an alternative test method when available. An alternative test method is defined as one which (i) provides information of equivalent or better scientific quality and relevance than animal test methods, (ii) has been identified by a validation body and adopted by the relevant federal agency or program within an agency responsible for regulating the specific product or activity for which the test is being conducted, and (iii) does not use animals, or, when there is no test method available that does not use animals, uses the fewest animals possible and reduces the level of suffering or stress, to the greatest extent possible, of an animal used for testing. Such provision does not apply to a manufacturer or contract testing facility using an animal test method for the purpose of medical research or related to the development of devices, drugs, or biomedical products, or to certain other products regulated by the U.S. Food and Drug Administration. The bill authorizes the Attorney General to bring a civil action to enforce such provision. Any person who violates such provision may be subject to a civil penalty of not more than \$5,000 and any court costs and attorney fees.

Law Advice: New Requirement

HB1088 [Hospitals; security personnel training to identify mental illness.](#)

Chief Patron: Boysko

Summary:

Requires the Board of Health to include in its regulations governing licensed hospitals a requirement that every hospital with an emergency department establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely

addressing situations involving patients and others who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis.

Law Advice: New Requirement

Minimal direct impact -- Medical Center already required security and police officers to complete Crisis Response Training (CRT) or Crisis Intervention Training (CIT)

HB1114 Professional and occupational regulation; authority to suspend or revoke licenses, certificates.

Chief Patron: VanValkenburg

Summary:

Provides that the Department of Professional and Occupational Regulation, the Department of Health Professions, the Board of Accountancy, and the Board of Education shall not be authorized to suspend or revoke the license, certificate, registration, permit, or authority it has issued to any person who is in default or delinquent in the payment of a federal-guaranteed or state-guaranteed educational loan or work-conditional scholarship solely on the basis of such default or delinquency.

Law Advice: FYI - No Direct Impact

Similar to SB918

HB1125 Teachers; requirements for license, provisional license, etc.

Companion Bill: SB349

Chief Patron: Landes

Summary:

Makes several changes to the teacher licensure process, including (i) permitting teachers with a valid out-of-state license, with full credentials and without deficiencies, to receive licensure by reciprocity without passing additional licensing assessments and (ii) permitting a local school board or division superintendent to waive certain licensure requirements for any individual who holds a provisional license and is employed by the local school board. This bill is identical to [SB 349](#).

Law Advice: FYI - No Direct Impact

HB1138 Qualified Education Loan Ombudsman, Office of the; established, report.

Companion Bill: SB394

Chief Patron: Price

Summary:

Establishes the Office of the Qualified Education Loan Ombudsman (the Office) within the State Council of Higher Education for Virginia. The Office's duties include (i) receiving, reviewing, and attempting to resolve complaints from qualified education loan borrowers; (ii) compiling and analyzing data on such complaints; (iii) assisting qualified education loan borrowers to understand their rights and responsibilities under the terms of qualified education loans; (iv) providing information regarding the problems and concerns of qualified education loan borrowers; (v) analyzing and monitoring the development and implementation of applicable laws and policies; and (vi) disseminating information concerning the availability of the Office to assist qualified education loan borrowers and any other participant in qualified education loan lending with qualified education loan servicing concerns. The Office is further required to establish and maintain a qualified education loan borrower education course by December 1, 2019. This bill is identical to [SB 394](#).

Law Advice: FYI - No Direct Impact

HB1157 [Substance-exposed infants; plan for services, report.](#)

Companion Bill: SB389

Chief Patron: Pillion

Summary:

Provides that the Department of Health (the Department) shall serve as the lead agency with responsibility for the development, coordination, and implementation of a plan for services for substance-exposed infants in the Commonwealth. Such plan shall (i) support a trauma-informed approach to identification and treatment of substance-exposed infants and their caregivers and (ii) include (a) options for improving screening and identification of substance-using pregnant women, (b) use of multidisciplinary approaches to intervention and service delivery during the prenatal period and following the birth of the substance-exposed child, and (c) referral among providers serving substance-exposed infants and their families and caregivers. The bill requires the Department to report annually to the General Assembly regarding implementation of the plan. This bill is identical to [SB 389](#).

Law Advice: FYI - No Direct Impact

HB1158 [Death certificates; medical certification, electronic filing, hospice.](#)

Companion Bill: SB309

Chief Patron: Wilt

Summary:

Requires a licensed funeral director, funeral service licensee, or representative of the office of the state anatomical program who first assumes custody of a dead body to complete and file a certificate of death with the State Registrar of Vital Records using the Electronic Death Registration System and provides that when a death occurs under the care of a hospice provider, the medical certification shall be completed by the decedent's health care provider and filed electronically with the State Registrar of Vital

Records using the Electronic Death Registration System for completion of the death certificate. The bill also provides that the medical certification may be completed by a physician licensed in another state who was in charge of the patient's care for the illness or condition that resulted in death. This bill is identical to [SB 309](#).

Law Advice: FYI - No Direct Impact

State budget required Medical Center to file death certificates electronically by April 2018

HB1173 [Controlled substances; limits on prescriptions containing opioids.](#)

Companion Bill: SB632

Chief Patron: Pillion

Summary:

Eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days. Under current law, a prescriber is not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The bill has an expiration date of July 1, 2022. This bill is identical to [SB 632](#).

Law Advice: Change in Requirement

HB1174 [Newborn screening; screening for Pompe disease, etc.](#)

Companion Bill: SB449

Chief Patron: Pillion

Summary:

Directs the Board of Health to amend regulations governing newborn screening to include screening for Pompe disease and mucopolysaccharidosis type 1 (MPS-1). This bill is identical to [SB 449](#).

Law Advice: New Requirement

HB1177 [Health insurance; contracts with pharmacies and pharmacists, etc.](#)

Companion Bill: SB933

Chief Patron: Pillion

Summary:

Provides that no provider contract between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain a provision (i) authorizing the carrier or its pharmacy benefits manager to charge, (ii) requiring the pharmacy or pharmacist to collect, or (iii) requiring an enrollee to make, a copayment for a covered prescription drug in an amount that exceeds the least of the applicable copayment for the prescription drug that would be payable in the absence of this section or the cash price the enrollee would pay for the prescription drug if the enrollee purchased the prescription drug without using the enrollee's health plan. The measure requires provider contracts between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent to contain specific provisions that allow a pharmacy to (a) disclose to an enrollee information relating to the provisions of this section and the availability of a more affordable therapeutically equivalent prescription drug; (b) sell a more affordable therapeutically equivalent prescription drug to an enrollee if one is available; and (c) offer and provide direct and limited delivery services to an enrollee as an ancillary service of the pharmacy. The measure applies to provider contracts entered into, amended, extended, or renewed on or after January 1, 2019. This bill is identical to [SB 933](#).

Law Advice: New Requirement

[HB1181 Online Va. Network Authority; adds Chancellor of Va. Community College System to board of trustees.](#)

Companion Bill: SB760

Chief Patron: Rush

Summary:

Adds the Chancellor of the Virginia Community College System or his designee and one nonlegislative citizen member appointed by the State Board for Community Colleges to the members of the board of trustees of the Online Virginia Network Authority (Authority). The bill also provides that the Online Virginia Network, established by the Authority, will facilitate the completion of degrees at comprehensive community colleges as well as at George Mason University and Old Dominion University. This bill is identical to [SB 760](#).

Law Advice: FYI - No Direct Impact

[HB1194 Schedule I controlled substances; adds various drugs to list.](#)

Chief Patron: Garrett

Summary:

Adds drugs to the list of Schedule I controlled substances.

Law Advice: FYI - No Direct Impact

[HB1197 Stroke care; Department of Health shall be responsible for quality](#)

improvement initiatives.

Companion Bill: SB867

Chief Patron: Garrett

Summary:

Provides that the Department of Health shall be responsible for stroke care quality improvement initiatives in the Commonwealth. Such initiatives shall include (i) establishing systems to collect data and information about stroke care in the Commonwealth, (ii) facilitating information and data sharing and collaboration among hospitals and health care providers to improve the quality of stroke care in the Commonwealth, (iii) requiring the application of evidence-based treatment guidelines for transitioning patients to community-based follow-up care following acute treatment for stroke, and (iv) establishing a process for continuous quality improvement for the delivery of stroke care by the statewide system for stroke response and treatment. The bill also directs the Department of Health to convene a group of stakeholders, which shall include representatives of (a) hospital systems, including at least one hospital system with at least six or more stroke centers in the Commonwealth, recommended by the Virginia Hospital and Healthcare Association; (b) the Virginia Stroke Systems Task Force; and (c) the American Heart Association/American Stroke Association, to advise on the implementation of stroke care quality improvement initiatives. The provisions of the bill making the Department of Health responsible for stroke care quality improvement initiatives in the Commonwealth have a delayed effective date of January 1, 2019. This bill is identical to [SB 867](#).

Law Advice: FYI - No Direct Impact

Delayed effective date: January 1, 2019

HB1198 Stroke centers, certified; designation of hospitals.

Companion Bill: SB868

Chief Patron: Garrett

Summary:

Expands the list of certified stroke center designations for hospitals included in regional stroke triage plans to include comprehensive stroke centers, primary stroke centers with supplementary levels of stroke care distinction, and acute stroke-ready hospitals and adds the American Heart Association to the list of entities authorized to provide certification of such hospitals. This bill is identical to [SB 868](#).

Law Advice: FYI - No Direct Impact

HB1221 Virginia Information Technologies Agency; additional duties of CIO, cybersecurity review.

Chief Patron: Thomas

Summary:

Requires the Chief Information Officer of the Virginia Information Technologies Agency to (i) conduct an annual comprehensive review of cybersecurity policies of every executive branch agency, with a particular focus on breaches in information technology that occurred in the reviewable year and any steps taken by agencies to strengthen cybersecurity measures, and (ii) issue a report of his findings to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance, which shall not contain technical information deemed security sensitive or information that would expose security vulnerabilities.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB1251 [CBD oil and THC-A oil; certification for use, dispensing.](#)

Companion Bill: SB726

Chief Patron: Cline

Summary:

Provides that a practitioner may issue a written certification for the use of cannabidiol (CBD) oil or THC-A oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. Under current law, a practitioner may only issue such certification for the treatment or to alleviate the symptoms of intractable epilepsy. The bill increases the supply of CBD oil or THC-A oil a pharmaceutical processor may dispense from a 30-day supply to a 90-day supply. The bill reduces the minimum amount of cannabidiol or tetrahydrocannabinol acid per milliliter for a dilution of the Cannabis plant to fall under the definition of CBD oil or THC-A oil, respectively. As introduced, this bill was a recommendation of the Joint Commission on Health Care. The bill contains an emergency clause. This bill is identical to [SB 726](#).

Law Advice: Change in Authority

Effective upon approval by Governor: March 9, 2018

HB1258 [Wireless communications infrastructure; zoning.](#)

Companion Bill: SB405

Chief Patron: Kilgore

Summary:

Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an

acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications; a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and other providers of functionally-equivalent service; and limits on the number of new wireless support structures that can be installed in a specific location. The measure prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities. The measure states that it does not prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant. The measure also requires that any publicly owned or privately owned wireless service provider operating within the Commonwealth or serving residents of the Commonwealth shall, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development a report detailing, by county, city, or town, enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless service. The measure also directs the Secretariats of Commerce and Trade and Public Safety and Homeland Security to convene a group of stakeholders to develop a plan for expanding access to wireless services in unserved and underserved areas of the Commonwealth. This bill is identical to [SB 405](#).

Law Advice: FYI - No Direct Impact

HB1265 [Education preparation programs; reading specialists, dyslexia.](#)

Companion Bill: SB368

Chief Patron: Cline

Summary:

Requires each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, or certificate for reading specialists to include a program of coursework or other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder. The bill requires such programs to (i) include coursework in the constructs and pedagogy underlying remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of an evidence-based, structured literacy instructional approach that includes explicit, systematic, sequential, and cumulative instruction. This bill is identical to [SB 368](#).

Law Advice: New Requirement

HB1277 [Government Data Collection and Dissemination Practices Act; sharing and dissemination of data.](#)

Chief Patron: Garrett

Summary:

Amends the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) to facilitate the sharing of data among agencies of the Commonwealth and between the Commonwealth and political subdivisions.

Law Advice: New Authority

Similar to SB580

HB1362 [Newborn screening; tests for time-critical disorders.](#)

Chief Patron: Austin

Summary:

Requires the Division of Consolidated Laboratory Services, or any other laboratory with which the Department of Health has contracted, to provide screening tests for time-critical disorders for newborns and children seven days a week. The bill has a delayed effective date of January 1, 2019.

Law Advice: New Requirement

Delayed effective date: January 1, 2019

HB1366 [Home care organization; licensure, multiple locations.](#)

Chief Patron: Bell, Richard P.

Summary:

Provides that any licensed home care organization may establish one or more branch offices serving portions of the total geographic area served by the licensee, provided that each branch office operates under the supervision and administrative control of the licensee and that the address of each branch office is submitted to the Department of Health and included on any license issued to the licensee. The bill directs the Department of Health to issue an updated license including the address of the newly established branch office to the home care organization within 10 business days of receipt of notice that the home care organization has established the branch office. Currently, a licensed home care organization cannot establish branch offices unless the Commissioner of Health issues a license authorizing the licensee to provide services at one or more branch offices and the address of each branch office is listed on such license.

Law Advice: FYI - No Direct Impact

HB1367 [Emergency Management, Virginia Department of; local sheltering data.](#)

Chief Patron: Jones, J.C.

Summary:

Requires localities to provide the State Coordinator of Emergency Management with certain data related to emergency sheltering capabilities on or before May 1 of each year.

Law Advice: FYI - No Direct Impact

HB1368 [Group accident and sickness insurance; eligibility for continuation of coverage.](#)

Chief Patron: Jones, J.C.

Summary:

Disqualifies a discharged employee from continuation of health insurance coverage under his former employer's group policy if the employee was discharged as a result of gross misconduct. The provision does not apply if the employer is required to provide for continuation of coverage under its group health plan pursuant to the federal Consolidated Omnibus Budget Reconciliation Act of 1985.

Law Advice: FYI - No Direct Impact

HB1377 [Epinephrine; possession and administration at outdoor educational programs.](#)

Chief Patron: Torian

Summary:

Provides that an employee of an organization that provides outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine and provides liability protection for such employees.

Law Advice: FYI - No Direct Impact

Existing UVA policy to stock epinephrine auto injectors in first aid kits to be administered by trained staff to any program participant or staff believed to be having an anaphylactic reaction

HB1378 [Surgical assistants; renewal of registration.](#)

Chief Patron: Robinson

Summary:

Provides that in cases in which a surgical assistant was initially registered on the basis of a credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical Technology and Surgical Assisting, the National Surgical Assistant Association, or the National Commission for the Certification of Surgical Assistants or a successor thereof, the surgical assistant must attest that such credential is still current upon applying for renewal of his registration as a surgical assistant.

Law Advice: FYI - No Direct Impact

HB1383 [Marriage and family therapy; clarifies definition, adds appraisal.](#)

Chief Patron: Rodman

Summary:

Defines "marriage and family therapy" as the "appraisal and treatment" of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques and delivery of services to individuals, couples, and families, singularly or in groups, for the purpose of treating such disorders. Under current law, "marriage and family therapy" is defined as the "assessment and treatment" of such disorders.

Law Advice: FYI - No Direct Impact

HB1388 [Enhanced Public Safety Telephone Services Act; implementation of 9-1-1 \(NG9-1-1\) services.](#)

Companion Bill: SB513

Chief Patron: Leftwich

Summary:

Establishes requirements regarding the implementation of next generation 9-1-1 (NG9-1-1) service. By July 1, 2023, the 9-1-1 Services Board (the Board) is required to develop and implement NG9-1-1 transition plans to migrate public service answering points and originating service providers from E-911 to NG9-1-1. The measure alters the formula and criteria for the Board's distribution of funds from the Wireless E-911 Fund. The measure also repeals provisions regarding (i) notices that providers of Voice over Internet protocol service are required to give to subscribers regarding access to E-911 service; (ii) plans for access by Voice over Internet protocol service subscribers to obtain E-911 service; and (iii) the Board's Wireless Carrier E-911 Cost Recovery Subcommittee. This bill is identical to [SB 513](#).

Law Advice: FYI - No Direct Impact

HB1412 [Mental health awareness; training for firefighters and emergency medical services personnel.](#)

Companion Bill: SB670

Chief Patron: Helsel

Summary:

Requires fire departments and emergency medical services agencies to develop curricula for mental health awareness training for their personnel. The bill provides that such personnel who receive the training shall receive appropriate continuing education credits. This bill is identical to [SB 670](#).

Law Advice: FYI - No Direct Impact

HB1415 [Henrietta Lacks Commission; established.](#)

Companion Bill: SB171

Chief Patron: Edmunds

Summary:

Creates the Henrietta Lacks Commission to establish through a public-private partnership the Henrietta Lacks Life Sciences Center in Halifax County as a cancer research and treatment center designed to (i) transform and accelerate cancer research and treatment through the use of biodata tools, (ii) provide tailored cancer treatment medicine to an underserved portion of rural Southside Virginia, and (iii) incubate new biotech businesses across the Southside Virginia region. The bill requires the Commission to annually submit a report on its interim activity and work to the Governor and General Assembly. The bill has an expiration date of July 1, 2021. This bill is identical to [SB 171](#).

Law Advice: FYI - No Direct Impact

HB1430 [Higher educational institution, public; crisis and emergency management plan, annual exercise.](#)

Companion Bill: SB931

Chief Patron: Bulova

Summary:

Requires each public institution of higher education to annually conduct a test or exercise in accordance with the protocols established by the institution's crisis and emergency management plan and certify in writing to the Department of Emergency Management that such a test or exercise was conducted. Under current law, each such institution is required to annually conduct a functional exercise in accordance with the protocols of such plan. The bill declares that the activation of its crisis and emergency management plan and completion of an after-action report by a public institution of higher education in response to an actual event or incident satisfies the requirement to conduct such a test or exercise. This bill is identical to [SB 931](#).

Law Advice: Change in Requirement

HB1467 [Virginia Research Investment Committee; change in membership.](#)

Chief Patron: Jones, S.C.

Summary:

Replaces the Secretary of Technology with the Secretary of Commerce and Trade on the Virginia Research Investment Committee. The bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective upon approval by Governor: March 19, 2018

HB1468 [Auditor of Public Accounts; eliminates requirement that the Auditor audit certain entities annually.](#)

Companion Bill: SB946

Chief Patron: Jones, S.C.

Summary:

Eliminates a requirement that the Auditor of Public Accounts audit certain entities annually. The bill provides for the Auditor to perform an audit for these entities as the Auditor determines necessary. This bill is identical to [SB 946](#).

Law Advice: FYI - No Direct Impact

HB1475 [Sewerage systems; state adoption of federal criteria.](#)

Companion Bill: SB344

Chief Patron: Poindexter

Summary:

Directs the State Water Control Board (the Board) not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria (the Criteria) unless the Board includes in such adoption a phased implementation program consistent with the federal Clean Water Act with certain funding and timing considerations. The bill also directs the Department of Environmental Quality to (i) identify any other states that have adopted the Criteria as of July 1, 2018; (ii) identify those procedures for the implementation of the Criteria that will minimize the impact of such implementation on Virginia sewerage systems while complying with the Clean Water Act; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee by November 1, 2018. The bill provides that the inclusion of the implementation program in the Board's current regulatory action shall not require reproposal of the current action. This bill is identical to [SB 344](#).

Law Advice: FYI - No Direct Impact

HB1482 Unmanned aircraft systems; use by Department of State Police and Department of Transportation.

Companion Bill: SB508

Chief Patron: Thomas

Summary:

Allows an unmanned aircraft system to be deployed without a warrant (i) by a law-enforcement officer to survey the scene of an accident for the purpose of crash reconstruction and record photographic or video images of the scene and (ii) by the Department of Transportation when assisting a law-enforcement officer to prepare a report of such accident because of personal injury, death, or property damage of \$1,500 or more. This bill is identical to [SB 508](#).

Law Advice: FYI - No Direct Impact

HB1524 Health record retention; practitioners to maintain records for a minimum of six years.

Chief Patron: Ingram

Summary:

Requires health care practitioners licensed by the Board of Medicine to maintain health records for a minimum of six years following the last patient encounter. The bill also provides that practitioners are not required to maintain health records for longer than 12 years from the date of creation except for (i) health records of a minor child, which shall be maintained until the patient reaches the age of 18 or becomes emancipated, with a minimum of six years following the last patient encounter, and (ii) health records that are required by contractual obligation or federal law to be maintained longer.

Law Advice: New Requirement

Limited impact as UVA follows state records retention requirements which exceed requirements in HB1524

HB1527 Civil Air Patrol; leave for volunteer members.

Chief Patron: Heretick

Summary:

Requires state and private employers to allow officers or employees who are volunteer members of the Civil Air Patrol to take leaves of absence from their respective duties without loss of seniority, accrued leave, benefits, or efficiency rating on all days during which such officer or employee is (i) engaged in training for emergency missions with the Civil Air Patrol, not to exceed 10 workdays per federal fiscal year, or (ii) responding to an emergency mission as a Civil Air Patrol volunteer, not to exceed 30

workdays per federal fiscal year. The bill requires any officer or employee requesting leave to provide certification that the officer or employee has been authorized by the United States Air Force, the Governor, or a department, division, agency, or political subdivision of the state to respond to or train for an emergency mission and verification from the Civil Air Patrol of the emergency need of the officer's or employee's volunteer service. The bill allows employers to treat such leaves of absence as unpaid leave but prohibits employers from requiring an officer or employee to exhaust any other leave to which he is entitled prior to such leaves of absence.

Law Advice: New Requirement

[HB1556 Prescription Monitoring Program; adds controlled substances included in Schedule V and naloxone.](#)

Companion Bill: SB832

Chief Patron: Pillion

Summary:

Adds controlled substances included in Schedule V for which a prescription is required and naloxone to the list of covered substances the dispensing of which must be reported to the Prescription Monitoring Program. This bill is identical to [SB 832](#).

Law Advice: Change in Requirement

[HB1583 Commonwealth Broadband Chief Advisor; establishes position.](#)

Chief Patron: Byron

Summary:

Establishes the position of Commonwealth Broadband Chief Advisor (Chief Advisor) within the Office of the Secretary of Commerce and Trade to serve as Virginia's single point of contact and integration for broadband issues, efforts, and initiatives and to increase the availability and affordability of broadband throughout all regions of the Commonwealth. The Chief Advisor shall be designated by the Secretary of Commerce and Trade, and staff for the Chief Advisor shall be provided by the Center for Innovative Technology and the Department of Housing and Community Development.

Law Advice: FYI - No Direct Impact

[HB1608 Virginia Water Quality Improvement Fund; publicly owned treatment works, nutrient reduction.](#)

Companion Bill: SB340

Chief Patron: Poindexter

Summary:

Authorizes the Director of the Department of Environmental Quality (the Department) to issue grants from the Virginia Water Quality Improvement Fund for water quality improvements, including cost effective technologies to reduce loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia, in order to meet certain requirements of ammonia-related regulations that are more stringent than those adopted by the State Water Control Board (the Board). The bill also requires the Department to prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at certain levels based on an estimate of the anticipated range of costs for all publicly owned treatment works if the Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. This bill is identical to [SB 340](#).

Law Advice: FYI - No Direct Impact

HJ16 [Bleeding Disorders Awareness Month; designating as March 2019, and each succeeding year thereafter.](#)

Chief Patron: Adams, D.M.

Summary:

Designates March, in 2019 and in each succeeding year, as Bleeding Disorders Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ55 [Endometriosis Awareness Month; designating as March 2018, and each succeeding year thereafter.](#)

Chief Patron: Keam

Summary:

Designates March, in 2018 and in each succeeding year, as Endometriosis Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ76 [Women Veterans Week; designating as third full week of March 2018, and each succeeding year.](#)

Companion Bill: SJ36

Chief Patron: Murphy

Summary:

Designates the third full week of March, in 2018 and in each succeeding year, as Women Veterans Week in Virginia. The resolution is identical to [SJ 36](#).

Law Advice: FYI - No Direct Impact

HJ77 [Statewide dig once policy; CIT to study feasibility of policy.](#)

Chief Patron: Boysko

Summary:

Directs the Secretary of the Commerce and Trade to request the Center for Innovative Technology (CIT) to study the feasibility of a statewide dig once policy, including the installation of conduits with bridge construction projects. In conducting its study, CIT shall examine the feasibility of a blanket policy for all nine of the Virginia Department of Transportation (VDOT) districts and shall consult various stakeholders, such as the Virginia Broadband Advisory Council, VDOT, telecommunication and cable providers, and utility providers.

Law Advice: Monitor and Track

HJ81 [Fall Prevention Awareness Week; designating as third full week of September 2018.](#)

Companion Bill: SJ47

Chief Patron: Delaney

Summary:

Designates the third full week of September, in 2018 and in each succeeding year, as Fall Prevention Awareness Week in Virginia. The resolution is identical to [SJ 47](#).

Law Advice: FYI - No Direct Impact

HJ103 [Virginia Retirement System; CNU to study feasibility and merits of a plan.](#)

Chief Patron: Torian

Summary:

Requests Christopher Newport University to study the feasibility and merits of a state-run retirement savings plan for employers and their employees who do not have access to an employer-provided retirement savings plan.

Law Advice: FYI - No Direct Impact

HJ114 [Drug-free Pain Management Awareness Month; designating as September 2018, and each succeeding year.](#)

Chief Patron: Hugo

Summary:

Designates September, in 2018 and in each succeeding year, as Drug-free Pain Management Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ144 [Sorensen Day; designating as February 13, 2018.](#)

Chief Patron: Keam

Summary:

Designates February 13, 2018, as Sorensen Day in Virginia, in celebration of the 25th anniversary of the founding of the Sorensen Institute for Political Leadership at the University of Virginia.

Law Advice: FYI - No Direct Impact

HJ202 [Celebrating the life of Marion Lee Stuart Cochran.](#)

Companion Bill: SJ122

Chief Patron: Bell, Richard P.

Summary:

Celebrating the life of Marion Lee Stuart Cochran.

Law Advice: FYI - No Direct Impact

HJ380 [Commending David T. Gies.](#)

Chief Patron: Toscano

Summary:

Commending David T. Gies.

Law Advice: FYI - No Direct Impact

HJ381 [Commending Teresa A. Sullivan.](#)

Chief Patron: Toscano

Summary:

Commending Teresa A. Sullivan.

Law Advice: FYI - No Direct Impact

HJ565 [Commending Stuart Wallace Connock.](#)

Chief Patron: Cox

Summary:

Commending Stuart Wallace Connock.

Law Advice: FYI - No Direct Impact

HR52 [Commending Andrew Brown.](#)

Chief Patron: Hayes

Summary:

Commending Andrew Brown

Law Advice: FYI - No Direct Impact

HR83 [Commending Tracey Krupski, M.D.](#)

Chief Patron: Austin

Summary:

Commending Tracey Krupski, M.D.

Law Advice: FYI - No Direct Impact

HR106 [Celebrating the life of L. Hope Lally.](#)

Chief Patron: Adams, D.M.

Summary:

Celebrating the life of L. Hope Lally.

Law Advice: FYI - No Direct Impact

SB20 [Regulatory reduction pilot program; Department of Planning and Budget to implement, report.](#)

Companion Bill: HB883

Chief Patron: Chase

Summary:

Directs the Department of Planning and Budget (the Department), under the supervision of the Secretary of Finance (the Secretary), to administer a three-year regulatory reduction pilot program aimed at reducing by 25 percent the regulations and regulatory requirements, as defined in the bill, of the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services by July 1, 2021. The bill requires the Secretary to report annually to the Speaker of the House and the Chairman of the Senate Rules Committee no later than October 1, 2019, and October 1, 2020, on the progress of the regulatory reduction pilot program. The bill also requires the Secretary to report by August 15, 2021, to the Speaker of the House and the Chairman of the Senate Rules Committee (i) the progress toward identifying the 25 percent reduction goal, (ii) recommendations for expanding the program to other agencies, and (iii) any additional information the Secretary determines may be helpful to support the General Assembly's regulatory reduction and reform efforts. The bill provides that if, by October 1, 2021, the program has achieved less than a 25 percent total reduction in regulations and regulatory requirements across both pilot agencies, the Secretary shall report on the feasibility and effectiveness of implementing a 2-for-1 regulatory budget providing that for every one new regulatory requirement, two existing regulatory requirements of equivalent or greater burden must be streamlined, repealed, or replaced for a period not to exceed three years. Lastly, the bill directs all executive branch agencies subject to the Administrative Process Act (§ 2.2-4000 et seq.) to develop a baseline regulatory catalog and report such catalog data to the Department, which shall then track and report on the extent to which agencies comply with existing requirements to periodically review all regulations every four years. This bill is identical to [HB 883](#).

Law Advice: New Requirement

SB28 [Medical research on dogs and cats; prohibition on use of state funds, civil penalty.](#)

Chief Patron: Stanley

Summary:

Prohibits the use of any funds appropriated, granted, or awarded by the Commonwealth by any person or entity, public or private, to directly fund medically unnecessary research classified under pain and distress category E by the U.S. Department of Agriculture on animal subjects. The direct funding of research shall not include the appropriation, grant, or award of funds for the construction or maintenance of facilities; the purchase or maintenance of general-use equipment; overhead costs; capital improvements; or faculty or employee salaries.

Law Advice: New Requirement

SB47 [Female genital mutilation; increases criminal penalty to Class 2 felony.](#)

Chief Patron: Black

Summary:

Increases from a Class 1 misdemeanor to a Class 2 felony the penalty for any person to knowingly circumcise, excise, or infibulate the labia majora, labia minora, or clitoris of a minor; for any parent or guardian charged with the care of a minor to consent to such circumcision, excision, or infibulation; or for any parent or guardian charged with the care of a minor to knowingly remove or cause or permit the removal of such minor from the Commonwealth for the purposes of performing such circumcision, excision, or infibulation.

Law Advice: FYI - No Direct Impact

SB51 [Income withholding orders; employer's duty to request disclosure.](#)

Chief Patron: Edwards

Summary:

Repeals the requirement, enacted in 1993, that an employer request that each new employee disclose whether the employee has an income withholding order. This requirement has been superseded in practice by requirements that an employer submit information about new hires to the Virginia New Hire Reporting Center within 20 days of the employee's hire date. Under the current system, relevant data in the State Directory of New Hires and the National Directory of New Hires is used by the Division of Child Support Enforcement to issue orders enforcing child support obligations. This bill is a recommendation of the Virginia Code Commission.

Law Advice: Eliminates Requirement

SB76 [Teacher licensure; approval of teacher education programs.](#)

Chief Patron: Favola

Summary:

Specifies that for the purpose of Board of Education regulations for the approval of teacher education programs, the term "education preparation program" includes four-year bachelor's degree programs in teacher education.

Law Advice: Change in Requirement

SB78 [Trust decanting; authorized fiduciary.](#)

Chief Patron: Edwards

Summary:

Reinstates the restriction in Virginia's former trust decanting law that limits the type of fiduciary who may exercise the decanting power to a disinterested trustee. The bill also reinstates the former provisions that state that the decanting power may be exercised by a majority of the authorized fiduciaries and that the court has the power to appoint a special fiduciary to exercise the decanting power. The bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective upon approval by Governor: March 23, 2018

SB109 [Dissemination of juvenile record information; emergency medical services agency applicants.](#)

Companion Bill: HB135

Chief Patron: Black

Summary:

Provides that juvenile record information maintained in the Central Criminal Records Exchange may be disseminated (i) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency and (ii) to the chief law-enforcement officer of a locality, or his designee who shall be an individual employed as a public safety official of the locality, that has adopted an ordinance to conduct investigations of employment applicants for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency. This bill incorporates [SB 118](#) and [SB 122](#) and is identical to [HB 135](#).

Law Advice: FYI - No Direct Impact

SB120 [Virginia Institutions of Higher Education Substance Use Advisory Committee; established.](#)

Companion Bill: HB852

Chief Patron: Favola

Summary:

Directs the Board of Directors of the Virginia Alcoholic Beverage Control Authority (Board) to establish and appoint members to the Virginia Institutions of Higher Education Substance Use Advisory Committee (Advisory Committee). The bill provides that the goal of the Advisory Committee shall be to

develop and update a statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private institutions of higher education. The bill provides that the Advisory Committee shall consist of representatives from Virginia's public and private institutions of higher education, including students and directors of student health, and such other members as the Board may deem appropriate. This bill is identical to [HB 852](#).

Law Advice: New Requirement

Advisory Committee to include representatives from institutions of higher education

SB121 [Child care providers; criminal history background check, sunset and contingency.](#)

Companion Bill: HB873

Chief Patron: Wexton

Summary:

Extends from July 1, 2018, to July 1, 2020, the expiration date and contingency on the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant of 2014, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. This bill is identical to [HB 873](#).

Law Advice: Change in Requirement

SB171 [Henrietta Lacks Commission; established.](#)

Companion Bill: HB1415

Chief Patron: Stanley

Summary:

Creates the Henrietta Lacks Commission to establish through a public-private partnership the Henrietta Lacks Life Sciences Center in Halifax County as a cancer research and treatment center designed to (i) transform and accelerate cancer research and treatment through the use of biodata tools, (ii) provide tailored cancer treatment medicine to an underserved portion of rural Southside Virginia, and (iii) incubate new biotech businesses across the Southside Virginia region. The bill requires the Commission to annually submit a report on its interim activity and work to the Governor and General Assembly. The

bill has an expiration date of July 1, 2021. This bill is identical to [HB 1415](#).

Law Advice: FYI - No Direct Impact

SB186 [**Unmanned aircraft by a locality; search warrant, exception.**](#)

Chief Patron: Black

Summary:

Authorizes a state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations to utilize an unmanned aircraft system without a search warrant when such system is utilized to support any locality for a purpose other than law enforcement.

Law Advice: FYI - No Direct Impact

SB211 [**Comprehensive plans; groundwater and surface water.**](#)

Chief Patron: Stuart

Summary:

Authorizes a locality to show in the locality's comprehensive plan the locality's long-range recommendations for groundwater and surface water availability, quality, and sustainability. The bill requires the local planning commission to survey and study groundwater and surface water availability, quality, and sustainability in the preparation of a comprehensive plan.

Law Advice: FYI - No Direct Impact

SB218 [**Recycling; clarifies definitions of beneficial use and recycling center, etc.**](#)

Chief Patron: Lewis

Summary:

Defines "beneficial use," "beneficiation facility," and "recycling center" and provides that a beneficiation facility or recycling center shall be considered a manufacturer for the purpose of any state or local economic development incentive grant. The bill directs the Department of Environmental Quality (the Department) to encourage and support beneficial use; current law requires the Department to encourage and support litter control and recycling. The bill also directs the Department to provide to the General Assembly by November 1, 2019, an evaluation of Virginia's solid waste recycling rates and a set of recommendations for improving the reliability of the supply of recycled materials during the next 10 years in order to provide for beneficial use.

Law Advice: FYI - No Direct Impact

SB222 [Patients; medically or ethically inappropriate care not required.](#)

Companion Bill: HB226

Chief Patron: Edwards

Summary:

Establishes a process whereby a physician may cease to provide health care that has been determined to be medically or ethically inappropriate for a patient. This bill is identical to [HB 226](#).

Law Advice: New Requirement

SB227 [New College Institute; powers and duties of board of directors.](#)

Chief Patron: Stanley

Summary:

Requires the board of directors of the New College Institute to seek opportunities to collaborate with local comprehensive community colleges to meet specialized noncredit workforce training needs identified by industry. However, if the local comprehensive community colleges are unable to meet such needs, the board may seek to collaborate with other education providers or other public or private organizations to provide specialized noncredit workforce training.

Law Advice: FYI - No Direct Impact

SB230 [Commonwealth's tax system; conformity with federal law, emergency.](#)

Companion Bill: HB154

Chief Patron: Hanger

Summary:

Advances conformity of the Commonwealth's tax code with the federal tax code to February 9, 2018. The bill conforms only to certain provisions of Public Law 115-97, known as the "Tax Cuts and Jobs Act," that affect taxable years prior to 2018. The bill conforms to provisions creating an incentive for taxpayers to make contributions to hurricane relief efforts and certain other provisions. The bill also conforms to provisions of Public Law 115-123, known as the "Bipartisan Budget Act of 2018," that affect taxable year 2017. The bill contains an emergency clause and is identical to [HB 154](#).

Law Advice: FYI - No Direct Impact

Effective upon approval by Governor: February 22, 2018

SB234 [Autism Advisory Council; extends sunset provision.](#)

Chief Patron: Hanger

Summary:

Extends the sunset provision of the Autism Advisory Council from July 1, 2018, to July 1, 2020. This bill incorporates [SB 337](#).

Law Advice: FYI - No Direct Impact

SB247 [Hemp, industrial; research programs.](#)

Companion Bill: HB532

Chief Patron: Dance

Summary:

Authorizes the Commissioner of Agriculture and Consumer Services to undertake research through the establishment of (i) a higher education industrial hemp research program, to be managed by institutions of higher education, and (ii) a Virginia industrial hemp research program. The bill classifies all participants in any research program as either growers or processors and replaces the current licensing requirement, which requires a police background check, with a registration requirement. This bill incorporates [SB 333](#) and is identical to [HB 532](#).

Law Advice: New Authority

Requires annual report by October 1 by any institution directly managing industrial hemp research program as authorized by SB247/HB532

SB248 [Virginia Retirement System; technical amendments.](#)

Companion Bill: HB846

Chief Patron: Dance

Summary:

Makes technical amendments to Title 51.1, Pensions, Benefits, and Retirement, including clarifying that medical boards may be composed of not only physicians but also other health care professionals and that the only federal civilian service eligible to be purchased as membership credit is full-time service. This bill is identical to [HB 846](#).

Law Advice: FYI - No Direct Impact

SB258 [Subpoenas; issuance by Director of Department of Health Professions or](#)

[his designee.](#)

Chief Patron: Petersen

Summary:

Provides that a subpoena issued by the Director of the Department of Health Professions or his designee may be delivered by (i) any person authorized to serve process under § 8.01-293, (ii) investigative personnel appointed by the Director, (iii) registered or certified mail or by equivalent commercial parcel delivery service, or (iv) email or facsimile if requested to do so by the recipient. The bill provides that upon failure of any person to comply with a subpoena, the Director may request that the Attorney General or the attorney for the Commonwealth for the jurisdiction in which the recipient of the subpoena resides, is found, or transacts business seek enforcement of the subpoena.

Law Advice: FYI - No Direct Impact

SB265 [Coastal Adaptation and Protection, Special Assistant to the Governor; position created.](#)

Companion Bill: HB345

Chief Patron: Lewis

Summary:

Creates the executive branch position of Special Assistant to the Governor for Coastal Adaptation and Protection (the Assistant). The bill provides that the Assistant shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy. The bill directs the Assistant to initiate and assist with economic development opportunities associated with adaptation, to advance academic expertise at the Commonwealth Center for Recurrent Flooding and Resiliency, and to pursue federal, state, and local funding opportunities for adaptation initiatives. This bill is identical to [HB 345](#).

Law Advice: FYI - No Direct Impact

SB269 [Medicare patients; patient notice of observation or outpatient status.](#)

Chief Patron: Black

Summary:

Provides that, for Medicare patients placed in observation or outpatient status, any hospital that provides a written notice and an oral explanation of such notice to the patient that satisfies the federal requirements for such notice shall be deemed to have satisfied Virginia's requirements for such notice. The bill also extends the timeframe for the provision of the notice required by current law from 24 hours to 36 hours. This bill incorporates [SB 281](#).

Law Advice: Change in Requirement

SB287 [Statewide Trauma Registry; spinal cord injuries.](#)

Chief Patron: McClellan

Summary:

Provides that the Commissioner of Health shall make information contained in the Statewide Trauma Registry available to the Department for Aging and Rehabilitative Services to allow the Department to develop and implement programs and services for persons suffering from spinal cord injuries.

Law Advice: FYI - No Direct Impact

SB304 [Emergency medical services vehicles; temporary permit.](#)

Chief Patron: Marsden

Summary:

Provides that a temporary permit for an emergency medical services vehicle that does not meet required standards is valid for a period of 90 days from the end of the month of issue. Under current law, such permit is valid for a period not to exceed 60 days.

Law Advice: FYI - No Direct Impact

SB305 [Cognitive impairment; VDH to include certain information in its public health outreach programs.](#)

Chief Patron: Dance

Summary:

Directs the Department of Health, in partnership with the Alzheimer's Disease and Related Disorders Commission, the Department for Aging and Rehabilitative Services, and the Alzheimer's Association, to incorporate in its existing, relevant public health outreach programs information (i) to educate health care providers on the importance of early detection and timely diagnosis of cognitive impairment, validated cognitive assessment tools, the value of a Medicare Annual Wellness visit for cognitive health, and the new Medicare care planning billing code for individuals with cognitive impairment and (ii) to increase understanding and awareness of early warning signs of Alzheimer's disease and other types of dementia, the value of early detection and diagnosis, and how to reduce the risk of cognitive decline, particularly among persons in diverse communities who are at greater risk of developing Alzheimer's disease and other types of dementia. This bill incorporates [SB 327](#).

Law Advice: FYI - No Direct Impact

SB307 [Unmanned aircraft systems; work group to explore issues related system](#)

activities.

Chief Patron: Cosgrove

Summary:

Directs the Department of Aviation to convene a work group with stakeholders to explore issues related to unmanned aircraft system activities in coordination with the Federal Aviation Administration and other responsible federal agencies. The bill defines "unmanned aircraft" and "unmanned aircraft system" for application to Title 5.1 (Aviation), but such definitions shall not become effective unless reenacted by the 2019 Session of the General Assembly.

Law Advice: FYI - No Direct Impact

SB309 Death certificates; medical certification, electronic filing, hospice.

Companion Bill: HB1158

Chief Patron: Cosgrove

Summary:

Requires a licensed funeral director, funeral service licensee, or representative of the office of the state anatomical program who first assumes custody of a dead body to complete and file a certificate of death with the State Registrar of Vital Records using the Electronic Death Registration System and provides that when a death occurs under the care of a hospice provider, the medical certification shall be completed by the decedent's health care provider and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System for completion of the death certificate. a physician licensed in another state who was in charge of the patient's care for the illness or condition that resulted in death. This bill is identical to [HB 1158](#).

Law Advice: FYI - No Direct Impact

State budget required Medical Center to file death certificates electronically by April 2018

SB310 Medical Assistance Services, Department of; eligibility for services under waiver.

Chief Patron: DeSteph

Summary:

Directs the Department of Medical Assistance Services to make recommendations regarding changes that provide flexibility to an individual enrolled in a home and community-based waiver to choose his place of residence in the Commonwealth.

Law Advice: Monitor and Track

SB315 [Hearing aid specialists; exemptions for the sale of hearing aids.](#)

Chief Patron: Ruff

Summary:

Allows licensed audiologists who have earned a doctoral degree in audiology to obtain a license to engage in the practice of fitting or dealing in hearing aids without the prerequisite of being required to pass an examination. The bill defines "audiologist" and "practice of audiology."

Law Advice: New Authority

SB319 [Contractors, general; waiver or diminishment of lien rights, subordination of lien rights.](#)

Companion Bill: HB823

Chief Patron: Ruff

Summary:

Provides that a general contractor may not waive or diminish his lien rights in a contract in advance of furnishing any labor, services, or materials. The bill further provides that, notwithstanding the prohibition against waiving or diminishing such a lien right, a general contractor may, prior to or after providing any labor, services, or materials, contract to subordinate his lien rights to prior and later recorded deeds of trust, provided that such contract is (i) in writing and (ii) signed by any general contractor whose lien rights are being subordinated pursuant to such contract. This bill is identical to [HB 823](#).

Law Advice: FYI - No Direct Impact

SB330 [THC-A oil; dispensing, tetrahydrocannabinol levels.](#)

Chief Patron: Dunnavant

Summary:

Adds cannabidiol oil (CBD oil) or THC-A oil to the list of covered substances the dispensing of which must be reported to the Prescription Monitoring Program. The bill requires a practitioner, prior to issuing a written certification for CBD oil or THC-A oil to a patient, to request information from the Director of the Department of Health Professions for the purpose of determining what other covered substances have been dispensed to the patient.

The bill requires the Board of Pharmacy to (i) promulgate regulations that include a process for registering CBD oil and THC-A oil products and (ii) require an applicant for a pharmaceutical processor permit to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for a criminal history record search. The bill requires a pharmacist or pharmacy technician, prior to the initial dispensing of each written certification, to (a) make and maintain for two years a paper or electronic copy of the

written certification that provides an exact image of the document that is clearly legible; (b) view a current photo identification of the patient, parent, or legal guardian; and (c) verify current board registration of the practitioner and the corresponding patient, parent, or legal guardian. The bill requires that, prior to any subsequent dispensing of each written certification, the pharmacist, pharmacy technician, or delivery agent view the current written certification; a current photo identification of the patient, parent, or legal guardian; and the current board registration issued to the patient, parent, or legal guardian.

Finally, the bill requires a pharmaceutical processor to ensure that the percentage of tetrahydrocannabinol in any THC-A oil on site is within 10 percent of the level of tetrahydrocannabinol measured for labeling and to establish a stability testing schedule of THC-A oil.

Law Advice: New Requirement

Effective upon approval by Governor: March 30, 2018

SB340 [Virginia Water Quality Improvement Fund; publicly owned treatment works, nutrient reduction.](#)

Companion Bill: HB1608

Chief Patron: Peake

Summary:

Authorizes the Director of the Department of Environmental Quality (the Department) to issue grants from the Virginia Water Quality Improvement Fund for water quality improvements, including cost effective technologies to reduce loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia, in order to meet certain requirements of ammonia-related regulations that are more stringent than those adopted by the State Water Control Board (the Board). The bill also requires the Department to prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at certain levels based on an estimate of the anticipated range of costs for all publicly owned treatment works if the Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. This bill is identical to [HB 1608](#).

Law Advice: FYI - No Direct Impact

SB344 [Sewerage systems; state adoption of federal criteria.](#)

Companion Bill: HB1475

Chief Patron: Peake

Summary:

Directs the State Water Control Board (the Board) not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria (the Criteria) unless the Board includes in such

adoption a phased implementation program consistent with the federal Clean Water Act with certain funding and timing considerations. The bill also directs the Department of Environmental Quality to (i) identify any other states that have adopted the Criteria as of July 1, 2018; (ii) identify those procedures for the implementation of the Criteria that will minimize the impact of such implementation on Virginia sewerage systems while complying with the Clean Water Act; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee by November 1, 2018. The bill provides that the inclusion of the implementation program in the Board's current regulatory action shall not require reproposal of the current action. This bill is identical to [HB 1475](#).

Law Advice: FYI - No Direct Impact

SB347 [**Statewide cancer registry; collection of data on exposure to fire incidents and cancer incidence.**](#)

Chief Patron: Peake

Summary:

Provides that one purpose of the statewide cancer registry shall be to collect data to evaluate potential links between exposure to fire incidents and cancer incidence.

Law Advice: FYI - No Direct Impact

SB349 [**Teachers; requirements for license, provisional license, etc.**](#)

Companion Bill: HB1125

Chief Patron: Peake

Summary:

Makes several changes to the teacher licensure process, including (i) permitting teachers with a valid out-of-state license, with full credentials and without deficiencies, to receive licensure by reciprocity without passing additional licensing assessments and (ii) permitting a local school board or division superintendent to waive certain licensure requirements for any individual who holds a provisional license and is employed by the local school board. This bill incorporates [SB 257](#), [SB 409](#), [SB 548](#), [SB 549](#), [SB 551](#), [SB 558](#), [SB 723](#), and [SB 863](#) and is identical to [HB 1125](#).

Law Advice: FYI - No Direct Impact

SB368 [**Education preparation programs; reading specialists, dyslexia.**](#)

Companion Bill: HB1265

Chief Patron: Newman

Summary:

Requires each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, or certificate for reading specialists to include a program of coursework or other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder. The bill requires such programs to (i) include coursework in the constructs and pedagogy underlying remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of an evidence-based, structured literacy instructional approach that includes explicit, systematic, sequential, and cumulative instruction. This bill is identical to [HB 1265](#).

Law Advice: New Requirement

SB371 [Parks, local; waterway activities, liability.](#)

Companion Bill: HB220

Chief Patron: Chafin

Summary:

Authorizes a locality or park authority to establish, conduct, and regulate a system of boating, canoeing, kayaking, or tubing activities on waterways and to exercise certain related powers. The bill releases from certain civil liability a locality that establishes such a system or a system of hiking, biking, or horseback riding trails, or the owner of any property leased or licensed for such uses, in the absence of gross negligence or willful misconduct. This bill is identical to [HB 220](#).

Law Advice: FYI - No Direct Impact

SB386 [Va. Public Procurement Act; SWaM program, participation of service disabled veteran-owned business.](#)

Chief Patron: DeSteph

Summary:

Provides that contracts and subcontracts awarded to service disabled veteran-owned businesses shall be credited toward the small business, women-owned, and minority-owned business contracting and subcontracting goals of state agencies and state contractors.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

SB389 [Substance-exposed infants; plan for services.](#)

Companion Bill: HB1157

Chief Patron: Chafin

Summary:

Provides that the Department of Health (the Department) shall serve as the lead agency with responsibility for the development, coordination, and implementation of a plan for services for substance-exposed infants in the Commonwealth. Such plan shall (i) support a trauma-informed approach to identification and treatment of substance-exposed infants and their caregivers and (ii) include (a) options for improving screening and identification of substance-using pregnant women, (b) use of multidisciplinary approaches to intervention and service delivery during the prenatal period and following the birth of the substance-exposed child, and (c) referral among providers serving substance-exposed infants and their families and caregivers. The bill requires the Department to report annually to the General Assembly regarding implementation of the plan. This bill is identical to [HB 1157](#).

Law Advice: FYI - No Direct Impact

SB391 [Housing; installation and maintenance of smoke and carbon monoxide alarms in rental property.](#)

Companion Bill: HB609

Chief Patron: Barker

Summary:

Creates a statewide standard for the installation and maintenance of smoke and carbon monoxide alarms in rental property. The bill requires a landlord (i) to install a smoke alarm but does not permit a locality to require new or additional wiring or the upgrading of smoke alarms under certain conditions and (ii) to certify annually that smoke alarms have been installed and maintained in good working order in a residential dwelling unit pursuant to the Statewide Fire Prevention Code (§ 27-94 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). The landlord is also required to install a carbon monoxide alarm upon request by a tenant; the installation and subsequent maintenance must be in compliance with the Statewide Fire Prevention Code and the Uniform Statewide Building Code. A tenant of a rental dwelling unit with a smoke alarm or both smoke and carbon monoxide alarms shall not tamper or remove such alarms. Under the bill, a reasonable accommodation must be made for persons who are deaf or hearing impaired, upon request. Localities that have enacted a fire and carbon monoxide alarm ordinance must conform such ordinances with these state standards by July 1, 2019. The bill also requires the Department of Housing and Community Development, in consultation with the Department of Fire Programs, to develop a form for landlords for use in certifying inspections that summarizes smoke alarm maintenance requirements for landlords and tenants. The bill, as introduced, is a recommendation of the Virginia Housing Commission. This bill incorporates [SB 743](#) and is identical to [HB 609](#).

Law Advice: Change in Requirement

SB394 [Qualified Education Loan Ombudsman, Office of the; established, report.](#)

Companion Bill: HB1138

Chief Patron: Howell

Summary:

Establishes the Office of the Qualified Education Loan Ombudsman (the Office) within the State Council of Higher Education for Virginia. The Office's duties include (i) receiving, reviewing, and attempting to resolve complaints from qualified education loan borrowers; (ii) compiling and analyzing data on such complaints; (iii) assisting qualified education loan borrowers to understand their rights and responsibilities under the terms of qualified education loans; (iv) providing information regarding the problems and concerns of qualified education loan borrowers; (v) analyzing and monitoring the development and implementation of applicable laws and policies; and (vi) disseminating information concerning the availability of the Office to assist qualified education loan borrowers and any other participant in qualified education loan lending with qualified education loan servicing concerns. The Office is further required to establish and maintain a qualified education loan borrower education course by December 1, 2019. This bill is identical to [HB 1138](#).

Law Advice: FYI - No Direct Impact

SB399 [Drug overdose fatality review teams, local or regional; localities to establish.](#)

Chief Patron: Lewis

Summary:

Authorizes any county or city, or any combination of counties, cities, or counties and cities, to establish a local or regional overdose fatality review team for the purpose of (i) conducting contemporaneous reviews of local overdose deaths, (ii) promoting cooperation and coordination among agencies involved in investigations of overdose deaths or in providing services to surviving family members, (iii) developing an understanding of the causes and incidence of overdose deaths in the locality, (iv) developing plans for and recommending changes within the agencies represented on the local team to prevent overdose deaths, and (v) advising the Department of Health and other relevant state agencies on changes to law, policy, or practice to prevent overdose deaths. The bill authorizes a local or regional team to review the death of any person who resides in the Commonwealth and whose death was or is suspected to be due to overdose. A violation of the confidentiality of the review process is punishable as a Class 3 misdemeanor.

Law Advice: FYI - No Direct Impact

SB405 [Wireless communications infrastructure; zoning.](#)

Companion Bill: HB1258

Chief Patron: McDougle

Summary:

Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications; a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and other providers of functionally-equivalent service; and limits on the number of new wireless support structures that can be installed in a specific location. The measure prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities. The measure states that it does not prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant. The measure also requires that any publicly owned or privately owned wireless service provider operating within the Commonwealth or serving residents of the Commonwealth shall, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development a report detailing, by county, city, or town, enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless service. The measure also directs the Secretariats of Commerce and Trade and Public Safety and Homeland Security to convene a group of stakeholders to develop a plan for expanding access to wireless services in unserved and underserved areas of the Commonwealth. This bill is identical to [HB 1258](#).

Law Advice: FYI - No Direct Impact

SB410 [**Law-enforcement vehicles; vehicles equipped with steady-burning blue or red lights.**](#)

Chief Patron: McDougle

Summary:

Permits law-enforcement vehicles to be equipped with steady-burning blue or red lights in addition to being equipped with flashing, blinking, or alternating blue, blue and red, blue and white, or red, white, and blue combination warning lights of types approved by the Superintendent of State Police.

Law Advice: New Authority

SB413 [**Schedule VI; delivery of prescription devices on behalf of medical equipment supplier.**](#)

Companion Bill: HB878

Chief Patron: McDougle

Summary:

Provides that a permitted manufacturer, wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider or registered nonresident manufacturer or nonresident wholesale distributor (the provider) may deliver a Schedule VI prescription device directly to an ultimate user or consumer, provided that the provider is delivering on behalf of and has entered into an agreement with (i) a medical equipment supplier that has received a valid order from a prescriber authorizing the dispensing of the Schedule VI prescription device or (ii) a medical director of a home health agency, nursing home, assisted living facility, or hospice who has requested the distribution of the Schedule VI prescription device to be administered by persons authorized to administer such devices. The bill directs the Board of Pharmacy to promulgate regulations to implement the provisions of the measure within 280 days. This bill is identical to [HB 878](#).

Law Advice: FYI - No Direct Impact

SB418 [**Public safety answering points; deployment of text-to-9-1-1.**](#)

Chief Patron: Barker

Summary:

Requires each public safety answering point (PSAP), by July 1, 2020, to be able to receive and process calls for emergency assistance sent via text message.

Law Advice: FYI - No Direct Impact

Implementation of new system by July 1, 2020

SB429 [**Solar facilities; local regulation.**](#)

Companion Bill: HB508

Chief Patron: Stanley

Summary:

Provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic or architectural preservation district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are

located, shall be subject to any applicable zoning regulations of the locality. The bill requires that any ground-mounted solar energy generation facility existing as of January 1, 2018, be deemed a legal nonconforming use, with certain exceptions. The bill has a delayed effective date of January 1, 2019, with respect to ground-mounted solar energy generation facilities. This bill is identical to [HB 508](#).

Law Advice: FYI - No Direct Impact

SB449 [Newborn screening; screening for Pompe disease, etc.](#)

Companion Bill: HB1174

Chief Patron: Chafin

Summary:

Directs the Board of Health to amend regulations governing newborn screening to include screening for Pompe disease and mucopolysaccharidosis type 1 (MPS-1). This bill is identical to [HB 1174](#).

Law Advice: New Requirement

SB478 [Contractors; work without valid Va. license, prohibited acts.](#)

Companion Bill: HB732

Chief Patron: Reeves

Summary:

Provides that a construction contract entered into by a person undertaking work without a valid Virginia contractor's license shall not be enforceable by the unlicensed contractor undertaking the work unless the unlicensed contractor (i) gives substantial performance within the terms of the contract in good faith and (ii) did not have actual knowledge that a license or certificate was required to perform the work for which he seeks to recover payment. This bill is identical to [HB 732](#).

Law Advice: FYI - No Direct Impact

SB487 [Virginia Fraud Against Taxpayers Act; raises civil penalties in Act.](#)

Chief Patron: Edwards

Summary:

Raises the amounts for the civil penalties in the Virginia Fraud Against Taxpayers Act from not less than \$5,500 and not more than \$11,000 to not less than \$10,957 and not more than \$21,916. The bill also provides that these amounts shall automatically increase as prescribed by the Federal False Claims Act, in which the civil penalties are adjusted to the rate of inflation.

Law Advice: FYI - No Direct Impact

SB492 [Towing; increases maximum hookup and initial towing fee of any passenger car.](#)

Companion Bill: HB800

Chief Patron: Carrico

Summary:

Increases the maximum hookup and towing fee for passenger vehicles from \$135 to \$150. The bill contains a technical amendment. This bill is identical to [HB 800](#).

Law Advice: FYI - No Direct Impact

SB508 [Unmanned aircraft systems; use by Department of State Police and Department of Transportation.](#)

Companion Bill: HB1482

Chief Patron: Carrico

Summary:

Allows an unmanned aircraft system to be deployed without a warrant (i) by a law-enforcement officer to survey the scene of an accident for the purpose of crash reconstruction and record photographic or video images of the scene and (ii) by the Department of Transportation when assisting a law-enforcement officer to prepare a report of such accident because of personal injury, death, or property damage of \$1,500 or more. This bill is identical to [HB 1482](#).

Law Advice: FYI - No Direct Impact

SB511 [Optometry; scope of practice.](#)

Chief Patron: Suetterlein

Summary:

Provides that the practice of optometry includes the evaluation, examination, diagnosis, and treatment of abnormal or diseased conditions of the human eye and its adnexa by the use of medically recognized and appropriate devices, procedures, or technologies but that it does not include treatment through surgery, including laser surgery, other invasive modalities, or the use of injections, except for certain injections by TPA-certified optometrists and for the treatment of emergency cases of anaphylactic shock with intramuscular epinephrine. The bill authorizes a TPA-certified optometrist to administer therapeutic pharmaceutical agents by injection for the treatment of chalazia by means of an injection of a steroid included in Schedule VI controlled substances, provided that the optometrist provides written evidence

that he has completed certain training requirements to the Board of Optometry.

Law Advice: Change in Authority

SB512 [FOIA; student addresses, telephone numbers, and email addresses.](#)

Chief Patron: Suetterlein

Summary:

Prohibits the custodian of a scholastic record from releasing the address, phone number, or email address of a student in response to a FOIA request without first obtaining the written consent of either the student or the student's parent or legal guardian.

Law Advice: New Requirement

HB1 also imposes new requirements concerning release of student directory information

SB513 [Enhanced Public Safety Telephone Services Act; implementation of 9-1-1 \(NG9-1-1\) services.](#)

Companion Bill: HB1388

Chief Patron: Suetterlein

Summary:

Establishes requirements regarding the implementation of next generation 9-1-1 (NG9-1-1) service. By July 1, 2023, the 9-1-1 Services Board (the Board) is required to develop and implement NG9-1-1 transition plans to migrate public service answering points and originating service providers from E-911 to NG9-1-1. The measure alters the formula and criteria for the Board's distribution of funds from the Wireless E-911 Fund. The measure also repeals provisions regarding (i) notices that providers of Voice over Internet protocol service are required to give to subscribers regarding access to E-911 service; (ii) plans for access by Voice over Internet protocol service subscribers to obtain E-911 service; and (iii) the Board's Wireless Carrier E-911 Cost Recovery Subcommittee. This bill is identical to [HB 1388](#).

Law Advice: FYI - No Direct Impact

SB536 [Medicare, Medicaid and CHIP; duty of in-network providers to submit claims.](#)

Chief Patron: Obenshain

Summary:

Extends the duty of in-network providers of health care services to submit claims to an insurer for health care provided to an individual covered by Medicare, Medicaid, or CHIP within a specified time period.

Law Advice: Change in Requirement

SB544 [Prescription drugs; donation of used medicines.](#)

Chief Patron: Obenshain

Summary:

Requires that the existing prescription drug donation program regulated by the Board of Pharmacy accept eligible prescription drugs from individuals, including those residing in nursing homes, assisted living facilities, or intermediate care facilities established for individuals with intellectual disability (ICF/IID), licensed hospitals, any facility operated by the Department of Behavioral Health and Developmental Services, from an agent pursuant to a power of attorney, a decedent's personal representative, a legal guardian of an incapacitated person, and a guardian ad litem donated on behalf of the represented individual. The bill also provides liability protection for those who donate, accept, and dispense such unused drugs.

Law Advice: FYI - No Direct Impact

SB560 [Long-Term Employment Support and Extended Employment Services; assisting persons with disabilities.](#)

Companion Bill: HB916

Chief Patron: Hanger

Summary:

Requires the Department for Aging and Rehabilitative Services to administer Long-Term Employment Support Services and Extended Employment Services to assist individuals with disabilities with maintaining employment. This bill is identical to [HB 916](#).

Law Advice: FYI - No Direct Impact

SB568 [Higher educational institutions, public; student loan information.](#)

Chief Patron: Obenshain

Summary:

Requires any public institution of higher education that receives federal education loan information for a student enrolled in the institution to provide such student, at least once during each academic year, certain information and estimates regarding the student's federal education loans.

Law Advice: New Requirement

SB569 [Contractors; exemption from licensure certain students.](#)

Chief Patron: DeSteph

Summary:

Exempts from licensure any person who is performing work directly under the supervision of a licensed contractor and is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a student enrolled in a career training or technical education program, or (iii) an apprentice. The bill expands a current exemption from licensure for work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition on behalf of a properly licensed contractor by raising the value threshold from \$2,500 or less to \$5,000 or less per project and by adding a home improvement building contractor classification to the list of valid licenses the supervising contractor may hold.

Law Advice: FYI - No Direct Impact

SB580 [Government Data Collection and Dissemination Practices Act; amends Act to facilitate sharing data.](#)

Chief Patron: Hanger

Summary:

Amends the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) to facilitate the sharing of data among agencies of the Commonwealth and between the Commonwealth and political subdivisions. The bill creates the position of Chief Data Officer of the Commonwealth (CDO), housed in the office of the Secretary of Administration, to (i) develop guidelines regarding data usage, storage, and privacy and (ii) coordinate and oversee data sharing in the Commonwealth to promote the usage of data in improving the delivery of services. The bill also creates a temporary Data Sharing and Analytics Advisory Committee (Advisory Committee) to advise the CDO in the initial establishment of guidelines and best practices and to make recommendations to the Governor and General Assembly regarding a permanent data governance structure.

The bill directs the CDO and the Advisory Committee to focus their initial efforts on developing a project for the sharing, analysis, and dissemination at a state, regional, and local level of data related to substance abuse, with a focus on opioid addiction, abuse, and overdose.

This bill incorporates [SB 459](#), [SB 719](#), [SB 804](#), and [SB 830](#).

Law Advice: Monitor and Track

Similar to HB1277; Advisory committee to include representative from public institution of higher education

SB631 [Virginia Community College System; changes to ensure a standard quality](#)

of education.

Companion Bill: HB919

Chief Patron: Dunnavant

Summary:

Makes several changes relating to course credit at public institutions of higher education in the Commonwealth, including requiring (i) the Virginia Community College System to develop a 15-credit-hour Passport Program and a 30-credit-hour Uniform Certificate of General Studies Program to be offered at each comprehensive community college and for which courses are transferable, except in certain circumstances, to each baccalaureate public institution of higher education and (ii) each baccalaureate public institution of higher education to develop pathway maps that clearly set forth the courses that a student at a comprehensive community college is encouraged to complete prior to transferring to the baccalaureate institution. This bill incorporates SB 77 and SB 107 and is identical to [HB 919](#).

Law Advice: New Requirement

See bill for relevant effective/implementation dates

SB632 Controlled substances; limits on prescriptions containing opioids.

Companion Bill: HB1173

Chief Patron: Dunnavant

Summary:

Eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days. Under current law, a prescriber is not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The bill has an expiration date of July 1, 2022. This bill is identical to [HB 1173](#).

Law Advice: Change in Requirement

SB633 Auditor of Public Accounts; employee compensation information.

Chief Patron: Dunnavant

Summary:

Adds state employee bonuses, total compensation, and the identifier associated with each position for which the annual rate of pay is more than \$10,000 to the list of data that must be maintained on the Auditor of Public Accounts online database. The bill has a delayed effective date of July 1, 2019.

Law Advice: Change in Requirement

SB633 imposes additional requirement on APA, but may require UVA to provide additional data to APA; delayed effective date: July 1, 2019

SB637 [Virginia Longitudinal Data System; workforce data.](#)

Chief Patron: Dunnavant

Summary:

Requires the State Council of Higher Education for Virginia (SCHEV), through the Virginia Longitudinal Data System, to report additional information regarding the alignment of postsecondary education and workforce preparation in the Commonwealth. The bill also directs the Department of Motor Vehicles, the Virginia Employment Commission, and the Department of Taxation to cooperate with SCHEV to further assist in the collection and sharing of data regarding workforce analysis.

Law Advice: FYI - No Direct Impact

SB651 [Va. Public Procurement Act; executive branch agency's goals for participation by small businesses.](#)

Chief Patron: McPike

Summary:

Expands the requirement under the Virginia Public Procurement Act that any executive branch agency's goals for participation by small businesses include a minimum of three percent participation by service disabled veteran businesses from when such agencies are contracting only for information technology goods and services to when such agencies are contracting for any goods and services. The bill contains technical amendments.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

SB652 [People with Severe Disabilities, Board for Purchases of Services from; established.](#)

Chief Patron: McPike

Summary:

Provides that all employment services organizations certified by the Department of Small Business and Supplier Diversity (the Department) for certain exemptions from the Administrative Process Act (§ 2.2-4000 et seq.) shall remain in effect until the Department is notified by the Department for Aging and Rehabilitative Services that such an organization is no longer approved. The bill also directs the

Secretary of Administration to convene a work group to examine and make recommendations regarding public employment of individuals with significant disabilities. The Secretary of Administration shall report the findings and recommendations of the work group to the Governor and General Assembly on or before July 1, 2019.

Law Advice: FYI - No Direct Impact

SB663 [Health benefit plan networks; informed decision.](#)

Companion Bill: HB778

Chief Patron: McPike

Summary:

Requires each hospital to establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition, the hospital provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan. The provisions of such requirement become effective on March 1, 2019. The bill directs the Office of Emergency Medical Services to develop a mechanism no later than January 1, 2019, to disclose to a patient, prior to services provided by an out-of-network air transport provider, a good faith estimate of the range of typical charges for out-of-network air transport services provided in that geographic area.

Law Advice: New Requirement

Delayed effective date: March 1, 2019

SB670 [Mental health awareness; training for firefighters and emergency medical services personnel.](#)

Companion Bill: HB1412

Chief Patron: Deeds

Summary:

Requires fire departments and emergency medical services agencies to develop curricula for mental health awareness training for their personnel. The bill provides that such personnel who receive the training shall receive appropriate continuing education credits. This bill is identical to [HB 1412.](#)

Law Advice: FYI - No Direct Impact

SB673 [Emergency custody; extension of period of detention.](#)

Chief Patron: Deeds

Summary:

Repeals the June 30, 2018, sunset on provisions authorizing a community services board to continue to attempt to identify a facility other than a state hospital that is able and willing to provide temporary detention and appropriate care to an individual who is subject to an emergency custody order for up to four hours after the period of emergency custody has run.

Law Advice: FYI - No Direct Impact

SB684 [Removal of snow and ice; county executive form of government.](#)

Companion Bill: HB775

Chief Patron: Deeds

Summary:

Authorizes any county outside Planning District 8 that has adopted the county executive form of government (Albemarle County) to provide by ordinance reasonable criteria and requirements for the removal of accumulations of snow and ice from public sidewalks by the owner or other person in charge of any occupied property. Currently, only counties within Northern Virginia Planning District 8 may adopt such an ordinance. This bill is identical to [HB 775](#).

Law Advice: FYI - No Direct Impact

SB688 [Va. Public Procurement Act; cooperative procurement, stream restoration & stormwater management.](#)

Companion Bill: HB574

Chief Patron: Ruff

Summary:

Excludes the purchase of (i) stream restoration and (ii) stormwater management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction. This bill is identical to [HB 574](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

SB703 [Out-of-state emergency medical services providers; authorized to provide](#)

[service in Commonwealth.](#)

Chief Patron: Ruff

Summary:

Authorizes an emergency medical services provider who holds a valid license or certification in a state that borders the Commonwealth to provide emergency medical services in the Commonwealth if such services are provided at a widely attended event open to the public and, due to the expected number of attendees, the anticipated need for emergency medical services at the event is beyond the capacity of local emergency medical services providers. The bill requires that notice and certain information be provided to the Commissioner of Health. The bill provides that any out-of-state emergency medical services provider who holds a license or certification in a state that has entered into an interstate compact of which the Commonwealth is a member or any other interstate agreement with the Commonwealth regarding emergency medical services providers will be governed by the provisions of such compact or agreement.

Law Advice: FYI - No Direct Impact

SB725 [Human trafficking; posting hotline information, civil penalty.](#)

Chief Patron: Dunnivant

Summary:

Requires local departments of health, the Department of Transportation, each rest area in the Commonwealth, and certain health care facilities to post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance.

Law Advice: New Requirement

Limited impact as the posting requirement may not apply to Medical Center

SB726 [CBD oil and THC-A oil; certification for use, dispensing.](#)

Companion Bill: HB1251

Chief Patron: Dunnivant

Summary:

Provides that a practitioner may issue a written certification for the use of cannabidiol (CBD) oil or THC-A oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. Under current law, a practitioner may only issue such certification for the treatment or to alleviate the symptoms of intractable epilepsy. The bill increases the supply of CBD oil or THC-A oil a pharmaceutical processor may dispense from a 30-day supply to a 90-day supply. The bill reduces the minimum amount of cannabidiol or tetrahydrocannabinol acid per milliliter for a dilution of the Cannabis plant to fall under the definition of CBD oil or THC-A oil,

respectively. As introduced, this bill was a recommendation of the Joint Commission on Health Care. The bill contains an emergency clause. This bill incorporates [SB 597](#), [SB 788](#), and [SB 795](#) and is identical to [HB 1251](#).

Law Advice: Change in Authority

Effective upon approval by Governor: April 9, 2018

SB728 [Prescription Monitoring Program; prescriber and dispenser patterns, annual review, report.](#)

Companion Bill: HB313

Chief Patron: Dunnavant

Summary:

Requires the Director of the Department of Health Professions to annually review controlled substance prescribing and dispensing patterns. The bill requires the Director to conduct such review in consultation with an advisory panel consisting of representatives from the relevant health regulatory boards, the Department of Health, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services. The bill requires the Director to make any necessary changes to the criteria for unusual patterns of prescribing and dispensing and report any findings and recommendations for best practices to the Joint Commission on Health Care by November 1 of each year. This bill is identical to [HB 313](#).

Law Advice: FYI - No Direct Impact

SB735 [Prescription Monitoring Program; DHP to disclose information.](#)

Chief Patron: Dunnavant

Summary:

Allows the Director of the Department of Health Professions to disclose information about a specific recipient of covered substances who is a recipient of medical assistance services to a physician or pharmacist licensed in the Commonwealth or his designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Department of Medical Assistance Services, for the purpose of determining eligibility for and managing the care of the recipient in a Patient Utilization Management Safety or similar program.

Law Advice: FYI - No Direct Impact

SB741 [Stormwater management; termination of general permit, notice.](#)

Chief Patron: Ruff

Summary:

Requires a Virginia Stormwater Management Program Authority (VSMP authority) to recommend that the Department of Environmental Quality terminate coverage under a General Permit for Discharges of Stormwater from Construction Activities within 60 days of receiving a complete notice of termination from the operator of the construction activity. The bill (i) provides that such permit coverage shall be deemed terminated 90 days after the receipt by the VSMP authority of a complete notice of termination and (ii) requires any VSMP authority receiving incomplete notice to inform the operator within a reasonable time and provide a detailed list of the missing elements.

Law Advice: FYI - No Direct Impact

SB747 [Higher educational institutions, public; guaranteed admissions agreements.](#)

Chief Patron: Sturtevant

Summary:

Provides that the guaranteed admissions agreements between baccalaureate public institutions of higher education and associate-degree-granting public institutions of higher education may provide for the guaranteed admission of a student who earns an associate degree concurrently with a high school diploma through a dual enrollment program, as well as any student who earns an associate degree after high school.

Law Advice: FYI - No Direct Impact

Allows GAAs to include students who earn associate degrees concurrently with high school degrees via dual enrollment

SB760 [Online Va. Network Authority; adds Chancellor of Va. Community College System to board of trustees.](#)

Companion Bill: HB1181

Chief Patron: Newman

Summary:

Adds the Chancellor of the Virginia Community College System or his designee and one nonlegislative citizen member appointed by the State Board for Community Colleges to the members of the board of trustees of the Online Virginia Network Authority (Authority). The bill also provides that the Online Virginia Network, established by the Authority, will facilitate the completion of degrees at comprehensive community colleges as well as at George Mason University and Old Dominion University. This bill incorporates [SB 724](#) is identical to [HB 1181](#).

Law Advice: FYI - No Direct Impact

SB809 [Eminent domain; calculation of lost profits amends definitions.](#)

Chief Patron: Petersen

Summary:

Amends, in the definitions of "lost profits" and "business profit" for the purposes of eminent domain, the period for which lost profits are calculated to a period not to exceed three years from the later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken. Under current law, lost profits are calculated for a period not to exceed (a) three years from the date of valuation if less than the entire parcel of property is taken or (b) one year from the date of valuation if the entire parcel of property is taken. The bill specifies that the person claiming lost profits is entitled to compensation whether part of the property or the entire parcel of property is taken. The bill further specifies that if the owner is not named in the petition for condemnation, he may intervene in the proceeding and that proceedings to adjudicate lost profits may be bifurcated from the other proceedings to determine just compensation if the lost profits claim period will not expire until one year or later from the date of the filing of the petition for condemnation, but such bifurcation shall not prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority. This bill incorporates [SB 911](#).

Law Advice: FYI - No Direct Impact

SB829 [Military medical personnel program; personnel may practice under supervision of physician, etc.](#)

Companion Bill: HB915

Chief Patron: Barker

Summary:

Directs the Department of Veterans Services to establish a program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine or nursing under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program, or his designee who is licensed by the Board of Medicine and supervising within his scope of practice. The bill allows the chief medical officer of an organization participating in such program to, in consultation with the chief nursing officer of such organization, designate a registered nurse licensed by the Board of Nursing or practicing with a multistate licensure privilege to supervise military personnel participating in such program while engaged in the practice of nursing. This bill is identical to [HB 915](#).

Law Advice: FYI - No Direct Impact

SB832 [Prescription Monitoring Program; adds controlled substances included in Schedule V naloxone.](#)

Companion Bill: HB1556

Chief Patron: Carrico

Summary:

Adds controlled substances included in Schedule V for which a prescription is required and naloxone to the list of covered substances the dispensing of which must be reported to the Prescription Monitoring Program. This bill is identical to [HB 1556](#).

Law Advice: Change in Requirement

SB833 [Installation of a pen register or trap and trace device; emergency circumstances.](#)

Chief Patron: Carrico

Summary:

Provides that when disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain a pen register or trap and trace device installation without a court order in certain emergency circumstances. The bill provides that when a pen register or trap and trace device is installed without a court order under such circumstances, the investigative or law-enforcement officer shall file with the appropriate court, within three days of seeking such installation, a written statement setting forth the facts giving rise to the emergency and the reasons why the installation of the pen register or trap and trace device was believed to be important in addressing the emergency. The bill also provides that real-time location data may be obtained without a warrant from a provider of electronic communication service or remote computing service in order to locate a child who is reasonably believed to have been abducted or to be missing and endangered.

Law Advice: New Authority

SB867 [Stroke care; Department of Health shall be responsible for quality improvement initiatives.](#)

Companion Bill: HB1197

Chief Patron: McPike

Summary:

Provides that the Department of Health shall be responsible for stroke care quality improvement initiatives in the Commonwealth. Such initiatives shall include (i) establishing systems to collect data and information about stroke care in the Commonwealth, (ii) facilitating information and data sharing and collaboration among hospitals and health care providers to improve the quality of stroke care in the Commonwealth, (iii) requiring the application of evidence-based treatment guidelines for transitioning patients to community-based follow-up care following acute treatment for stroke, and (iv) establishing a process for continuous quality improvement for the delivery of stroke care by the statewide system for

stroke response and treatment. The bill also directs the Department of Health to convene a group of stakeholders, which shall include representatives of (a) hospital systems, including at least one hospital system with at least six or more stroke centers in the Commonwealth, recommended by the Virginia Hospital and Healthcare Association; (b) the Virginia Stroke Systems Task Force; and (c) the American Heart Association/American Stroke Association, to advise on the implementation of stroke care quality improvement initiatives. The provisions of the bill making the Department of Health responsible for stroke care quality improvement initiatives in the Commonwealth have a delayed effective date of January 1, 2019. This bill is identical to [HB 1197](#).

Law Advice: FYI - No Direct Impact

Delayed effective date: January 1, 2019

SB868 [Stroke centers, certified; designation of hospitals.](#)

Companion Bill: HB1198

Chief Patron: McPike

Summary:

Expands the list of certified stroke center designations for hospitals included in regional stroke triage plans to include comprehensive stroke centers, primary stroke centers with supplementary levels of stroke care distinction, and acute stroke-ready hospitals and adds the American Heart Association to the list of entities authorized to provide certification of such hospitals. This bill is identical to [HB 1198](#).

Law Advice: FYI - No Direct Impact

SB882 [Prescription refill; protocol.](#)

Chief Patron: DeSteph

Summary:

Provides that a prescriber may authorize a registered nurse or licensed practical nurse to approve additional refills of a prescribed drug for no more than 90 consecutive days, provided that (i) the drug is classified as a Schedule VI drug; (ii) there are no changes in the prescribed drug, strength, or dosage; (iii) the prescriber has a current written protocol, accessible by the nurse, that identifies the conditions under which the nurse may approve additional refills; and (iv) the nurse documents in the patient's chart any refills authorized for a specific patient pursuant to the protocol and the additional refills are transmitted to a pharmacist in accordance with the allowances for an authorized agent to transmit a prescription orally or by facsimile pursuant to current law and regulations of the Board of Pharmacy.

Law Advice: New Authority

SB884 [Alcoholic beverage control; increases general license application fee.](#)

Companion Bill: HB826

Chief Patron: McDougle

Summary:

Increases the alcoholic beverage general license application fee from \$65 to \$195. The bill also increases the application fee for mixed beverage special event licenses from \$15 to \$45 and increases the state tax on wine shipper's licenses, beer shipper's licenses, and wine and beer shipper's licenses from \$95 to \$230. The bill establishes that it is a Class 1 misdemeanor for (i) any person to sell wine to retailers or consumers without paying the wine excise tax or (ii) any retailer to purchase, receive, transport, store, or sell any wine on which such retailer has reason to know such tax has not been paid and may not be paid. The bill provides for a civil penalty for (a) each manufacturer or wholesaler who fails to make any return and pay the full amount of the wine excise tax or (b) each manufacturer or wholesaler who makes a false or fraudulent return, where willful intent exists to defraud the Commonwealth of any excise tax due on each liter of wine. Current law provides for these criminal and civil penalties with regard to failure to pay the excise tax imposed on beer and wine coolers but not for failure to pay the excise tax on wine. This bill is identical to [HB 826](#).

Law Advice: Change in Requirement

SB908 [Electric vehicle charging stations; local and public operation.](#)

Companion Bill: HB922

Chief Patron: McClellan

Summary:

Authorizes any locality or public institution of higher education, or the Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases. The bill allows a locality to limit the use of a retail fee-based electric vehicle charging station on its property to employees of the locality and authorized visitors and to install signage that provides notice of such restriction. The bill exempts such a locality, public institution of higher education, or the Department of Conservation and Recreation from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. This bill is identical to [HB 922](#).

Law Advice: New Authority

SB912 [Law-enforcement officers, retired; carrying a concealed handgun, return to work.](#)

Chief Patron: Chase

Summary:

Clarifies that a retired law-enforcement officer shall surrender his proof of consultation to carry a concealed handgun when he returns to work as a law-enforcement officer. Current law does not specify that his return to work be as a law-enforcement officer.

Law Advice: FYI - No Direct Impact

SB918 [Professional and occupational regulation; authority to suspend or revoke licenses, certificates.](#)

Chief Patron: Ebbin

Summary:

Provides that the Board of Education, the Board of Accountancy, and regulatory boards within the Department of Professional and Occupational Regulation and the Department of Health Professions shall not be authorized to suspend or revoke the license, certificate, registration, permit, or authority issued to any person who is in default or delinquent in the payment of a federal-guaranteed or state-guaranteed educational loan or work-conditional scholarship solely on the basis of such default or delinquency.

Law Advice: FYI - No Direct Impact

Similar to HB1114

SB924 [Honor & Remember Flag; standards for display at state buildings, etc.](#)

Chief Patron: Cosgrove

Summary:

Provides that in the absence of a directive from the Governor or the Director of the Department of General Services, the head of the state agency that controls any facility or building outside of Capitol Square may determine when to display the Honor and Remember Flag, provided that the Honor and Remember Flag that is displayed is (i) smaller in height and width than the flag of the United States that is officially displayed at the building or facility and (ii) made in the United States.

Law Advice: FYI - No Direct Impact

SB931 [Higher educational institution, public; crisis and emergency management plan, annual exercise.](#)

Companion Bill: HB1430

Chief Patron: Lewis

Summary:

Requires each public institution of higher education to annually conduct a test or exercise in accordance

with the protocols established by the institution's crisis and emergency management plan and certify in writing to the Department of Emergency Management that such a test or exercise was conducted. Under current law, each such institution is required to annually conduct a functional exercise in accordance with the protocols of such plan. The bill declares that the activation of its crisis and emergency management plan and completion of an after-action report by a public institution of higher education in response to an actual event or incident satisfies the requirement to conduct such a test or exercise. This bill is identical to [HB 1430](#).

Law Advice: Change in Requirement

SB933 [Health insurance; contracts with pharmacies and pharmacists, etc.](#)

Companion Bill: HB1177

Chief Patron: Saslaw

Summary:

Provides that no provider contract between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain a provision (i) authorizing the carrier or its pharmacy benefits manager to charge, (ii) requiring the pharmacy or pharmacist to collect, or (iii) requiring an enrollee to make, a copayment for a covered prescription drug in an amount that exceeds the least of the applicable copayment for the prescription drug that would be payable in the absence of this section or the cash price the enrollee would pay for the prescription drug if the enrollee purchased the prescription drug without using the enrollee's health plan. The measure requires provider contracts between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent to contain specific provisions that allow a pharmacy to (a) disclose to an enrollee information relating to the provisions of this section and the availability of a more affordable therapeutically equivalent prescription drug; (b) sell a more affordable therapeutically equivalent prescription drug to an enrollee if one is available; and (c) offer and provide direct and limited delivery services to an enrollee as an ancillary service of the pharmacy. The measure applies to provider contracts entered into, amended, extended, or renewed on or after January 1, 2019. This bill is identical to [HB 1177](#).

Law Advice: New Requirement

SB946 [Auditor of Public Accounts; eliminates requirement that the Auditor audit certain entities annually.](#)

Companion Bill: HB1468

Chief Patron: Hanger

Summary:

Eliminates a requirement that the Auditor of Public Accounts audit certain entities annually. The bill provides for the Auditor to perform an audit for these entities as the Auditor determines necessary. This bill is identical to [HB 1468](#).

Law Advice: FYI - No Direct Impact

SB959 [Disposition of unclaimed dead body; final orders of transportation and disposition.](#)

Chief Patron: McDougle

Summary:

Provides that in cases in which a county or city attorney or the attorney for the Commonwealth for a county or city requests an order for transportation and disposition of an unclaimed dead body, the attorney shall do so forthwith and without delay and shall request that the order be entered by the court within one business day. The bill also provides that the request shall include instructions for the transportation and disposition of the unclaimed dead body and that the final order may direct the clerk to provide a copy of the final order to the attorney who has submitted the request.

Law Advice: FYI - No Direct Impact

SB966 [Electric utility regulation; grid modernization, energy efficiency.](#)

Chief Patron: Wagner

Summary:

Provides that, in lieu of the biennial review proceedings previously required, Dominion Energy Virginia (DEV) and Appalachian Power (APCo) will be subject to triennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services. The measure advances the termination of the Transitional Rate Period for DEV by three years, to December 31, 2016. The termination of the Transitional Rate Period for APCo remains December 31, 2017. DEV's first review after its Transitional Rate Period will be held in 2021, which is one year earlier than currently scheduled, and will utilize the four 12-month test periods beginning January 1, 2017, and ending December 31, 2020. APCo's first review after its Transitional Rate Period will be held in 2020, which is unchanged, and will utilize the three 12-month test periods beginning January 1, 2017, and ending December 31, 2019. The measure also (i) requires the State Corporation Commission (SCC) to enter its final order on petitions for approval of a voluntary rate or rate design test or experiment by the earlier of not more than six months after the filing of the petition or three months after the hearing on the petition; (ii) excludes from the definition of "public utility" for purposes of the Utility Facility Act a company that provides storage of electric energy that is not for sale to the public, if the company is not organized as a public utility; (iii) authorizes an investor-owned electric utility, if a cable operator does not elect to relocate facilities underground when the electric utility relocates its facilities underground, to either convey poles to the cable operator or retain ownership of the poles; (iv) provides that an energy efficiency program proposed by an electric or natural gas utility is in the public interest if the net present value of the benefits exceeds the net present value of the costs as determined by any three of four benefit cost tests; (v) exempts large general service customers from being charged any costs of new energy efficiency programs; (vi) establishes a new rate adjustment clause category for expenses of electric distribution grid transformation projects, which include advanced metering infrastructure, intelligent grid devices, automated control systems for electric distribution circuits and substations, communications networks for service meters, certain distribution

system hardening projects, physical security measures at key distribution substations, cyber security measures, certain energy storage systems and microgrids, electrical facilities and infrastructure for electric vehicle charging systems, LED street light conversions, and new customer information platforms; (vii) declares that electric distribution grid transformation projects are in the public interest; (viii) provides that the costs of such projects may be recovered either through a rate adjustment clause or through a customer credit reinvestment offset; (ix) directs the SCC to approve, without consideration of their reasonableness or prudence, the costs of the conversion of an investor-owned electric utility's existing overhead distribution tap lines with new underground facilities if the average cost per customer does not exceed \$20,000 and the costs per mile do not exceed \$750,000, provided that as of December 31, 2028, any costs recovered by a utility for such purpose is limited to the remaining costs for conversions previously approved or for which approval is pending; (x) requires the SCC to enter an order on a petition for approval of an electric distribution grid transformation project within six months after the petition's filing; (xi) increases the amount of capacity of solar and wind generation facilities constructed by a utility that are in the public interest from 50 megawatts to 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts; (xii) declares that offshore wind generation facilities with a capacity of not more than 16 megawatts, and all onshore wind generation facilities, are in the public interest and that the costs thereof may be recovered either through a rate adjustment clause or through a customer credit reinvestment offset; (xiii) provides that if DEV has not commenced construction of an offshore wind generation facility by July 1, 2023, the SCC may cease its rate adjustment clause and roll the costs into its rate base without increasing base rates; (xiv) requires certain costs related to generation plant facilities fueled by coal, natural gas, or oil or for automated meter reading electric distribution service meters and costs associated with projects necessary to comply with state or federal environmental laws, regulations, or judicial or administrative orders relating to coal combustion by-product management that the utility does not petition to recover through a rate adjustment clause to be deemed to have been recovered through customer rates during the test period under review unless doing so would place the utility in an under-earning position, in which event the SCC is required to authorize deferred recovery of such costs and allow the utility to amortize and recover the deferred costs over future periods; (xv) bars the SCC, in the first triennial review proceeding conducted after January 1, 2021, from ordering a rate increase for DEV and from ordering a rate decrease of more than \$50 million; (xvi) allows utilities, upon request, to reduce or eliminate amounts of overearnings that otherwise would be required to be credited to customers by applying a customer credit reinvestment offset for expenses on new solar and wind generation facilities and electric distribution grid transformation projects, if the utility has invested in such projects an amount not less than 100 percent of the amount of its overearnings; (xvii) provides that the portion of the costs associated with new utility-owned solar or wind generation facilities or with electric distribution grid transformation projects that are the subject of a customer credit reinvestment offset shall not be thereafter recoverable through the utility's base rates or a rate adjustment clause; (xviii) requires APCo to continue funding its pilot program for energy assistance and weatherization for low-income, elderly, and disabled individuals at no less than the existing levels, and requires DEV to fund its similar pilot program at no less than \$13 million annually; (xix) directs the SCC to find that prior to January 1, 2024, the construction or purchase by a public utility of certain solar or wind generation facilities, or the purchase by a public utility of energy, capacity, and environmental attributes from such solar facilities, is in the public interest, and requires 25 percent of the generation capacity from such facilities to be from the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities owned by persons other than a public utility; (xx) requires all of such solar generation capacity located in the Commonwealth to be subject to competitive procurement but allows a public utility to select solar generation capacity without regard to whether such selection satisfies price criteria if the selection of the solar generating capacity materially advances non-price criteria if such non-price solar generating capacity selected does not exceed 25 percent of the utility's solar generating capacity; (xxi) authorizes a utility to petition the SCC for a

prudency determination for a solar or wind project; (xxii) requires electric utilities to file updates to its integrated resource plan (IRP) in each year immediately preceding the year the utility is subject to a triennial review filing rather than annually; and (xxiii) requires each electric utility's IRP to evaluate long-term electric distribution grid planning and proposed electric distribution grid transformation projects and developing a long-term plan for energy efficiency measures to accomplish policy goals of reduction in customer bills, reduction in emissions, and reduction in carbon intensity. The provision creating the customer credit reinvestment offset expires on July 1, 2028. The measure also includes enactment clauses that (a) establish a pilot program consisting of the approval of the underground construction of two electrical transmission lines and direct the SCC to approve as a qualifying project a transmission line that appears to track the I-66 Hybrid Route that has been considered in the application of DEV for the Haymarket transmission line project in Prince William County and approve a rate adjustment clause to allow the utility to recover from the utility's Virginia jurisdictional customers the costs of the project; (b) bar APCo from recovering \$10 million of incurred fuel costs; (c) require DEV to provide current customers voluntary bill credits of \$133 million in 2018 and \$67 million in 2019; (d) require reductions in the rates for incumbent electric utilities to reflect reductions in federal tax liability resulting from the enactment of federal tax legislation, including reductions in 2018 of \$50 million by APCo and \$125 million by DEV; (e) direct the SCC to conduct pilot programs for the deployment of electric power storage batteries with capacity limits of up to 10 MW for APCo and 30 MW for DEV; (f) allow certain large nonresidential customers that enter into a three-year minimum exclusive supply agreement to receive a Manufacturing and Commercial Competitiveness Retention Credit that reduces their base generation charges by two percent; (g) require DEV to consider in its next IRP whether the construction or purchase of one or more generation facilities with at least one MW of generating capacity that use combined heat and power or waste heat to power are in the customer interest; (h) require APCo and DEV to investigate the feasibility of providing broadband Internet services to unserved areas of the Commonwealth using utility distribution and transmission infrastructure; (i) require the SCC to submit annual reports that assess, among other things, new construction and development of new utility-owned and utility-operated generating facilities utilizing energy derived from sunlight; (j) require APCo and DEV to develop programs of energy conservation measures, with APCo's program costing not less than \$140 million and DEV's program costing not less than \$870 million; (k) require APCo and DEV to each investigate and report upon its economic development activities and assistance provided to Virginia localities in the area of economic development in each utility's respective service area; (l) require APCo and DEV to investigate potential improvements to net energy metering programs; (m) require DEV's IRPs to incorporate policy goals of reduction in customer bills, reduction in emissions, and reduction in the utility's carbon intensity; (n) require the SCC to submit annual reports assessing the reliability of electrical transmission or distribution systems, the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid, the level of investment in generation, transmission, or distribution of electricity, and related matters; (o) provide that the provisions of this measure apply retroactively to applications regarding new underground facilities or offshore wind facilities pending with the SCC on or after January 1, 2018; (p) require APCo, subject to SCC approval, by July 1, 2018, to construct or acquire solar generation facilities in Virginia with an aggregate capacity of not less than 200 MW; (q) provide that no more than one half of the combined capital investment amount attributable to investments in new utility-owned solar or wind generation facilities, electric distribution grid transformation projects, undergrounding distribution facilities, undergrounding two transmission lines, and energy efficiency programs shall be investments in undergrounding distribution facilities, undergrounding two transmission lines, and electric grid distribution transformation projects solely designed for physical security at distribution substations; and (r) require the SCC to submit reports after each triennial review proceeding that describe and quantify investments in solar and wind projects and in electric distribution grid transformation projects. This bill incorporates [SB 855](#), [SB 901](#), and [SB 967](#).

Law Advice: FYI - No Direct Impact

SB989 [Virginia Antitrust Act; exemption for hospitals.](#)

Chief Patron: Wagner

Summary:

Removes the exemption from the Virginia Antitrust Act that currently exists for certain activities of nonprofit hospitals or their officers, directors, or employees.

Law Advice: FYI - No Direct Impact

SJ36 [Women Veterans Week; designating as third full week of March 2018, and each succeeding year.](#)

Companion Bill: HJ76

Chief Patron: Wexton

Summary:

Designates the third full week of March, in 2018 and in each succeeding year, as Women Veterans Week in Virginia. The resolution is identical to [HJ 76](#).

Law Advice: FYI - No Direct Impact

SJ44 [Governor; confirming appointments.](#)

Chief Patron: Vogel

Summary:

Confirms appointments of certain persons made by Governor McAuliffe and communicated to the General Assembly August 1, 2017.

Law Advice: FYI - No Direct Impact

Confirms 2017 appointments to UVA's Board of Visitors

SJ47 [Fall Prevention Awareness Week; designating as third full week of September 2018.](#)

Companion Bill: HJ81

Chief Patron: Ebbin

Summary:

Designates the third full week of September, in 2018 and in each succeeding year, as Fall Prevention Awareness Week in Virginia. The resolution is identical to [HJ 81](#).

Law Advice: FYI - No Direct Impact

SJ75 [Ethic laws; joint subcommittee to study.](#)

Chief Patron: Norment

Summary:

Establishes a two-year joint subcommittee consisting of six legislative members (four delegates and two senators) and two nonlegislative citizen members to study the current ethics laws in the Commonwealth. In conducting its study, the joint subcommittee shall study the disclosure requirements of the members of the General Assembly and lobbyists and identify those portions of the ethics laws that should be repealed, substantially amended, rewritten for clarity, or retained in their present form. In its review, the joint subcommittee shall examine the effectiveness and efficiency of the ethics laws in promoting public trust and confidence in the service of public officials.

Law Advice: Monitor and Track

SJ113 [Commending the Thomas C. Sorensen Institute for Political Leadership.](#)

Chief Patron: Cosgrove

Summary:

Commending the Thomas C. Sorensen Institute for Political Leadership.

Law Advice: FYI - No Direct Impact

SJ122 [Celebrating the life of Marion Lee Stuart Cochran.](#)

Companion Bill: HJ202

Chief Patron: Hanger

Summary:

Celebrating the life of Marion Lee Stuart Cochran.

Law Advice: FYI - No Direct Impact

SJ137 [Commending the Heart of Virginia Healthcare Cooperative.](#)

Chief Patron: Dunnavant

Summary:

Commending the Heart of Virginia Healthcare Cooperative.

Law Advice: FYI - No Direct Impact