

University of Virginia -- Office of State Governmental Relations
LAW REPORT
Tuesday, July 2, 2019

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HB1611 Virginia College Savings Plan; definitions, prepaid tuition contracts, pricing reserves.

Companion Bill: SB1368

Chief Patron: Landes

Summary:

Provides that in the event that the ratio of the assets of the Virginia College Savings Plan (the Plan) to the obligations of the Plan exceeds 105 percent, the pricing reserve, which the bill defines as the percentage by which the actuarially determined prepaid tuition contract price exceeds the amount estimated to meet the actuarially determined tuition obligation for such prepaid tuition contract, shall not exceed five percent. The bill provides that in the event that the ratio of the assets of the Plan to the obligations of the Plan does not meet or exceed 105 percent, the pricing reserve may exceed five percent but shall not exceed 10 percent. The bill also requires the governing board of the Plan to provide to the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Legislative Audit and Review Commission written notification and a detailed explanation of any change to the pricing reserve within 30 days of such change.

Law Advice: FYI - No Direct Impact

HB1614 Stormwater Management Fund, local; locality by ordinance authorized to create.

Companion Bill: SB1248

Chief Patron: Cole

Summary:

Authorizes a locality by ordinance to create a local Stormwater Management Fund consisting of appropriated local moneys for the purpose of granting funds to an owner of private property or a common interest community for stormwater management and erosion prevention on previously developed lands. This bill is identical to [SB 1248](#).

Law Advice: FYI - No Direct Impact

HB1629 Virginia Public Procurement Act; request for proposals, publication.

Chief Patron: Fowler

Summary:

Removes the requirement for newspaper publication of Requests for Proposals for professional services. The bill also requires a local public body to post a Request for Proposal on the Department of General Services' central electronic procurement website when it elects not to publish such Request for Proposal

in a newspaper of general circulation in the area in which the contract is to be performed.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB1639 [Medical Assistance Services, Department of; payment for certain services to hospice patients.](#)

Chief Patron: Head

Summary:

Directs the Department of Medical Assistance Services to implement a process for direct payment of nursing facility or ICF/MR services for hospice patients receiving services in a nursing facility or ICF/MR, if such patient would be eligible for medical assistance for nursing facility or ICF/MR services had he not elected to receive hospice care. The bill provides that payments made to a nursing facility or ICF/MR shall be the full amount that would be paid to the nursing facility or ICF/MR, if the individual was not receiving hospice services, and shall not reflect any discount to such rates.

Law Advice: FYI - No Direct Impact

HB1640 [Health carriers; services provided by nurse practitioners.](#)

Companion Bill: SB1178

Chief Patron: Ransone

Summary:

Requires health insurers and health services plan providers whose policies or contracts cover services that may be legally performed by licensed nurse practitioners to provide equal coverage for such services when rendered by a licensed nurse practitioner. The bill contains an enactment that exempts the measure from the requirement that the Health Insurance Reform Commission review any legislative measure containing a mandated health insurance benefit or provider. The bill has a delayed effective date of October 1, 2019.

Law Advice: FYI - No Direct Impact

Delayed effective date of October 1, 2019

HB1662 [Child restraint devices and safety belts; exempts emergency and law-enforcement vehicles.](#)

Companion Bill: SB1677

Chief Patron: Head

Summary:

Exempts the operators of emergency medical services agency vehicles, fire company vehicles, fire department vehicles, and law-enforcement agency vehicles during the performance of their official duties from (i) the requirement that certain minors be secured with a safety belt and (ii) the requirement that minors under the age of eight be secured in a child restraint device, provided that exigent circumstances exist and no child restraint device is readily available. This bill is identical to [SB 1677](#).

Law Advice: Eliminates Requirement

HB1663 [Restaurants; certified food protection manager, exemption of certain establishments.](#)

Chief Patron: Edmunds

Summary:

Provides that no regulation issued by the Board of Health (Board) shall require any restaurant that is operated by (i) a nonprofit civic service organization, (ii) a volunteer fire department, or (iii) a volunteer emergency medical services agency to employ a certified food protection manager. The bill defines a "certified food protection manager" as a person who has demonstrated proficiency in food safety issues, regulations, and techniques in maintaining a safe-food environment by passing a test and receiving a certification as part of a program that is accredited by the Board.

Law Advice: FYI - No Direct Impact

HB1666 [University of Virginia's College at Wise; reduced rate tuition.](#)

Companion Bill: SB1519

Chief Patron: Kilgore

Summary:

Permits the board of visitors of the University of Virginia to charge reduced rate tuition to any student enrolled at the University of Virginia's College at Wise who resides in the Appalachian Region as defined in relevant federal law, is domiciled in the Appalachian Region, and is entitled to in-state tuition charges at a public institution of higher education in the Appalachian Region provided such entitlement is based on circumstances that when applied to a student who resides in Virginia would result in entitlement to in-state tuition. The bill prohibits the board of visitors from setting such reduced rate below the in-state tuition rate for Virginia students attending the University of Virginia's College at Wise. The bill contains an emergency clause and is identical to [SB 1519](#).

Law Advice: New Authority

Effective March 5, 2019

HB1668 [Virginia Public Procurement Act; high-risk contracts, report.](#)

Chief Patron: Carr

Summary:

Requires the Department of General Services (DGS), the Virginia Information Technologies Agency (VITA), and the Office of the Attorney General, as appropriate, to review contract solicitations and contracts for any public contract with a state public body for goods, services, insurance, or construction that meets the definition of high-risk contract provided in the bill. The bill directs DGS and VITA to develop guidelines for state agencies to use when assigning staff to administer high-risk contracts and requires that such guidelines (i) provide that any staff designated as a contract administrator must have prior contract administration experience and (ii) direct an agency's chief procurement officer to communicate to such contract administrator, when he first assumes his role, his responsibilities for effectively administering the contract. Some provisions of the bill have a delayed effective date for implementation for certain high-risk contract review processes.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB1682 [Dental services; contracts between carriers and providers, PPO network arrangement, etc.](#)

Chief Patron: Ware

Summary:

Establishes limits on the ability of a health carrier or third-party administrator to sell or otherwise grant access, as provided in a dentist's or oral surgeon's provider contract, to a third-party carrier. The measure provides that such access may be granted only if it is expressly permitted by the provider contract and notice is given to the affected participating providers. The contracting entity or carrier is required to inform participating providers, upon request, which network plans have been granted access to the contract by the contracting entity.

Law Advice: FYI - No Direct Impact

HB1700 [Budget Bill.](#)

Companion Bill: SB1100

Chief Patron: Jones, S.C.

Summary:

Amends Chapter 2, 2018 Special Session I Acts of Assembly.

Law Advice:

Amends 2018-20 biennial budget, including general fund appropriations to UVA

HB1704 [Higher educational institutions; financial aid award notification.](#)

Companion Bill: SB1593

Chief Patron: Reid

Summary:

Requires any comprehensive financial aid award notification provided to a student by a public institution of higher education or private institution of higher education to meet the requirements and best practices established by the State Council of Higher Education for Virginia in its Financial Aid Award Letters Policies and Guidance. This bill is identical to [SB 1593](#).

Law Advice: New Requirement

HB1743 [Pharmacist; counseling for new prescriptions, disposal of medicine.](#)

Companion Bill: SB1405

Chief Patron: Bulova

Summary:

Allows a pharmacist to include information regarding the proper disposal of medicine when giving counsel to a person who presents a new prescription for filling. This bill is identical to [SB 1405](#).

Law Advice: New Authority

HB1770 [Alcoholic beverage control; Sunday store hours, distiller commission.](#)

Companion Bill: SB1668

Chief Patron: Knight

Summary:

Requires the Alcoholic Beverage Control Authority (the Authority) to pay a distiller who operates a government store on the distiller's licensed premises a commission of not less than 20 percent of the retail price of any goods sold. The bill also allows certain government stores, as determined by the Board of Directors (the Board) of the Authority, to be open on Sundays for the sale of alcoholic beverages after 10:00 a.m. Finally, the bill grants the Board the power to employ or retain in-house legal counsel to advise or represent the Authority in hearings, controversies, or other matters involving the interests of the Authority. The bill provides, however, that upon request by the Board, the Attorney General shall

provide legal services for the Authority in accordance with current law. This bill is identical to [SB 1668](#).

Law Advice: FYI - No Direct Impact

[HB1772 Virginia Freedom of Information Advisory Council; advisory opinions, evidence in civil proceeding.](#)

Chief Patron: Mullin

Summary:

Provides that any officer, employee, or member of a public body alleged to have willfully and knowingly violated the Virginia Freedom of Information Act who acted in good faith reliance upon an advisory opinion issued by the Virginia Freedom of Information Advisory Council may introduce such advisory opinion as evidence that the alleged violation was not made willfully and knowingly. The bill contains technical amendments. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

Law Advice: New Authority

[HB1786 Vehicles on sidewalks; use of power-driven mobility devices.](#)

Chief Patron: Hurst

Summary:

Clarifies that any public entity may allow "other power-driven mobility devices," as defined in the bill, to be ridden or driven on sidewalks in accordance with the Americans with Disabilities Act and other state and federal laws.

Law Advice: FYI - No Direct Impact

[HB1803 Controlled substances; adds certain chemicals to Schedule I and Schedule II.](#)

Chief Patron: Garrett

Summary:

Adds certain chemicals to Schedule I and Schedule II of the Controlled Substances Act.

Law Advice: FYI - No Direct Impact

[HB1812 DMAS; waiver eligibility criteria, dependents of foreign service members.](#)

Chief Patron: Hope

Summary:

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

Law Advice: FYI - No Direct Impact

HB1839 [Industrial hemp; federal Farm Bill.](#)

Companion Bill: SB1692

Chief Patron: Marshall

Summary:

Conforms Virginia law to the provisions of the federal 2018 Farm Bill by amending the definitions of cannabidiol oil, marijuana, and tetrahydrocannabinol (THC) to exclude industrial hemp in the possession of a registered person, hemp products, or an oil containing no more than 0.3% THC. The bill defines "industrial hemp" as any part of the plant *Cannabis sativa* that has a concentration of THC that is no greater than that allowed by federal law, and it defines "hemp product" as any finished product that is otherwise lawful and that contains industrial hemp. The bill adds the category of "dealer" in industrial hemp to the existing registration categories of grower and processor.

The bill requires any registered grower, dealer, or processor who negligently violates the law to comply with a corrective action plan established by the Commissioner of Agriculture and Consumer Services (the Commissioner). The plan must identify a date by which the person is required to correct the violation and requires the person to report periodically for not less than two calendar years on his compliance with the law. No person who negligently violates the industrial hemp law three times in a five-year period is eligible to grow, deal in, or process industrial hemp for a period of five years beginning on the date of the third violation.

The bill directs the Commissioner to (i) revoke the registration of any registered grower, dealer, or processor who violates the law with a culpable mental state greater than negligence and (ii) advise the Attorney General of the United States and the Superintendent of State Police, or the chief law-enforcement officer of the county or city, when such person grows, deals in, or processes any *Cannabis sativa* with a concentration of THC that is greater than that allowed by federal law with a culpable mental state greater than negligence.

The bill authorizes the Department of Agriculture and Consumer Services (the Department), if it obtains the approval of the U.S. Secretary of Agriculture, to refrain from requiring destruction of industrial hemp until the THC level is greater than 0.6%, and it authorizes the Department at that point to allow a re-test of the industrial hemp if the THC level is no greater than one percent.

The bill abolishes the higher education and Virginia industrial hemp research programs, along with the

requirement that a grower or processor act exclusively within such a program. The bill authorizes the Commissioner to charge a fee for certain THC testing. Finally, the bill directs the Department to report by December 1, 2019, (a) to the General Assembly on the fiscal impact of the growth of the industrial hemp industry upon the Department's registration program and the existence of any need to alter the registration fee and (b) to the Chairmen of the House and Senate Agriculture Committees on the viability of markets for Virginia industrial hemp growers, the types of products made from industrial hemp that can be produced in Virginia, and the economic benefits and costs of production of such products. The bill also directs the Secretary of Agriculture and Forestry and the Secretary of Health and Human Resources to report by November 1, 2019, on the appropriate standards, if any, for the production of an oil with a THC concentration of no greater than 0.3 percent that is derived from industrial hemp. The bill contains an emergency clause.

Law Advice: Change in Requirement

Abolishes the higher education and Virginia industrial hemp research programs along with the requirement that growers and processors of them must act exclusively within those programs.

HB1848 [Health Professions, Department of; disclosure of investigative information.](#)

Chief Patron: Adams, D.M.

Summary:

Allows the Department of Health Professions and health regulatory boards to disclose otherwise confidential information related to disciplinary hearings to the Virginia Department of Education and the State Council of Higher Education for Virginia if such information relates to nursing or nurse aide education programs regulated by the Board of Nursing.

Law Advice: FYI - No Direct Impact

HB1870 [Certificate of public need; nursing homes and hospitals, establishing a disaster exemption.](#)

Companion Bill: SB1277

Chief Patron: Sickles

Summary:

Provides for a 30-day exemption from the requirement to obtain a certificate of public need for an increase in the total number of beds in existing hospitals or nursing homes if the State Health Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds. The Board of Health shall adopt regulations for this exemption. This bill is identical to [SB 1277](#).

Law Advice: Change in Requirement

HB1885 [Health, Department of and Board of; mitigating the risks of radon.](#)

Chief Patron: Bell, Richard P.

Summary:

Directs the Board of Health to publish a list of persons who are nationally certified to offer screening, testing, or mitigation for radon.

Law Advice: FYI - No Direct Impact

HB1911 [Duties of drivers approaching stationary vehicles displaying certain warning lights; penalty.](#)

Chief Patron: Peace

Summary:

Makes a driver's failure to move into a nonadjacent lane on a highway with at least four lanes when approaching a stationary vehicle displaying flashing, blinking, or alternating blue, red, or amber lights, or, if changing lanes would be unreasonable or unsafe, to proceed with due caution and maintain a safe speed, reckless driving, which is punishable as a Class 1 misdemeanor. Under current law, a first such offense is a traffic infraction punishable by a fine of not more than \$250, and a second such offense is punishable as a Class 1 misdemeanor.

Law Advice: FYI - No Direct Impact

HB1914 [Public health practitioners; requirements for issuing prescriptions, exceptions.](#)

Chief Patron: Herring

Summary:

Authorizes practitioners contracted by the Department of Health and practitioners employed or contracted by a local health department to prescribe antibiotic therapy to the sexual partner of a patient diagnosed with a sexually transmitted disease without the physical examination normally required. Under current law, only employees of the Department of Health are so authorized. Additionally, the bill authorizes a practitioner, who is an employee of or contracted by the Department of Health or a local health department, to prescribe Schedule VI antibiotics and antiviral agents to other persons in close contact with a diagnosed patient without a bona-fide practitioner-patient relationship with the diagnosed patient when emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.

Law Advice: FYI - No Direct Impact

HB1915 [Cancer patients; expedited review of adverse coverage determinations.](#)

Companion Bill: SB1161

Chief Patron: Yancey

Summary:

Provides that a covered person shall not be required to have exhausted his health carrier's internal appeal process before seeking an external review of an adverse determination regarding coverage of treatment if the treatment is to treat his cancer. The measure provides that a covered person may request an expedited external review if the adverse determination relates to the treatment of a cancer of the covered person. The measure requires health carriers' notices of the right to an external review to notify covered persons of this provision. The bill contains an emergency clause and is identical to [SB 1161](#).

Law Advice: Change in Requirement

Effective April 3, 2019

HB1916 [State agencies and employees; break time and location for employees to express breast milk.](#)

Chief Patron: Yancey

Summary:

Requires the Department of Human Resource Management to develop state personnel policies that provide break time for nursing mothers to express breast milk. Such policies shall require an agency to provide (i) a reasonable break time that, if possible, runs concurrently with any break time already provided for an employee to express breast milk for her nursing child after the child's birth each time such employee has need to express the breast milk and (ii) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public and that may be used by an employee to express breast milk.

Law Advice: FYI - No Direct Impact

DHRM policies may have an impact on University policy

HB1933 [Prisoners; medical and mental health treatment of those incapable of giving consent.](#)

Chief Patron: Hope

Summary:

Establishes a process for the sheriff or administrator in charge of a local or regional correctional facility to petition a court to authorize medical or mental health treatment for a prisoner in such facility who is incapable of giving informed consent for such treatment. The process parallels the existing process for

the Director of the Department of Corrections to seek authorization to provide involuntary treatment to prisoners in state correctional facilities. The bill requires the court to authorize such treatment in a facility designated by the sheriff or administrator upon finding that the prisoner is incapable, either mentally or physically, of giving informed consent; that the prisoner does not have a relevant advanced directive, guardian, or other substitute decision maker; that the proposed treatment is in the best interests of the prisoner; and that the jail has sufficient medical and nursing resources available to safely administer the treatment and respond to any adverse side effects that might arise from the treatment. The bill provides that the treatment ordered may be provided within a local or regional correctional facility if such facility is licensed to provide such treatment. If statutory procedures are followed, the service provider does not have liability based on lack of consent or lack of capacity to consent unless there is injury or death resulting from gross negligence or willful and wanton misconduct.

Law Advice: FYI - No Direct Impact

HB1936 [Higher educational institutions, public; in-state tuition, foreign service officer.](#)

Chief Patron: Krizek

Summary:

Provides that members of the foreign service office who resided in the Commonwealth for at least 90 days immediately prior to receiving a foreign service assignment and who continue to be assigned overseas, and any dependents of such member, are eligible for in-state tuition charges regardless of domicile.

Law Advice: New Requirement

HB1938 [Blind or vision impaired; definition.](#)

Chief Patron: Krizek

Summary:

Amends the definition of "blind person" in conformance with the definition set forth by the Social Security Administration.

Law Advice: FYI - No Direct Impact

HB1942 [Behavioral health services; exchange of medical and mental health information and records.](#)

Chief Patron: Bell, Robert B.

Summary:

Authorizes the State Board of Corrections (the Board) to establish minimum standards for behavioral

health services in local correctional facilities, including (i) requirements for behavioral health screening and assessment for all individuals committed to local correctional facilities, the delivery of behavioral health services in local correctional facilities, and the sharing of medical and mental health information and records concerning individuals committed to local correctional facilities; (ii) requirements for discharge planning for individuals with serious mental illness assessed as requiring behavioral health services upon release from local correctional facilities; (iii) requirements for at least one unannounced annual inspection of each local correctional facility to determine compliance; and (iv) provisions for billing the sheriff in charge of a local correctional facility or superintendent of a regional correctional facility by a community services board that provides behavioral health services in the local or regional correctional facility. The bill also allows the person in charge of a state, regional, or local correctional facility, or his designee, to receive from a health care provider medical and mental health information and records concerning a person committed to such correctional facility, even when such committed person does not provide consent or consent is not readily obtainable, when such information and records are necessary (a) for the provision of health care to the person committed, (b) to protect the health and safety of the person committed or other residents or staff of the facility, or (c) to maintain the security and safety of the facility. The bill clarifies that the administrative personnel of a state, regional, or local correctional facility may receive medical and mental health information and records from any health care provider concerning any person committed to such correctional facility as necessary to maintain the safety of the facility, its employees, or other prisoners.

Law Advice: FYI - No Direct Impact

HB1952 [Patient care teams; podiatrists and physician assistants.](#)

Companion Bill: SB1209

Chief Patron: Campbell, J.L.

Summary:

Establishes the role of "patient care team podiatrist" as a provider of management and leadership to physician assistants in the care of patients as part of a patient care team. The bill modifies the supervision requirements for physician assistants by establishing a patient care team model. The bill directs the Board of Medicine to adopt emergency regulations to implement the provisions of the bill and is identical to [SB 1209](#).

Law Advice: Change in Requirement

HB1960 [Alcoholic beverage control; manufacture/sale of low alcohol beverage cooler.](#)

Chief Patron: Toscano

Summary:

Allows low alcohol beverage coolers to be manufactured by a licensed distiller or a distiller located outside of the Commonwealth. The bill also allows licensed distillers to use spirits manufactured by another licensed distiller in the manufacture of low alcohol beverage coolers. In addition, the bill allows

(i) low alcohol beverage coolers to be sold in government stores and (ii) distillers to sell low alcohol beverage coolers that are manufactured or blended by such distillers at government stores established on their licensed premises.

Law Advice: FYI - No Direct Impact

HB1966 [Uniform Statewide Building Code; issuance of building permits.](#)

Chief Patron: Yancey

Summary:

Requires any fees that are levied by a local governing body in order to defray the cost of Building Code enforcement and appeals, with the exception of the levy imposed for the support of training programs of the Building Code Academy, be used only to support the functions of the local building department. The bill also requires local building departments, when denying an application for the issuance of a building permit, to provide to the applicant a written explanation detailing the reasons for which the application was denied. The bill provides that the applicant may submit a revised application addressing the reasons for which the application was previously denied and that, if the applicant does so, the local building department shall be encouraged, but not required, to limit its review of the revised application to only those portions of the application that were previously deemed inadequate and that the applicant has revised.

Law Advice: FYI - No Direct Impact

HB1970 [Telemedicine services; payment and coverage of services.](#)

Companion Bill: SB1221

Chief Patron: Kilgore

Summary:

Requires insurers, corporations, or health maintenance organizations to cover medically necessary remote patient monitoring services as part of their coverage of telemedicine services to the full extent that these services are available. The bill defines remote patient monitoring services as the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload. The bill requires the Board of Medical Assistance Services to include in the state plan for medical assistance services a provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services. This bill is identical to [SB 1221](#).

Law Advice: FYI - No Direct Impact

HB1971 [Health professions and facilities; adverse action in another jurisdiction.](#)

Chief Patron: Stolle

Summary:

Provides that the mandatory suspension of a license, certificate, or registration of a health professional by the Director of the Department of Health Professions is not required when the license, certificate, or registration of a health professional is revoked, suspended, or surrendered in another jurisdiction based on disciplinary action or mandatory suspension in the Commonwealth. The bill extends the time by which the Board of Pharmacy (Board) is required to hold a hearing after receiving an application for reinstatement from a nonresident pharmacy whose registration has been suspended by the Board based on revocation or suspension in another jurisdiction from not later than its next regular meeting after the expiration of 30 days from receipt of the reinstatement application to not later than its next regular meeting after the expiration of 60 days from receipt of the reinstatement application.

Law Advice: Change in Requirement

HB1972 [Virginia College Savings Plan; prepaid tuition contracts, etc.](#)

Companion Bill: SB1315

Chief Patron: Robinson

Summary:

Makes several changes to the provisions that establish the Virginia College Savings Plan (the Plan), including (i) permitting the Plan to maintain an independent disbursement system for the disbursement of prepaid tuition contract benefits and (ii) requiring each prepaid tuition contract entered into on or after July 1, 2019, to include provisions for the application of tuition prepayments, at a rate equal to the percentage of enrollment-weighted average tuition at public institutions of higher education to be determined by the board, at (a) public institutions of higher education, (b) accredited nonprofit independent or private institutions of higher education, and (c) non-Virginia public and accredited nonprofit independent or private institutions of higher education, provided that no such payment is less than the sum of tuition prepayments made, less any fees as determined by the board. This bill is identical to [SB 1315](#).

Law Advice: FYI - No Direct Impact

HB1981 [Virginia Correctional Enterprises; procedure for exemptions to the mandatory purchase provisions.](#)

Chief Patron: Fowler

Summary:

Provides that any department, institution, or agency of the Commonwealth is required to obtain the written consent of only the Chief Executive Officer of the Virginia Correctional Enterprises Program (the Program) to be granted an exemption from the Program's mandatory purchase provisions. Under

current law, such department, institution, or agency is required to obtain the consent of both the Chief Executive Officer of the Program and the Director of the Division of Purchases and Supply. The bill provides that in any case where an exemption from the mandatory purchase provisions is not granted, the Chief Executive Officer of the Program shall provide a written justification for the denial to the department, institution, or agency that requested the exemption. Under current law, a written explanation is required any time an exemption is granted.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB1998 HIV or hepatitis B or C viruses; exposure to bodily fluids, infection, hearing on petition.

Chief Patron: Price

Summary:

Requires a general district court to hold a hearing within 48 hours of a petition being filed seeking to compel collection of a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C viruses when exposure to bodily fluids occurs between a person and any health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer, firefighter, emergency medical services personnel, person employed by a public safety agency, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen. The bill directs the Office of the Executive Secretary of the Supreme Court of Virginia to publish a petition form for such filing. If the court is closed during the 48-hour time period, the petition shall be heard on the next day that the court is in session. The bill allows a testing order to be issued based on a finding that there is probable cause to believe that exposure has occurred. Any person who is the subject of such order may appeal to the circuit court of the same jurisdiction within 10 days of receiving notice of the order. The bill specifies that no specimen obtained as a result of a testing order shall be tested for any purpose other than for the purpose provided for in the bill, nor shall the specimen or the results of such testing be used for any purpose in any criminal matter or investigation. Any violation shall constitute reversible error in any criminal case in which the specimen or results were used.

Law Advice: FYI - No Direct Impact

HB2008 Energy career cluster; Department of Education, et al., to establish, report.

Chief Patron: Garrett

Summary:

Requires the Department of Education, in consultation with representatives from pertinent industries such as renewable energy, natural gas, nuclear energy, coal, and oil, to establish an energy career cluster. The bill requires the Department of Education to base the knowledge and skill sets contained in such energy career cluster on the energy industry competency and credential models developed by the Center for Energy Workforce Development in partnership with the U.S. Department of Labor. The bill further requires the Department of Education to report to the Chairmen of the House Committee on Education

and the Senate Committee on Education and Health no later than December 1, 2019, on its progress toward establishing such energy career cluster. This bill is identical to [SB 1348](#).

Law Advice: FYI - No Direct Impact

HB2009 [Virginia Land Conservation Foundation; project proposals.](#)

Chief Patron: Krizek

Summary:

Directs the Virginia Land Conservation Foundation to conduct a grant round each year to identify and rank projects for the subsequent fiscal year. The bill requires the Foundation to assume an amount of funding of the grant program as provided in the general appropriation act. The bill requires the Foundation to provide rankings to the House Committee on Appropriations and the Senate Committee on Finance by December 15 of each year.

Law Advice: FYI - No Direct Impact

HB2015 [Fraud prevention; DMAS to expand its existing program.](#)

Chief Patron: Peace

Summary:

Requires the Department of Medical Assistance Services to conduct a pilot program to develop and implement means to mitigate the risk of improper payments to providers of services furnished under the state plan for medical assistance and all applicable waivers. The bill also requires that the Department's selection of a vendor for the operation of the pilot program be dependent on the demonstration of a proof of concept. The bill requires the Department to report to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance (i) by August 1, 2019, on its progress in designing and implementing the pilot program and (ii) by February 1, 2020, on the pilot program's effectiveness in mitigating the risk of improper payments to providers.

Law Advice: FYI - No Direct Impact

HB2020 [Virginia Community College System; certain registered apprenticeships, uniform instruction.](#)

Chief Patron: James

Summary:

Requires the Virginia Community College System, in consultation with the Department of Labor and Industry, to develop and deliver uniform, related instruction for registered apprenticeships in high-demand programs, as determined by the Virginia Board of Workforce Development and the Virginia Employment Commission, and for which coursework is not otherwise available. The bill requires such

instruction to be available statewide and to be delivered in a face-to-face, online, or blended format.

Law Advice: FYI - No Direct Impact

HB2021 Va. Investment Performance Grant/Va. Economic Development Incentive Grant Programs; reauthorization.

Chief Patron: James

Summary:

Reauthorizes the Virginia Investment Performance Grant Program and the Virginia Economic Development Incentive Grant Program by providing each an additional portion of funds that may be paid out on or after July 1, 2019.

Law Advice: FYI - No Direct Impact

HB2022 Workers' compensation; tolling of statute of limitations.

Chief Patron: Murphy

Summary:

Provides that if an employer has received notice of an accident resulting in compensable injury to an employee and the employer has paid compensation or wages to such employee during incapacity for work resulting from such injury or the employer has failed to file the report of said accident with the Virginia Workers' Compensation Commission or otherwise has under a workers' compensation plan or insurance policy furnished or caused to be furnished medical service to such employee, the statute of limitations applicable to the filing of a claim shall be tolled until the last day for which such payment of compensation or wages or furnishment of medical services is provided and that occurs more than six months after the date of accident. The measure provides that no such payment of wages or workers' compensation benefits or furnishment of medical service occurring after the expiration of the statute of limitations applies to this provision. The measure also provides that (i) if the employer has failed to file a first report, the statute of limitations shall be tolled during the duration thereof until the employer filed the first report of accident and (ii) if more than one of the above tolling provisions applies, whichever of those causes the longer period of tolling shall apply.

Law Advice: Change in Requirement

HB2026 Newborn screening; congenital cytomegalovirus.

Chief Patron: Stolle

Summary:

Directs the Board of Health to amend regulations governing newborn screening to include screening for congenital cytomegalovirus in newborns who fail the newborn hearing screen.

Law Advice: New Requirement

HB2055 [DHRM; review of employee recruitment, retention, and compensation, report.](#)

Chief Patron: Carr

Summary:

Requires the Director of the Department of Human Resource Management to perform an annual review of recruitment and retention trends and certain statuses related to classified job roles across state agencies. The bill also provides for the Director to biennially, on or before September 1 of each odd-numbered year, submit a report to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance on (i) the classified job roles that should receive higher salary increases based on identified recruitment and retention challenges, (ii) the appropriate amount by which the salary of such classified job roles should be increased, and (iii) cost estimates for funding any salary increases.

Law Advice: FYI - No Direct Impact

HB2057 [Chief Medical Examiner, Office of the; central office and facilities.](#)

Chief Patron: Carr

Summary:

Removes the requirement that the central office and facilities of the Office of the Chief Medical Examiner be located in the City of Richmond.

Law Advice: FYI - No Direct Impact

HB2071 [Virginia Public Procurement Act; job order contracting, limitations.](#)

Companion Bill: SB1153

Chief Patron: Bell, John J.

Summary:

Changes the maximum allowable sum of all jobs performed in a one-year contract term for job order contracts by increasing such maximum from the current amount of \$5 million to \$6 million on July 1, 2019. The bill also provides an exception to allow job order contracting in the case of safety improvements or traffic calming measures for individual job orders up to \$250,000, subject to the maximum annual threshold amount as established in the bill. This bill is identical to [SB 1153](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB2073 [Alcoholic beverage control; happy hour advertising.](#)

Companion Bill: SB1726

Chief Patron: Bell, John J.

Summary:

Expands the ability of retail on-premises licensees to advertise happy hours by allowing them to advertise the prices of featured alcoholic beverages and to use creative marketing techniques, provided that such techniques do not tend to induce overconsumption or consumption by minors. This bill is identical to [SB 1726](#).

Law Advice: FYI - No Direct Impact

HB2080 [Physical evidence recovery kit tracking system.](#)

Chief Patron: Watts

Summary:

Provides that the Department of Forensic Science (Department) shall maintain a statewide electronic tracking system for physical evidence recovery kits where such kits will be assigned a unique identification number to track each kit from its distribution as an uncollected kit to the health care provider through to its destruction. The bill provides that the Department shall provide access to the tracking system to health care providers, law-enforcement agencies, the Division of Consolidated Laboratory Services, and the Office of the Chief Medical Examiner. The bill also provides that a health care provider shall inform the victim of sexual assault of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider during the forensic medical examination and provide the victim with information regarding the physical evidence recovery kit tracking system. The bill provides that records entered into the physical evidence recovery kit tracking system are confidential and are not subject to disclosure under the Freedom of Information Act. The bill has a delayed effective date of July 1, 2020.

Law Advice: New Requirement

Delayed effective date of July 1, 2020

HB2093 [Virginia Fire Services Board; changes membership.](#)

Chief Patron: Guzman

Summary:

Changes the membership of the Virginia Fire Services Board by removing a member of the Virginia

Society of Fire Service Instructors and the State Fire Marshal and adding a certified Virginia fire service instructor and a local fire marshal.

Law Advice: FYI - No Direct Impact

HB2123 School boards; boards permitted to enter into College and Career Access Pathways Partnerships.

Chief Patron: Carroll Foy

Summary:

Permits each local school board to enter into College and Career Access Pathways Partnerships (Partnerships), currently referred to as agreements, with comprehensive community colleges or other public institutions of higher education or educational institutions that offer a career and technical education curriculum. The bill requires any such Partnership to (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program. Current law allows local school boards to enter into agreements with such institutions but does not specify course credit as being part of the agreements. The bill provides that participation by a student in any course pursuant to the Partnerships does not deem such student eligible for a grant pursuant to the New Economy Workforce Credential Grant Program.

Law Advice: FYI - No Direct Impact

HB2126 Accident and sickness insurance; step therapy protocols.

Chief Patron: Davis

Summary:

Requires carriers issuing health benefit plans that develop step therapy protocols for a health benefit plan to ensure that those step therapy protocols are (i) developed and endorsed by a multidisciplinary panel of experts that manages conflicts of interest among the members; (ii) based on peer-reviewed research and medical practice; and (iii) continually updated based on a review of new evidence, research, and newly developed treatments. The measure requires that when coverage of a prescription drug for the treatment of a medical condition is restricted for use by a carrier or utilization review organization through the use of a step therapy protocol, the patient and prescribing provider have access to a clear, readily accessible, and convenient process to request a step therapy exception. The measure establishes conditions under which a request for a step therapy exception shall be granted and authorizes a patient to appeal a step therapy exception request denial. The provisions of the measure shall apply to any health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2020.

Law Advice: FYI - No Direct Impact

HB2129 [Nursing, Board of; application for license or certification by military spouse, expedited review.](#)

Chief Patron: Guzman

Summary:

Requires that the Board of Nursing expedite application processing, to the extent possible, pursuant to current law in cases in which an applicant for licensure or certification is licensed or certified in another state and is relocated to the Commonwealth pursuant to a spouse's official military orders.

Law Advice: FYI - No Direct Impact

HB2133 [Emergency Management, Virginia Department of; annual reporting requirements.](#)

Chief Patron: Jones, J.C.

Summary:

Eliminates the Virginia Department of Emergency Management's requirement to submit an annual Commonwealth Threat and Hazard Identification and Risk Assessment (C-THIRA) to the Governor and General Assembly. The bill also consolidates other additional annual reporting requirements into one annual tabulated report called the Virginia Comprehensive Emergency Management Report, which shall be submitted by the State Coordinator of Emergency Management to the Secretary of Public Safety and Homeland Security and the Chairmen of the Senate Committee on Finance, the Senate Committee for Courts of Justice, the House Committee on Appropriations, and the House Committee on Militia, Police and Public Safety by November 1 of each year.

Law Advice: FYI - No Direct Impact

HB2137 [Persons who are deaf or hard of hearing; replaces certain terminology.](#)

Chief Patron: Thomas

Summary:

Replaces the term "hearing impaired" and its variations with "deaf or hard of hearing" and "hearing loss" throughout the Code of Virginia. The bill also renames the Virginia Hearing Impairment Identification and Monitoring System as the Virginia Hearing Loss Identification and Monitoring System.

Law Advice: FYI - No Direct Impact

HB2158 [Naloxone; expands list of individuals who may dispense.](#)

Chief Patron: Plum

Summary:

Expands the list of individuals who may dispense naloxone pursuant to a standing order to include health care providers providing services in hospital emergency departments and emergency medical services personnel and eliminates certain requirements. The bill establishes requirements for the dispensing of naloxone in an injectable formulation with a hypodermic needle or syringe. The bill also allows a person who dispenses naloxone on behalf of an organization to charge a fee for the dispensing of naloxone, provided that the fee is no greater than the cost to the organization of obtaining the naloxone dispensed.

Law Advice: FYI - No Direct Impact

The Health System's emergency medical services professionals and emergency department practitioners do not "dispense" naloxone; instead, they administer it to patients.

HB2161 [General Services, Department of; disposition of surplus materials.](#)

Chief Patron: Carroll Foy

Summary:

Requires the Department of General Services to permit surplus materials to be sold, prior to public sale or auction, to (i) service disabled veteran-owned businesses and (ii) veterans service organizations.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB2169 [Physician assistants; licensure by endorsement.](#)

Chief Patron: Thomas

Summary:

Authorizes the Board of Medicine to issue a license by endorsement to an applicant for licensure as a physician assistant who (i) is the spouse of an active duty member of the Armed Forces of the United States or the Commonwealth, (ii) holds current certification from the National Commission on Certification of Physician Assistants, and (iii) holds a license as a physician assistant that is in good standing, or that is eligible for reinstatement if lapsed, under the laws of another state.

Law Advice: FYI - No Direct Impact

HB2173 [Higher educational institutions, public; tuition and fee increases, public comment.](#)

Companion Bill: SB1118

Chief Patron: Miyares

Summary:

Requires the governing board of each public institution of higher education, prior to a vote on an increase in undergraduate tuition or mandatory fees, to permit public comment on the proposed increase at a meeting of the governing board. The bill requires each such governing board to establish policies for such public comment, which may include reasonable time limitations. This bill is identical to [SB 1118](#).

Law Advice: New Requirement

Similar to HB2337; requires the Board to establish policy for public comment on proposed increases in undergraduate tuition and mandatory fees

HB2180 [Semiconductor Manufacturing Grant Fund; created.](#)

Companion Bill: SB1370

Chief Patron: Rush

Summary:

Creates the Semiconductor Manufacturing Grant Fund for the award of grants to a qualified semiconductor manufacturing company that makes a capital investment of at least \$2.98 billion in a qualified locality and creates and maintains at least 1,106 new jobs with an average annual wage of at least \$92,000. Such a qualified company would be eligible to receive a grant of \$50 million in fiscal year 2020 and a grant of \$20 million in fiscal year 2021, subject to total or partial recapture if the qualified company does not meet the performance metrics agreed to in a memorandum of understanding with the Commonwealth. This bill is identical to [SB 1370](#).

Law Advice: FYI - No Direct Impact

HB2182 [DGS; surplus property, opportunity for economic development entities to purchase.](#)

Companion Bill: SB1681

Chief Patron: Austin

Summary:

Provides that prior to offering surplus property for sale to the public, the Department of General Services (the Department) shall notify the chief administrative officer of the locality within which the property is located as well as any economic development entity for such locality of the pending disposition of such property. The bill provides that the chief administrative officer or local economic development entity shall have up to 180 days from the date of such notification to submit a proposal to the Department for the use by the locality or the local economic development entity of such property in conjunction with a

bona fide economic development activity. The bill requires the Department to review such proposal and provides that if the Department determines that such proposal is viable and could benefit the Commonwealth, the Department may negotiate with the chief administrative officer or the local economic development entity for the sale of such property to the locality or economic development entity. This bill is identical to [SB 1681](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

[HB2185 Va. Rural Information Technology Apprenticeship Grant Fund/Program; established, qualified locality.](#)

Companion Bill: SB1495

Chief Patron: Kilgore

Summary:

Establishes the Virginia Rural Information Technology Apprenticeship Grant Fund and Program, to be administered by the Southwest Virginia Higher Education Center, for the purpose of awarding grants to small, rural information technology businesses in certain localities in the Southwest and Southside regions of Virginia to establish 18-month apprenticeship programs for full-time employees that combine mentorship and on-the-job training to enhance the experience and skills of such employees.

Law Advice: FYI - No Direct Impact

[HB2198 Virginia Public Procurement Act; exempts counties, cities, etc., with population greater than 3,500.](#)

Chief Patron: Gilbert

Summary:

Requires all counties, cities, and school divisions, and all towns having a population greater than 3,500, in the Commonwealth that are exempt from the provisions of the Virginia Public Procurement Act (the Act) because they have adopted alternative policies and procedures as permitted by law to procure professional services through competitive negotiation as set forth in the Act when the cost of the professional service is expected to exceed \$80,000 in the aggregate or for the sum of all phases of a contract or project. Under current law, such counties, cities, and school divisions, and all towns having a population greater than 3,500, are required to procure professional services through competitive negotiation as set forth in the Act when the cost of the professional service is expected to exceed \$60,000 in the aggregate or for the sum of all phases of a contract or project.

Law Advice: FYI - No Direct Impact

HB2215 [Immunizations; acellular pertussis booster.](#)

Chief Patron: Bourne

Summary:

Extends the time by which an acellular pertussis booster shall be administered from prior to entry into the sixth grade to prior to entry into the seventh grade.

Law Advice: Change in Requirement

HB2228 [Nursing and Psychology, Boards of; health regulatory boards, staggered terms.](#)

Chief Patron: Bagby

Summary:

Alters the composition of the Board of Nursing and replaces the requirement that the Board of Nursing meet each January with the requirement that it meet at least annually. The bill also removes specific officer titles from the requirement that the Board of Nursing elect officers from its membership. The bill replaces the requirement that a member of the Board of Psychology be licensed as an applied psychologist with the requirement that that position be filled by a member who is licensed in any category of psychology. The bill also provides a mechanism for evenly staggering the terms of members of the following health regulatory boards, without affecting the terms of current members: Board of Nursing, Board of Psychology, Board of Dentistry, Board of Long-Term Care Administrators, Board of Medicine, Board of Veterinary Medicine, Board of Audiology and Speech-Language Pathology, Board of Pharmacy, and Board of Counseling.

Law Advice: FYI - No Direct Impact

HB2234 [Parental leave benefits; DHRM to implement and administer.](#)

Companion Bill: SB1581

Chief Patron: Robinson

Summary:

Codifies the policy described in Executive Order Number 12 (2018) providing parental leave to state employees, consisting of eight weeks (320 hours) of paid leave in addition to leave provided under other state and federal programs. The bill requires that parental leave be available following the birth, adoption, or foster placement of a child under age 18 and be available to both parents of such child if both are state employees. The bill requires that parental leave be taken within six months of a birth, adoption, or foster placement and limits parental leave to once in any 12-month period and only once per child. This bill is identical to [SB 1581](#).

Law Advice: New Requirement

No action required; the new requirements have already been incorporated into University policy

HB2247 [Optometry, Board of; adds requirements for members.](#)

Chief Patron: Robinson

Summary:

Adds to the requirements for the five licensed optometrist members of the Board of Optometry that they be individuals who at the time of appointment (i) have met all requirements for practice as an optometrist and are qualified to engage in the full scope of the practice of optometry and (ii) are actively engaged in the delivery of clinical care to patients.

Law Advice: FYI - No Direct Impact

HB2279 [Forensic Science, Department of; purchase of forensic laboratory services.](#)

Companion Bill: SB1274

Chief Patron: Morefield

Summary:

Permits the Department of Forensic Science (the Department) to purchase forensic laboratory services from laboratories located in the Commonwealth that are operated by an institution of higher education located in the Commonwealth or a corporate entity that is wholly owned by an institution of higher education located in the Commonwealth, where such institution meets certain requirements. The bill provides that no contract or agreement may be made with any other laboratory unless the Department requests, and the Department of General Services grants, an exemption in a case where such laboratory does not meet the reasonable requirements of the Department, cannot provide the forensic laboratory services required by the Department, or the Department can purchase forensic laboratory services from another source at a price that is at least 10 percent less or from a laboratory that has received a ranking that is at least 10 percent higher than the ranking of any laboratory of such institution of higher education. The bill also provides that any laboratory that has entered into a contract with the Department for the provision of forensic laboratory services shall be deemed authorized by the Department to conduct certain analyses and examinations of certain trial evidence. This bill is identical to [SB 1274](#).

Law Advice: Eliminates Authority

Because UVA does not have a Doctor of Pharmacy program and has not entered into a contract with the Department of Forensic Services, the University will not be able to provide autopsy or toxicology services to the Department.

HB2282 [Issuance of temporary licenses; individuals engaged in counseling residency.](#)

Chief Patron: Filler-Corn

Summary:

Directs the Board of Counseling to promulgate emergency regulations for the issuance of temporary licenses to individuals engaged in a counseling residency so that they may acquire the supervised, postgraduate experience required for licensure.

Law Advice: FYI - No Direct Impact

HB2290 [James Madison University; management agreement with the Commonwealth.](#)

Companion Bill: SB1386

Chief Patron: Leftwich

Summary:

Provides a management agreement between the Commonwealth and James Madison University pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.). This bill is identical to [SB 1386](#).

Law Advice: FYI - No Direct Impact

HB2292 [Electric utilities; definitions, energy efficiency programs.](#)

Chief Patron: Sullivan

Summary:

Provides that any determination by the State Corporation Commission that an energy efficiency program is not in the public interest shall include with its final order the work product and analysis conducted by the staff of the Commission in making that determination. The measure requires that if the Commission reduces the proposed budget for a program or portfolio of programs, its final order shall include an analysis of the impact such budget reduction has upon the cost-effectiveness of such program or portfolio of programs. An order by the Commission (i) finding that a program or portfolio of programs is not in the public interest or (ii) reducing the proposed budget for any program or portfolio of programs shall adhere to existing protocols for extraordinarily sensitive information. The measure provides that any utility petitioning the Commission for approval of one or more rate adjustment clauses for energy efficiency programs shall include a proposed budget for the design, implementation, and operation of the energy efficiency programs. The bill requires that any rate adjustment clause approved for an energy efficiency program remain in effect until the utility exhausts the approved budget for the energy efficiency program.

Law Advice: FYI - No Direct Impact

HB2293 [Electric utilities; stakeholder process for energy efficiency programs.](#)

Companion Bill: SB1605

Chief Patron: Sullivan

Summary:

Requires the independent monitor chosen to facilitate the energy efficiency stakeholder process established for the purpose of providing input and feedback on the development of electric utilities' energy efficiency programs to convene meetings of the participants not less frequently than twice each calendar year between July 1, 2019, and July 1, 2028. The measure also requires the independent monitor's report on the status of the stakeholder process to address (i) the objectives established by the stakeholder group during this process related to programs to be proposed, (ii) recommendations related to programs to be proposed that result from the stakeholder process, and (iii) the status of those recommendations. Current law requires that an annual report be submitted by the utility and does not require that it include such information on the stakeholder process. This bill is identical to [SB 1605](#).

Law Advice: FYI - No Direct Impact

HB2324 [Major information technology project procurement; terms and conditions, etc.](#)

Companion Bill: SB1329

Chief Patron: Peace

Summary:

Requires, in any contract for a major information technology project, terms and conditions relating to the indemnification obligations and liability of a supplier to be reasonable and to not exceed in aggregate twice the value of the contract. The bill also provides that there is no limitation on the liability of a supplier for (i) any intentional or willful misconduct, fraud, or recklessness of a supplier or any employee of a supplier or (ii) claims for bodily injury, including death, and damage to real property or tangible personal property resulting from the negligence of a supplier or any employee of a supplier. The bill provides an exception to such conditions where the Secretary of Administration approves a reasonable maximum alternative limitation of liability amount recommended by the Chief Information Officer of the Commonwealth based on a risk assessment showing exceptional risk to the Commonwealth. This bill is identical to [SB 1329](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB2336 [Higher educational institutions, public; executive officers, salaries.](#)

Chief Patron: Landes

Summary:

Requires the governing board of each public institution of higher education to report by September 1 of each year to the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and Education and Health the salary by position of any executive officer of such institution that exceeds for the previous fiscal year the salary limit for the chief executive officer for such institution set forth in the general appropriation act.

Law Advice: New Requirement

Annual report due by September 1

HB2337 Higher educational institutions, public; governing boards, tuition and mandatory fee rates.

Chief Patron: Landes

Summary:

Requires the governing board of each public institution of higher education, prior to a vote on an increase in undergraduate tuition or mandatory fees, to permit public comment on the proposed increase at a meeting of the governing board. The bill requires each such governing board to establish policies for such public comment, which may include reasonable time limitations. The bill requires each such governing board to provide, at any meeting at which it approves an increase in undergraduate tuition and mandatory fees, an explanation of any deviation from the project range of the planned increase in such tuition and fees that it previously provided to students and the public. The bill requires the State Council of Higher Education for Virginia to provide to the Governor and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance an annual report on any increase in undergraduate tuition and mandatory fees at a public institution of higher education, the public comment relating to such increase in undergraduate tuition and mandatory fees, and any deviation in the increase in undergraduate tuition and mandatory fees from the increase projected in the institutional six-year plan.

Law Advice: New Requirement

Similar to HB2173/SB1118; requires the Board to establish policy for public comment on proposed increases in undergraduate tuition and mandatory fees

HB2343 Central Criminal Records Exchange; reports, duties and authority.

Companion Bill: SB1602

Chief Patron: Bell, Robert B.

Summary:

Requires the Central Criminal Records Exchange (Exchange) to review offenses containing unapplied criminal history record information, defined in the bill, and make reasonable efforts to ensure that such information is applied to criminal history records. The bill requires the Exchange to submit periodic

reports to the Office of the Executive Secretary of the Supreme Court of Virginia, the clerk of each circuit court and district court, attorneys for the Commonwealth, and law-enforcement agencies containing (i) a list of offenses with unapplied criminal history record information and (ii) for each offense, if known, the name and any other identifying information of the defendant, any identifying court case information, the date of submission to the Exchange, and the reason the offense could not be applied to the criminal history record. The bill also requires the Exchange to submit an annual report to the Governor and General Assembly on the status of unapplied criminal history record information and any updates to fingerprinting policies and procedures.

The bill also requires a law-enforcement officer to report the required information to the Central Criminal Records Exchanges for persons arrested on a *capias* for any allegation of a violation of the terms or conditions of a suspended sentence, probation, or parole for a felony offense. The bill also provides that for persons served with a show cause for any allegation of a violation of the terms or conditions of a suspended sentence, probation, or parole for a felony offense, a report to the Central Criminal Records Exchange is not required until such person is found to be in violation of the terms or conditions of a suspended sentence, probation, or parole. The bill authorizes the court to order that the fingerprints and photograph of such person served with a show cause and found to be in violation be taken by a law-enforcement officer.

The bill provides that for persons charged under the first offender domestic assault, first offender drug possession, or first offender property offense statute, the court shall verify that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person prior to discharging such person and dismissing the proceedings. The bill authorizes a court to order a law-enforcement officer to take the fingerprints and photograph of a person charged if the fingerprint identification information or fingerprints have not been provided to the clerk of court.

The bill provides that if a person is in custody for an offense for which a report to the Central Criminal Records Exchange is required when an indictment or presentment is found or made, or information is filed, and no process is awarded, the attorney for the Commonwealth shall notify the court of such and the court shall order that the fingerprints and photograph of the accused be taken by a law-enforcement officer or by the agency that has custody of the accused at the time of the first appearance by the accused.

The bill requires the Department of State Police to develop a model policy on the collection of fingerprints and reporting of criminal history record information to the Central Criminal Records Exchange and to disseminate such policy to all law-enforcement agencies within the Commonwealth.

The bill requires a judge, after convicting the defendant of any offense for which a report to the Central Criminal Records Exchange is required, to determine if a copy of such defendant's fingerprints or fingerprint identification information has been provided by a law-enforcement officer to the clerk of court. The bill provides that in any case in which fingerprints or fingerprint identification information has not been provided by a law-enforcement officer to the clerk of court, the judge shall require that fingerprints and photograph be taken by a law-enforcement officer as a condition of probation or of the suspension of the imposition or execution of any sentence.

The bill provides that any fingerprints, photographs, and records received by the Central Criminal Records Exchange from any correctional institution concerning an incarcerated person may be classified and filed as criminal history record information. The bill requires the Department of Corrections to submit photographs, fingerprints, and a description of each person who is under the custody of the Department to the Central Criminal Records Exchange if such person has been convicted of an offense

for which a report to the Central Criminal Records Exchange is required.

The bill requires a state probation and parole officer and a local community-based probation officer, (a) at least 60 days prior to an offender's release from supervision pursuant to the terms of the sentencing order or (b) prior to submitting a request to the court that the offender be released from supervision, to review the criminal history record of the offender to verify that the offense for which the offender is being supervised appears on the offender's criminal history record, if such offense is required to be reported to the Central Criminal Records Exchange, and, if such offense does not appear on the offender's criminal history record, to take and provide the fingerprints and photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the criminal history record information. The Department of State Police shall develop a form for use by local community-based probation officers when ordering additional fingerprints of an offender.

The bill provides that at a restitution hearing the court shall review the criminal history record of a defendant and determine whether the defendant's conviction appears on such record. The bill provides that if such conviction does not appear on the defendant's criminal history record, the court shall order that the fingerprints and photograph of the defendant be taken by a law-enforcement officer. The bill requires such fingerprints and photograph to be submitted to the Central Criminal Records Exchange.

The bill provides that in any case where the court has suspended the imposition or execution of a sentence or placed the defendant on probation, the court, after a hearing and providing adequate notice to the parties, may modify the sentence or conditions of probation at any time within the period of suspension or supervision to require that the fingerprints and photograph of the defendant be taken as a condition of the suspended sentence or probation. The clerk of each circuit court shall make an electronic report to the Central Criminal Records Exchange of any finding that a person charged on a summons is in violation of the terms or conditions of a suspended sentence or probation for a felony offense.

The bill provides that for treason, any felony, any offense punishable as a misdemeanor under Title 54.1 (Professions and Occupations), or any misdemeanor punishable by jail, when any such offense is charged on a summons, the electronic report filed by the clerk of each circuit court and district court to the Central Criminal Records Exchange shall not be required until (1) a conviction is entered and no appeal is noted or, if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (2) the court dismisses the proceeding pursuant to the first offense statute; or (3) an acquittal by reason of insanity is entered.

The bill directs the Department of State Police to make reasonable efforts to ensure that criminal history record information that was reported to the Central Criminal Records Exchange prior to July 1, 2019, and not applied to the criminal history record of a person be applied to the criminal history record of that person. The bill requires the Department to report on the progress of these efforts to the Governor and the Chairman of the State Crime Commission by November 1, 2019.

The bill also adds various criminal offenses to the list of offenses for which a report to the Central Criminal Records Exchange is required. The reports contain such information as is required by the Exchange and are accompanied by fingerprints of the individual arrested.

This bill as introduced was a recommendation of the Virginia State Crime Commission and is identical to [SB 1602](#).

Law Advice: FYI - No Direct Impact

HB2350 [Higher educational institutions, public; tuition and fees, foster care youth.](#)

Chief Patron: Miyares

Summary:

Provides that any associate degree-granting public institution of higher education other than a comprehensive community college and each baccalaureate public institution of higher education may provide a grant for the payment of tuition and certain fees for any Virginia student who (i) (a) has received a high school diploma or has passed a high school equivalency examination approved by the Board of Education and was in foster care or in the custody of the Department of Social Services or is considered a special needs adoption at the time such diploma or certificate was awarded or (b) was in foster care when he turned 18 and subsequently received a high school diploma or passed a high school equivalency examination approved by the Board of Education and (ii) meets certain other criteria. Current law requires comprehensive community colleges to provide such grants for such students who are enrolled at comprehensive community colleges.

Law Advice: New Authority

HB2354 [Revenue Stabilization Fund and Revenue Reserve Fund; maximum amounts.](#)

Chief Patron: Jones, S.C.

Summary:

Provides that the combined funds in the Revenue Stabilization Fund and Revenue Reserve Fund shall not exceed 15 percent of average income and sales tax revenues for the past three years. Under current law, the amount in the Revenue Stabilization Fund shall not exceed 15 percent of average income and sales tax revenues for the past three years, and the amount in the Revenue Reserve Fund shall not exceed two percent of general fund revenues for the prior year.

Law Advice: FYI - No Direct Impact

HB2356 [Major Headquarters Workforce Grant Fund; created.](#)

Companion Bill: SB1255

Chief Patron: Jones, S.C.

Summary:

Creates the Major Headquarters Workforce Grant Fund. A qualified e-commerce company that makes a capital investment of at least \$2 billion in a major headquarters facility in Arlington County and that creates at least 25,000 new full-time jobs with an average annual wage of \$150,000 will be eligible for up to \$550 million in grants from the Fund. A qualified company may also be eligible for an additional \$200 million in grants for creating an additional 12,850 new full-time jobs. This bill is identical to [SB 1255](#).

Law Advice: FYI - No Direct Impact

HB2360 [Bond bills; Governor's required submission.](#)

Companion Bill: SB1318

Chief Patron: Jones, S.C.

Summary:

Changes the requirement that the Governor submit certain bond bills concurrently with the submission of his Budget Bill, or his gubernatorial amendments to the Budget Bill, to require that the Governor ensure that prefiled bond bills are submitted to the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance for such bond legislation. Currently, the Governor is required to submit on the same day his Budget Bill or his proposed amendments thereto are submitted any bond bills authorizing additional indebtedness if the bonds are authorized under or are to be repaid from revenues or appropriations contained in his Budget Bill or his proposed amendments thereto. This bill is identical to [SB 1318](#).

Law Advice: FYI - No Direct Impact

HB2380 [Higher educational institutions, public; online course catalogue, no-cost/low-cost course materials.](#)

Chief Patron: Hurst

Summary:

Requires the registrar or another appropriate employee of each public institution of higher education to identify conspicuously in the online course catalogue or registration system, as soon as practicable after the necessary information becomes available, each course for which the instructor exclusively uses no-cost course materials or low-cost course materials.

Law Advice: New Requirement

HB2396 [Passport and military identification numbers; breach of personal information notification.](#)

Chief Patron: Lopez

Summary:

Requires an individual or entity that owns or licenses computerized data that includes the first name or first initial and last name in combination with or linked to a passport number or military identification number to disclose any breach of the security system following discovery or notification of the breach to the Office of the Attorney General and any affected resident of the Commonwealth without

unreasonable delay.

Law Advice: FYI - No Direct Impact

HB2409 [Mechanic's liens; forms.](#)

Chief Patron: Adams, L.R.

Summary:

Makes consistent the mechanic's lien statute and the statutory mechanic's lien forms.

Law Advice: FYI - No Direct Impact

HB2425 [Health, Virginia Department of; monitoring of health care-associated infections.](#)

Chief Patron: Levine

Summary:

Requires health care facilities that are required to report information about health care-associated infections (HAIs) to the National Healthcare Safety Network (NHSN) to release such data to the Board of Health through the NHSN.

Law Advice: New Requirement

HB2445 [Death certificate; medical certification, electronic filing w/State Registrar of Vital Records, etc.](#)

Chief Patron: Wilt

Summary:

Requires the completed medical certification portion of a death certificate to be filed electronically with the State Registrar of Vital Records through the Electronic Death Registration System and provides that, except under certain circumstances, failure to file a medical certification of death electronically through the Electronic Death Registration System shall constitute grounds for disciplinary action by the Board of Medicine. The bill includes a delayed effective date of January 1, 2020, and a phased-in requirement for registration with the Electronic Death Registration System and electronic filing of medical certifications of death for various categories of health care providers. The bill directs the Department of Health to work with stakeholders to educate and encourage physicians, physician assistants, and nurse practitioners to timely register with and utilize the Electronic Death Registration System.

Law Advice: Change in Requirement

Delayed effective date of January 1, 2020; minimal impact as the Health System already files death

certificates electronically

HB2449 [Scholastic records; disclosure of directory information.](#)

Chief Patron: Wilt

Summary:

Provides that a school or institution of higher education may disclose certain directory information of a student to certain internal persons for educational purposes or internal business if the student has not opted out of such disclosure. Under current law, such disclosures require written consent. The bill also provides an exception for state and federal law requirements from the prohibition of such disclosures.

Law Advice: Change in Requirement

HB2457 [Medicine, osteopathy, podiatry, or chiropractic, practitioners of; inactive license, charity care.](#)

Chief Patron: Landes

Summary:

Provides that the Board of Medicine may issue a retiree license to any doctor of medicine, osteopathy, podiatry, or chiropractic who holds an active, unrestricted license to practice in the Commonwealth upon receipt of a request and submission of the required fee. The bill provides that a person to whom a retiree license has been issued shall not be required to meet continuing competency requirements for the first biennial renewal of such license. The bill also provides that a person to whom a retiree license has been issued shall only engage in the practice of medicine, osteopathy, podiatry, or chiropractic for the purpose of providing charity care or health care services to patients in their residence for whom travel is a barrier to receiving health care.

Law Advice: FYI - No Direct Impact

HB2474 [Long-term care; expediting review of applications, report.](#)

Chief Patron: Torian

Summary:

Directs the Department of Medical Assistance Services (DMAS) to report annually by August 1 to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health regarding (i) the number of screenings for eligibility for community-based and institutional long-term care services conducted by DMAS or the public or private entity with which DMAS has entered into a contract to conduct such screenings and (ii) the number of cases in which DMAS or the public or private entity with which DMAS has entered into a contract to conduct such screenings fails to complete such screenings within 30 days.

Law Advice: FYI - No Direct Impact

[HB2482 Land preservation tax credits; operation of facility on donated land, third party agreements.](#)

Chief Patron: Hodges

Summary:

Provides that if Virginia or one of its political subdivisions operates a facility on land donated for a land preservation tax credit, including charging fees for the use of such facility, such operation of a facility shall not disqualify the donation from eligibility for the credit, so long as any fees are used for conservation or preservation purposes. The bill provides that if Virginia or one of its political subdivisions contracts with a third party to manage a facility on donated land, such agreement shall not disqualify the donation from eligibility for the credit, so long as such agreement is for conservation or preservation purposes.

Law Advice: New Authority

[HB2490 Tech Talent Investment Program and Fund; created, report.](#)

Companion Bill: SB1617

Chief Patron: Rush

Summary:

Creates a grant program to assist qualified public institutions of higher education, defined in the bill, in reaching, by 2039, a goal of increasing by at least 25,000 degrees the number of bachelor's and master's degrees awarded in computer science, computer engineering, and closely related fields, or that otherwise align with traded-sector, technology-focused growth opportunities identified by the Virginia Economic Development Partnership Authority. To be eligible for an annual grant, a qualified institution is required to enter into a memorandum of understanding setting forth specific criteria for eligible degrees, eligible expenses, degree production goals, and graduation rates. Failure to meet criteria would result in the adjustment of future awards.

The bill requires qualified institutions that are grant recipients to report annually on progress towards meeting such goals and that grants issued pursuant to the program are subject to appropriation, and for the Secretary of Finance to report annually regarding the progress of each qualified institution in meeting its goals and the amount of grants awarded to such institution. This bill is identical to [SB 1617](#).

Law Advice: New Authority

[HB2493 Topical drugs; administration by dental hygienists, physician assistants, and nurses.](#)

Chief Patron: Tran

Summary:

Authorizes a dental hygienist practicing under remote supervision to administer topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry. Under current law, a dental hygienist must be practicing under general supervision to do so. Additionally, the bill authorizes a physician assistant, nurse, or dental hygienist to possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol. Under current law, such possession and administration is limited to administration to children aged six months to three years and is required to conform to standards adopted by the Department of Health.

Law Advice: FYI - No Direct Impact

HB2494 [Government Data Collection and Dissemination Practices Act; religious preferences and affiliations.](#)

Chief Patron: Tran

Summary:

Prohibits any state agency maintaining an information system that includes personal information from disseminating to federal government authorities information concerning the religious preferences and affiliations of data subjects for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity, unless specifically required by state or federal law. This prohibition applies even if consent is given to disseminate such information to public institutions of higher education, state facilities under Title 37.2 (Behavioral Health and Developmental Services), and juvenile correctional facilities established pursuant to Title 66 (Juvenile Justice) or Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 (Juvenile and Domestic Relations District Courts). As introduced, this bill is a recommendation of the Virginia Freedom of Information Advisory Council.

Law Advice: Change in Requirement

HB2514 [Motor vehicle safety inspections; increases maximum charge from \\$16 to \\$20, \\$.70 transmitted to VSP.](#)

Chief Patron: Hugo

Summary:

Increases the maximum charge for a state safety inspection for a motor vehicle from \$16 to \$20 and increases the amount transmitted to the Department of State Police from \$0.50 to \$0.70.

Law Advice: Change in Requirement

HB2515 [Health plans; calculation of enrollee's contribution.](#)

Companion Bill: SB1596

Chief Patron: Hugo

Summary:

Requires any carrier issuing a health plan in the Commonwealth to count any payments made by another person on the enrollee's behalf, as well as payments made by the enrollee, when calculating the enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under the carrier's health plan. This bill is identical to [SB 1596](#).

Law Advice: FYI - No Direct Impact

HB2529 [Income tax, state; conformity of taxation system with the IRC, taxable income deductions, etc.](#)

Companion Bill: SB1372

Chief Patron: Hugo

Summary:

Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, effective starting in taxable year 2018. Starting in taxable year 2019, the bill deconforms from the provisions of the federal Tax Cuts and Jobs Act (TCJA) that limit the deduction for state and local taxes and that suspend the overall limit on itemized deductions.

The bill establishes income tax subtractions starting in taxable year 2018 for Global Intangible Low-Taxed Income (GILTI) and for one-fifth of the amount of business interest that is disallowed as a deduction from federal income tax.

The bill increases the standard deduction to \$4,500 for single individuals and \$9,000 for married persons filing jointly for taxable years 2019 through 2025. Under current law, the standard deduction is \$3,000 for single individuals and \$6,000 for married couples filing jointly.

The bill provides for a refund, not to exceed a taxpayer's tax liability of up to \$110 for individuals and \$220 for married persons filing a joint return. The refund will be issued in October 2019 and will be available only for a taxpayer filing a final return by July 2019. The refunds will be reduced and prorated if the additional revenues generated by the TCJA are insufficient to fully fund the refunds.

The bill establishes the Taxpayer Relief Fund (the Fund). For fiscal years 2019 through 2025, any additional revenues attributable to the TCJA, beyond those necessary to fund the provisions of the bill, would accrue to the Fund. The bill directs the General Assembly to appropriate money from the Fund to enact permanent or temporary tax reform measures.

The bill contains an emergency clause and is identical to [SB 1372](#).

Law Advice: FYI - No Direct Impact

Effective February 15, 2019

HB2538 [Health insurance; payment of out-of-network providers, patient access to elective services.](#)

Chief Patron: Ware

Summary:

Requires a facility where a covered person receives scheduled elective services to post the required notice or inform the covered person of the required notice at the time of pre-admission or pre-registration. The bill also requires such a facility to inform the covered person or his legal representative of the names of all provider groups providing health care services at the facility, that consultation with the covered person's managed care plan is recommended to determine if the provider groups providing health care services at the facility are in-network providers, and that the covered person may be financially responsible for health care services performed by a provider that is not an in-network provider, in addition to any cost-sharing requirements.

Law Advice: New Requirement

HB2540 [Retail Sales and Use Tax; reduced rate on essential personal hygiene products.](#)

Companion Bill: SB1715

Chief Patron: Byron

Summary:

Applies the reduced state sales and use tax rate of 1.5%, which under current law applies only to food purchased for human consumption, to essential personal hygiene products, defined in the bill as (i) nondurable incontinence products such as diapers, disposable undergarments, pads, and bed sheets; and (ii) menstrual cups and pads, pantyliners, sanitary napkins, tampons, and other products used to absorb or contain menstrual flow. The bill has a delayed effective date of January 1, 2020. This bill is identical to [SB 1715](#).

Law Advice: Change in Requirement

Delayed effective date of January 1, 2020

HB2546 [Maternal Mortality Review Team; established, investigations.](#)

Chief Patron: Robinson

Summary:

Establishes the Maternal Death Review Team (the Team) to develop and implement procedures to ensure that maternal deaths occurring in the Commonwealth are analyzed in a systematic way. The bill requires

the Team to (i) develop and revise as necessary operating procedures for maternal death reviews, including identification of cases to be reviewed and procedures for coordinating among the agencies and professionals involved; (ii) improve the identification of, and data collection and record keeping related to, causes of maternal deaths; (iii) recommend components of programs to increase awareness and prevention of, and education about, maternal deaths; and (iv) recommend training to improve the review of maternal deaths. The bill also requires the Team to compile triennial statistical data regarding maternal deaths and to make such data available to the Governor and the General Assembly. The bill provides that information and records obtained or created by the Team and portions of meetings of the Team at which individual maternal deaths are discussed shall be confidential.

Law Advice: FYI - No Direct Impact

HB2556 Health Professions, Dept. of, & health regulatory boards; information obtained in an investigation.

Chief Patron: Plum

Summary:

Provides that provisions protecting the confidentiality of information obtained during an investigation or disciplinary hearing do not prohibit the disclosure of information about a suspected violation of state or federal law or regulation to state law enforcement. Under current law, such disclosure is authorized only to agencies within the Health and Human Resources Secretariat or to federal law-enforcement agencies. The bill also provides that investigative staff of agencies to which disclosure is authorized are not prohibited from interviewing fact witnesses, disclosing to fact witnesses the identity of the subject of the complaint or report, or reviewing with fact witnesses any portion of records or other supporting documentation necessary to refresh the fact witnesses' recollection.

Law Advice: Change in Authority

HB2557 Drug Control Act; classifies gabapentin as a Schedule V controlled substance.

Chief Patron: Pillion

Summary:

Classifies gabapentin as a Schedule V controlled substance. Current law lists gabapentin as a drug of concern. The bill also removes the list of drugs of concern from the Code of Virginia and provides that any wholesale drug distributor licensed and regulated by the Board of Pharmacy and registered with and regulated by the U.S. Drug Enforcement Administration shall have until July 1, 2020, or within six months of final approval of compliance from the Board of Pharmacy and the U.S. Drug Enforcement Administration, whichever is earlier, to comply with storage requirements for Schedule V controlled substances containing gabapentin.

Law Advice: FYI - No Direct Impact

HB2558 [Medicaid recipients; treatment involving opioids or opioid replacements, payment.](#)

Companion Bill: SB1167

Chief Patron: Pillion

Summary:

Prohibits health care providers licensed by the Board of Medicine from requesting or requiring a patient who is a recipient of medical assistance services pursuant to the state plan for medical assistance to pay out-of-pocket costs associated with the provision of service involving (i) the prescription of an opioid for the management of pain or (ii) the prescription of buprenorphine-containing products, methadone, or other opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration for medication-assisted treatment of opioid addiction. The bill requires providers who do not accept payment from the Department of Medical Assistance Services (DMAS) who provide such services to patients participating in the Commonwealth's program of medical assistance services to provide written notice to such patient that (a) the Commonwealth's program of medical assistance services covers such health care services and DMAS will pay for such health care services if such health care services meet DMAS's medical necessity criteria and (b) the provider does not participate in the Commonwealth's program of medical assistance and will not accept payment from DMAS for such health care services. Such notice and the patient's acknowledgement of such notice shall be documented in the patient's medical record. This bill is identical to [SB 1167](#).

Law Advice: New Requirement

HB2559 [Electronic transmission of certain prescriptions; exceptions.](#)

Chief Patron: Pillion

Summary:

Provides certain exceptions, effective July 1, 2020, to the requirement that any prescription for a controlled substance that contains an opioid be issued as an electronic prescription. The bill requires the licensing health regulatory board of a prescriber to grant such prescriber a waiver of the electronic prescription requirement for a period not to exceed one year due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the prescriber, or other exceptional circumstances demonstrated by the prescriber. The bill provides that a dispenser is not required to verify whether one of the exceptions applies when he receives a non-electronic prescription for a controlled substance containing an opioid. The bill requires the Boards of Medicine, Nursing, Dentistry, and Optometry to promulgate regulations to implement the prescriber waivers. Finally, the bill requires the Secretary of Health and Human Resources to convene a work group to identify successes and challenges of the electronic prescription requirement and offer possible recommendations for increasing the electronic prescribing of controlled substances that contain an opioid and to report to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022.

Law Advice: Change in Requirement

HB2561 Pharmacy audits; pharmacy benefits manager.

Chief Patron: Pillion

Summary:

Requires that any contract between a carrier and its intermediary pursuant to which the intermediary has the right or obligation to conduct audits of participating pharmacy providers and any provider contract between a carrier and a participating pharmacy provider or its contracting agent pursuant to which the carrier has the right or obligation to conduct audits of participating pharmacy providers contain certain terms and provisions relating to audits that will apply in the absence of fraud. The terms and provisions (i) require at least 14 days' written notice before conducting the initial audit for each audit cycle; (ii) prohibit the initiation or scheduling of an onsite audit during the first five calendar days of any month or on a Monday; (iii) prohibit an onsite audit of a particular pharmacy location on behalf of a particular carrier more than once in a 12-month period; (iv) require each pharmacy to be audited under the same standards and parameters as every other similarly situated pharmacy; (v) require any audit issues that involve clinical or professional judgment to be conducted by a pharmacist who has available for consultation a pharmacist licensed by the Commonwealth; (vi) require each audit to be conducted by a field agent who possesses the requisite knowledge and experience in pharmacy practice; (vii) require audits to be conducted in the Commonwealth in compliance with federal and state laws, rules, and regulations; (viii) require prescriptions to be considered valid prescriptions if they are compliant with the then-current Board of Pharmacy rules and regulations and have been successfully adjudicated upon a clean claim submission; (ix) require electronic records and documentation to be acceptable for auditing under the same terms, conditions, and validation and for the same purposes as their paper analogs; (x) permit a pharmacy to use the historical records of a hospital, physician, or other authorized practitioner of the healing arts for drugs or medicinal supplies written and transmitted by any documented means of communication for purposes of validating the pharmacy record with respect to orders or refills of a legend or narcotic drug; (xi) require validation and documentation at the time of dispensing of appropriate days' supply and drug dosing to be based on manufacturer guidelines and definitions or, in the case of topical products or titrated products, based on the professional judgment of the pharmacist in communication with the patient or prescriber; (xii) require a pharmacy's usual and customary price for compounded medications to be considered the reimbursable cost unless the pricing methodology is published in the provider contract and signed by both parties or their agents; (xiii) prohibit a carrier or its intermediary from making charge backs or seeking recoupment from a pharmacy, or assessing or collecting penalties from a pharmacy, until the time period for filing an appeal to an initial audit report has passed or until the appeals process has been exhausted, whichever is later; (xiv) establish requirements for a preliminary audit report; (xv) require a pharmacy to be allowed at least 60 calendar days following receipt of the preliminary audit report in which to produce documentation to address any discrepancy found during an audit or to file an appeal; (xvi) establish time periods during which a final audit report containing claim level information for any discrepancy found and total dollar amount of claims subject to recovery is required to be delivered to the pharmacy or its pharmacy corporate office; (xvii) prohibit a carrier or its intermediary from recovering from the pharmacy payment of claims that is identified through the audit process to be the responsibility of another payer; (xviii) prohibit recoupment of amounts paid to a pharmacy for any claim to be made solely on the basis of a prescriber's or patient's lack of response to a request made by a carrier or its intermediary; (xix) require a carrier or its intermediary to issue its initial audit findings in conformity with the laws of the Commonwealth; and (xx) prohibit a carrier or its intermediary from retroactively denying a claim in certain circumstances.

Law Advice: New Requirement

Establishes regulations for audits of pharmacies.

HB2577 [Health insurance; coverage for autism spectrum disorder.](#)

Companion Bill: SB1693

Chief Patron: Thomas

Summary:

Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals of any age. Currently, such coverage is required to be provided for individuals from age two through age 10. The provision applies with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2020. This bill is identical to [SB 1693](#).

Law Advice: FYI - No Direct Impact

HB2613 [Maternity care patients; adds information about perinatal anxiety.](#)

Chief Patron: Delaney

Summary:

Adds information about perinatal anxiety to the types of information about which each licensed nurse midwife, licensed midwife, or hospital providing maternity care must provide to each maternity patient and, if present, the father of the infant and other relevant family members or caretakers. Currently, licensed nurse midwives, licensed midwives, and hospitals providing maternity care are required to provide information about postpartum blues and perinatal depression, shaken baby syndrome and the dangers of shaking infants, and safe sleep environments for infants.

Law Advice: New Requirement

HB2620 [Higher educational institutions, public; governing boards, educational programs, presentations.](#)

Companion Bill: SB1234

Chief Patron: Miyares

Summary:

Requires educational programs for the governing boards of public institutions of higher education to include presentations relating to student debt trends.

Law Advice: FYI - No Direct Impact

HB2634 [Alcoholic beverage control; local referendums.](#)

Companion Bill: SB1110

Chief Patron: Hurst

Summary:

Allows the sale of mixed beverages by licensed restaurants and the sale of alcoholic beverages by the Board of Directors of the Virginia Alcoholic Beverage Control Authority in any county, town, or supervisor's election district unless a referendum is held and a majority of the voters voting in such referendum vote to prohibit such sales. Under current law, such sales are prohibited unless they have been approved through the referendum process. The bill includes a grandfathering provision that allows the granting of a mixed beverage license to any establishment described in § 4.1-126, as it was in effect prior to the effective date of this bill, notwithstanding the provisions of the bill related to local referendums but subject to other applicable laws and regulations. The bill has a delayed effective date of July 1, 2020, but allows localities to hold anticipatory referendums between July 1, 2019, and June 30, 2020, and provides that the results of such referendums shall become valid and enforceable on July 1, 2020. The bill provides that the result of any referendum held prior to July 1, 2019, shall remain valid and enforceable for a period of five years. This bill is identical to [SB 1110](#).

Law Advice: FYI - No Direct Impact

Delayed effective date of July 1, 2020; however, localities may hold anticipatory referendums between July 1, 2019 and June 30, 2020, and the results of such referendums shall become valid and enforceable on July 1, 2020.

HB2637 [Loans and grants for agricultural best management practices; riparian buffers.](#)

Chief Patron: Webert

Summary:

Authorizes the State Water Control Board to issue loans and grants from the Virginia Water Facilities Revolving Fund for the construction, renovation, improvement, or equipping of facilities or structures to implement agricultural best management practices to prevent pollution of state waters. Current law authorizes the Board to only issue loans for the construction of such facilities. The bill includes among the types of facilities or structures for which a loan or grant may be issued riparian buffers planted in trees and maintained in accordance with the terms and conditions of the loan or grant.

Law Advice: FYI - No Direct Impact

HB2639 [Health care shared savings; incentive programs.](#)

Companion Bill: SB1611

Chief Patron: Byron

Summary:

Requires health carriers to establish a comparable health care service incentive program under which savings are shared with a covered person who elects to receive a covered comparable health care service from a lower-cost provider. Incentive payments are not required for savings of \$25 or less. The measure requires health carriers to comply with transparency requirements beginning with health benefit plans offered or renewed on or after July 1, 2020. Programs are required to be approved by the Commissioner of Insurance. This bill is identical to [SB 1611](#).

Law Advice: FYI - No Direct Impact

HB2653 [Innovative Internship Fund and Program; created and established.](#)

Companion Bill: SB1628

Chief Patron: Cox

Summary:

Permits any public institution of higher education to propose in conjunction with the six-year plan process, and the General Assembly to adopt by reference in the general appropriation act, an innovative proposal for a performance pilot that advances the objectives of the Virginia Higher Education Opportunity Act of 2011. The bill provides that the General Assembly may approve no more than six performance pilots per year.

An innovative proposal may include an institutional partnership performance agreement with mutually dependent commitments among the institution, the Commonwealth, and identified partners. A proposal shall align the strategies, activities, and investments of the institution, the Commonwealth, and any identified partners concerning college access, affordability, cost predictability, and employment pathways for undergraduate Virginia students and other priorities which may be set out in the general appropriation act. The bill contains provisions relating to mandatory and permissive contents of, the approval process for, and the legal effect of any performance agreement.

The bill establishes the Innovative Internship Fund (the Fund) to be used to fund the Innovative Internship Program (the Program). The Fund and the Program would be administered by the State Council of Higher Education for Virginia and would be used to expand internship or other work-based learning opportunities by providing institutional grants to facilitate the readiness of students, employers, and institutions of higher education. The bill requires the Council to establish eligibility criteria for grants. This bill is identical to [SB 1628](#).

Law Advice: New Authority

HB2664 [Wage payment statements; each employer to provide on each regular pay date.](#)

Companion Bill: SB1696

Chief Patron: Aird

Summary:

Requires each employer to provide on each regular pay date a written statement, by a paystub or online accounting, that shows the name and address of the employer, the number of hours worked during the pay period, and the rate of pay. Currently an employer is required to provide, when requested, a written statement of the employee's gross wages and any deductions. The measure does not apply to agricultural employment except that an agricultural employer, upon request of its employee, shall furnish the employee a written statement of the gross wages earned by the employee during any pay period and the amount and purpose of any deductions therefrom. The measure has a delayed effective date of January 1, 2020. The bill is identical to [SB 1696](#).

Law Advice: FYI - No Direct Impact

Delayed effective date of January 1, 2020; not applicable to state agencies

HB2685 [Virginia Military Survivors and Dependents Education Program; eligibility.](#)

Companion Bill: SB1173

Chief Patron: Torian

Summary:

Extends the benefits of the Virginia Military Survivors and Dependents Education Program to the spouse or child of a veteran with at least a 90 percent permanent, service-related disability. Under current law, the spouse or child would be eligible for benefits only if the veteran's disability was incurred during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict. Under the provisions of the bill, eligibility for stipends from the Virginia Military Survivors and Dependents Education Fund is unchanged. This bill is identical to [SB 1173](#).

Law Advice: Change in Requirement

HB2693 [Qualified mental health professionals; regulations for registration.](#)

Companion Bill: SB1694

Chief Patron: Price

Summary:

Requires the Board of Counseling to promulgate regulations for the registration of persons receiving

supervised training in order to qualify as a qualified mental health professional. The bill defines the terms "qualified mental health professional-adult," "qualified mental health professional-child," and "qualified mental health professional-trainee." This bill is identical to [SB 1694](#).

Law Advice: FYI - No Direct Impact

HB2699 [Humanities, Virginia Foundation for the; adds members to task force.](#)

Chief Patron: McQuinn

Summary:

Adds five members to the task force established to assist the Virginia Foundation for the Humanities in its work regarding the history of formerly enslaved African Americans in Virginia. The additional members are the executive director of the Virginia Tourism Authority or his designee, the chairman of the board of trustees of the Virginia Outdoors Foundation or his designee, and three nonlegislative citizen members appointed by the Governor, at least one of whom is required to be the president of a historically black college or university located in the Commonwealth.

Law Advice: Change in Requirement

HB2702 [VPI & SU and VSU; joint plan for new baccalaureate degree program.](#)

Chief Patron: Orrock

Summary:

Requires Virginia Polytechnic Institute and State University and Virginia State University to jointly develop and report to the State Council of Higher Education for Virginia, the House Committee on Education, and the Senate Committee on Education and Health no later than October 1, 2019, a plan for the establishment of a baccalaureate or other degree program that prepares graduates to be effective career and technical education teachers in order to address persistent teacher shortages in career and technical education subject areas in the Commonwealth.

Law Advice: FYI - No Direct Impact

HB2705 [Historic rehabilitation; limit on tax credit that may be claimed.](#)

Chief Patron: Bloxom

Summary:

Provides that the \$5 million per year limit on the amount of historic rehabilitation tax credit that may be claimed by each taxpayer, which currently expires on January 1, 2019, shall apply to all future taxable years.

Law Advice: FYI - No Direct Impact

HB2722 Continuing care retirement communities; accessing medical assistance, certificate of public need.

Companion Bill: SB1722

Chief Patron: Watts

Summary:

Changes from 10 percent of a nursing facility to the lesser of 25 percent of a nursing facility or 15 nursing home beds the cap on nursing home beds that are eligible for medical assistance in certain nursing facilities in Planning District 8 in a continuing care retirement community that may be certified to participate in the state program for medical assistance without regard to a certificate of public need. This bill is identical to [SB 1722](#).

Law Advice: FYI - No Direct Impact

HB2731 Lyme disease; disclosure of information to patients.

Chief Patron: Edmunds

Summary:

Requires every laboratory reporting the results of a test for Lyme disease ordered by a health care provider in an office-based setting to include, together with the results of such test provided to the health care provider, a notice stating that the results of Lyme disease tests may vary and may produce results that are inaccurate and that a patient may not be able to rely on a positive or negative result from such test. Such notice shall also include a statement that health care providers are encouraged to discuss Lyme disease test results with the patient for whom the test was ordered. The bill also provides that a laboratory that complies with the provisions of the bill shall be immune from civil liability absent gross negligence or willful misconduct.

Law Advice: New Requirement

HB2738 Public utilities; acquisition of rights-of-way for economic development sites.

Companion Bill: SB1695

Chief Patron: Bagby

Summary:

Authorizes a public utility providing water, sewer, electric, or natural gas service to propose an Economic Development Program (Program) under which it may acquire utility right-of-way for one or more qualified economic development sites. A proposal for a Program is required to include an analysis

of how acquiring the rights-of-way will enhance the Commonwealth's infrastructure and promote the Commonwealth's competitive business environment by improving the readiness of a qualified economic development site. The measure establishes criteria for the Virginia Economic Development Partnership Authority to certify that an industrial site is a qualified economic development site. The State Corporation Commission (SCC) is authorized to approve a proposal for a Program that satisfies certain conditions, including findings that (i) implementation of the Program will provide significant economic development benefits that might not otherwise be attained absent its approval and (ii) the Program is designed only to acquire utility rights-of-way to a qualified economic development site and not to provide service to other customers or potential customers. A utility's capital investment is capped at one percent of gross plant investment in the aggregate of all of the utility's Programs and at \$5 million for any specific qualified economic development site. This bill is identical to [SB 1695](#).

Law Advice: FYI - No Direct Impact

[HB2747 Southwest Virginia Energy Research and Development Authority; created, sunset provision.](#)

Companion Bill: SB1707

Chief Patron: Kilgore

Summary:

Creates the Southwest Virginia Energy Research and Development Authority (the Authority) to promote opportunities for energy development in Southwest Virginia, to create jobs and economic activity in Southwest Virginia consistent with the Virginia Energy Plan, and to position Southwest Virginia and the Commonwealth as a leader in energy workforce and energy technology research and development. The Authority will be composed of 11 nonlegislative members, of whom four will be appointed by the Governor, four will be appointed by the Speaker of the House, and three will be appointed by the Senate Committee on Rules. The Authority is charged with, among other tasks, (i) leveraging the strength in energy research and workforce development of Virginia's public and private institutions of higher education; (ii) supporting the development of pump storage hydropower in Southwest Virginia and energy storage generally; (iii) promoting the development of renewable energy generation facilities on brownfield sites, including abandoned mine sites; (iv) promoting energy workforce development; and (v) assisting energy technology research and development by promoting the development of a Southwest Virginia Energy Park. The bill has a sunset date of July 1, 2029. This bill is identical to [SB 1707](#).

Law Advice: FYI - No Direct Impact

[HB2748 Tobacco products, nicotine vapor products, etc.; purchase, possession, and sale.](#)

Companion Bill: SB1727

Chief Patron: Stolle

Summary:

Increases the minimum age for persons prohibited from purchasing or possessing tobacco products, nicotine vapor products, and alternative nicotine products, and the minimum age for persons such products can be sold to, from 18 years of age to 21 years of age with an exception for active duty military personnel. The bill also allows tobacco products, nicotine vapor products, and alternative nicotine products to be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to persons under 21 years of age. Under current law, tobacco products may be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to minors. This bill is identical to [SB 1727](#).

Law Advice: FYI - No Direct Impact

HB2750 [Elective medical procedure, test, or service; advance estimate of patient payment amount.](#)

Companion Bill: SB1004

Chief Patron: Toscano

Summary:

Provides that every hospital currently required to provide an estimate of the payment amount for an elective procedure, test, or service for which a patient may be responsible shall also be required to provide each patient with written information regarding his right to request such estimate, to post written information regarding a patient's right to request such estimate conspicuously in public areas of the hospital, and to make such information available on the hospital's website.

Law Advice: FYI - No Direct Impact

As the Health System is not a licensed medical facility as defined in this section of the Code, this new requirement does not apply.

HB2752 [Motorized skateboards or scooters; clarifies definitions, riding or driving on sidewalks, etc.](#)

Chief Patron: Pillion

Summary:

Authorizes localities to regulate the operation of companies providing motorized skateboards or scooters for hire. The bill changes the definition of motorized skateboard or scooter by (i) removing the requirement that such device have no seat and requiring that the device be designed to allow a person to stand or sit, (ii) removing the maximum power limits for such device and providing that the device may be powered in whole or in part by an electric motor, (iii) providing that the device has a speed of no more than 20 miles per hour, and (iv) providing that such device weighs less than 100 pounds. The bill makes consistent the operational requirements for motorized skateboards or scooters and similar devices, including (a) allowing motorized skateboards and scooters to be driven on sidewalks, (b) requiring

motorized skateboards and scooters driven on a roadway to be driven as close to the right curb as is safely practicable, (c) prohibiting the operation of motorized skateboards or scooters on any Interstate Highway System component, and (d) requiring operators of motorized skateboards and scooters to give hand signals and have lights on such devices. The bill prohibits operating a motorized skateboard or scooter at a speed faster than 20 miles per hour. Certain provisions of this bill have a delayed effective date of January 1, 2020.

Law Advice: FYI - No Direct Impact

See bill for effective dates (delayed until January 1, 2020 for certain provisions)

HB2762 [Firefighting foam management; use of foam that contains PFAS chemicals.](#)

Chief Patron: Bulova

Summary:

Prohibits, beginning July 1, 2021, the use for training purposes or for testing, with some exceptions, of a class B firefighting foam that contains intentionally added PFAS chemicals, as defined in the bill.

Law Advice: New Requirement

Delayed effective date of July 1, 2021

HB2766 [Certificate of public need; conditions, triennial review.](#)

Chief Patron: Byron

Summary:

Directs the Commissioner of Health (i) to review charity care conditions on certificates of public need at least once every three years to determine whether conditions continue to be appropriate or should be revised and (ii) to notify the certificate holder as to his conclusions and the process for requesting changes to conditions on an existing certificate.

Law Advice: FYI - No Direct Impact

HB2767 [Virginia African American Advisory Board; established, report.](#)

Chief Patron: Bagby

Summary:

Establishes the Virginia African American Advisory Board to advise the Governor regarding the development of economic, professional, cultural, educational, and governmental links between the Commonwealth of Virginia and the African American community in Virginia. The Board shall be composed of 21 nonlegislative citizen members of whom at least 15 must be African American. In

addition, Secretaries of the Commonwealth, Commerce and Trade, Education, Health and Human Resources, and Public Safety and Homeland Security, or their designees, shall serve as ex officio members.

Law Advice: FYI - No Direct Impact

HB2770 [Accident and sickness insurance; restrictions relating to premium rates.](#)

Companion Bill: SB1734

Chief Patron: Murphy

Summary:

Requires a rate filing by a health carrier that proposes area rate factors in the individual or small group market that exceed the weighted average of the proposed area rate factors among all rating areas by more than 15 percent to include, in publicly available and unredacted form, a comparison of the area rate factor for individual and small group plans that utilize the same provider network and provider reimbursement levels of the health benefit plans that are subject to the filing. In addition, to the extent that the health carrier is deriving any area rate factor from experience data, the measure requires the health carrier to provide additional information, including aggregated incurred claims for any provider exceeding 30 percent of total claims for the rating area in that market. The measure requires the State Corporation Commission to hold a public hearing before approving such proposed rates. The measure also bars the Commission from approving such a proposed rate filing if (i) a variance in area rate factors, indexed to the same rating region for both the individual and small group markets, of 15 percent or more exists between health benefit plans a carrier intends to offer in the individual market and health benefit plans intended to be offered in the small group market, when those plans utilize the same provider networks and reimbursement levels and (ii) the methodologies used to calculate the area rate factors are different between the two markets. The measure provides that beginning for plan year 2020, a health carrier with an approved rate filing that contains at least one area rate factor that exceeds by more than 25 percent the weighted average of the area rate factors among all rating areas in a market in which the health carrier offers individual or small group health insurance coverage shall file with the Commission for each calendar quarter during that plan year a report that provides, for each rating area within the market in which the health carrier operates, the plan's enrollment, total premiums, allowed claims, incurred claims excluding anticipated or, if available, actual risk adjustment payments or receipts, incurred claims including anticipated or, if available, actual risk adjustment payments or receipts, loss ratio, and aggregate claims, for each provider exceeding 25 percent of total claims for that rating area. The measure requires the health carrier to make each such quarterly report publicly available, without redaction, not later than 45 days after the end of the calendar quarter. This bill is identical to [SB 1734](#).

Law Advice: FYI - No Direct Impact

HB2786 [Coal combustion residuals impoundment; closure of certain CCR units.](#)

Companion Bill: SB1355

Chief Patron: Ingram

Summary:

Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, within the Chesapeake Bay watershed at Bremo Power Station, Chesapeake Energy Center, Chesterfield Power Station, and Possum Point Power Station to close such CCR unit by removing all of the CCR for (i) recycling, known as encapsulated beneficial use, or (ii) deposition in a permitted and lined landfill that meets certain federal standards. The measure requires that any owner or operator beneficially reuse no less than 6.8 million cubic yards in aggregate of such removed CCR from no fewer than two of the sites. Such a closure project shall be completed within 15 years of its initiation and shall be accompanied by an offer by the owner or operator to provide connection to a municipal water supply for every residence within one-half mile, or if such connection is not feasible, the owner or operator shall offer to provide water testing for any such residence.

The bill provides that if the owner or operator moves CCR off-site, it shall develop a transportation plan in consultation with any county, city, or town in which the CCR units are located and any county, city, or town within two miles of the CCR units, for any truck transportation that minimizes the effects on adjacent property owners and surrounding communities. The bill requires the owner or operator of a CCR unit to accept and review on an ongoing basis sufficiently detailed proposals to beneficially reuse any CCR that are not already subject to a removal contract. The bill requires that any entity conducting the closure work (i) identify options for utilizing local workers, (ii) consult with the Commonwealth's Chief Workforce Development Officer on opportunities to advance the Commonwealth's workforce goals, and (iii) give priority to the hiring of local workers.

The bill requires the CCR unit owner or operator to submit two biennial reports beginning October 1, 2022, and continuing until closure of all of its CCR units is complete. One report describes closure plans, progress, a detailed accounting of the amounts of CCR that have been beneficially reused and the amount of CCR that have been landfilled, the utilization of transportation options, water monitoring results, and other aspects of the closure process; the other report contains the beneficial reuse proposals that the owner or operator has received and its analysis of such proposals.

The measure provides that all costs associated with closure of a CCR unit shall be recoverable through a rate adjustment clause authorized by the State Corporation Commission (the Commission) provided that (i) when determining the reasonableness of such costs the Commission shall not consider closure in place of the CCR unit as an option and (ii) the annual revenue requirement recoverable through a rate adjustment clause shall not exceed \$225 million on a Virginia jurisdictional basis for the Commonwealth in any 12-month period, provided that any under-recovery amount of revenue requirements incurred in excess of \$225 million in a given 12-month period shall be deferred and recovered through the rate adjustment clause over up to three succeeding 12-month periods. The bill provides that costs may begin accruing on July 1, 2019, but no approved rate adjustment clause charges shall be included in customer bills until July 1, 2021; any such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer; and any such costs that are allocated to the utility's system customers outside of the Commonwealth that are not actually recovered from such customers shall be included for cost recovery from jurisdictional customers in the Commonwealth through the rate adjustment clause. The measure prohibits cost recovery for any fines or civil penalties resulting from violations of federal or state law. This bill is identical to [SB 1355](#).

Law Advice: FYI - No Direct Impact

HB2792 [Electric utilities; municipal net energy metering.](#)

Companion Bill: SB1779

Chief Patron: Tran

Summary:

Directs the State Corporation Commission to establish a pilot program that affords the opportunity for any locality to participate in net energy metering if it is a retail customer of a certain type of investor-owned electric utility. In order to qualify for the program, the locality is required to own and operate a renewable generating facility with a generating capacity of not more than two megawatts that is located on the municipality's premises and is intended primarily to offset all or part of the locality's own electricity requirements. Under the pilot program, a municipal customer-generator that generates electricity in amounts that exceed the amount of electricity consumed by the municipal customer-generator, determined annually, to credit one or more of the municipality's target metered accounts in order that the generation energy charges on the electric bills of the target's metered accounts are reduced by the amount of excess generation kilowatt hours apportioned to the metered account multiplied by the applicable generation energy rate of the target's accounts. In Appalachian Power's service territory, metered accounts of the public school division of a locality may be target accounts. The amount of generating capacity of all generating facilities that are the subject of a pilot program are limited to (i) five megawatts if Appalachian Power is the pilot program utility, though the utility may increase the amount to up to 10 megawatts or (ii) 25 megawatts if Dominion Power is the pilot program utility. Such aggregated capacities of the generation facilities that are the subject of a pilot program constitute a portion of the existing limit of the utility's adjusted Virginia peak-load forecast of the previous year that is available to municipal customer-generators, eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the utility's service area. The duration of the pilot program is six years. This bill is identical to [SB 1779](#).

Law Advice: FYI - No Direct Impact

HB2798 [All-Payer Claims Database; penalty.](#)

Companion Bill: SB1216

Chief Patron: Garrett

Summary:

Requires the Commissioner of Health, in cooperation with the Bureau of Insurance, to collect health claims data from certain insurers, corporations, managed care organizations, third-party administrators, and any self-funded employee welfare benefit plans (ERISA plans) whose employer has opted-in to the All-Payer Claims Database, the Department of Medical Assistance Services, state government health insurance plans, local government health insurance plans, and federal health insurance plans. The bill provides that employers that maintain an ERISA plan may opt-in to participate in the All-Payer Claims Database and provides a process for such agreement. The bill adds members to the advisory committee to the nonprofit organization that administers the All-Payer Claims Database. The bill requires the Commissioner of Health to establish a data release committee to review and approve requests for access to data and prohibits the release of data without the approval of such committee. The bill requires the

nonprofit organization to ensure that data is timely submitted to the All-Payer Claims Database and authorizes the Board of Health to assess a civil penalty on entities not in compliance. This bill is identical to [SB 1216](#).

Law Advice: FYI - No Direct Impact

HJ607 [General Assembly; 2020 Session prefiling schedule.](#)

Chief Patron: Gilbert

Summary:

Establishes a schedule for the prefiling period for the 2020 Regular Session of the General Assembly of Virginia.

Law Advice: FYI - No Direct Impact

HJ617 [Year of Reconciliation and Civility.](#)

Chief Patron: McQuinn

Summary:

Designates 2019 as the Year of Reconciliation and Civility in Virginia.

Law Advice: FYI - No Direct Impact

HJ626 [Shingles prevention; VDH to take action to increase awareness of shingles.](#)

Chief Patron: Stolle

Summary:

Requests the Virginia Department of Health to take action to increase awareness of shingles and shingles prevention.

Law Advice: FYI - No Direct Impact

HJ630 [Silence Empowers Violence Break the Code Awareness-to-Action Week.](#)

Chief Patron: Price

Summary:

Designates the third full week of September, in 2019 and in each succeeding year, as Silence Empowers Violence Break the Code Awareness-to-Action Week in Virginia.

Law Advice: FYI - No Direct Impact

HJ641 [Department of Health; rulemaking process, use of rainwater, report.](#)

Chief Patron: Yancey

Summary:

Requests the Department of Health to evaluate and allow for stakeholder input on additional issues related to use of rainwater as part of the rulemaking process pursuant to a 2018 Act of Assembly, including (i) the conditions under which rainwater may appropriately be used and for what purposes; (ii) standards for the use of rainwater for human consumption; (iii) standards for rainwater harvesting systems, including systems that collect rainwater for human consumption and systems that collect rainwater for use by commercial enterprises but not human consumption; (iv) a requirement that buildings that draw water from both rainwater harvesting systems and public water supplies maintain appropriate cross-connection safeguards; and (v) training and certification requirements for installers of rainwater harvesting systems, including installers of rainwater harvesting systems installed in buildings that draw water from both rainwater harvesting systems and public water supplies. The Department is also requested to provide an update on the status of the rulemaking process to the General Assembly by November 1, 2019.

Law Advice: Monitor and Track

HJ646 [First Responders Day.](#)

Chief Patron: Mullin

Summary:

Designates September 11, in 2019 and in each succeeding year, as First Responders Day in Virginia.

Law Advice: FYI - No Direct Impact

HJ662 [JCHC; dispensing of drugs and devices pursuant to pharmacy collaborative practice agreements, etc.](#)

Chief Patron: Stolle

Summary:

Directs the Joint Commission on Health Care to study the dispensing of drugs and devices pursuant to prescriptions, pharmacy collaborative practice agreements, standing orders, and statewide protocols in the Commonwealth, including a review of the roles and responsibilities of pharmacists and other health care providers prescribing, dispensing, and administering drugs and devices in accordance with laws and regulations.

Law Advice: Monitor and Track

HJ705 [Cameron Crowder Pediatric Care Awareness Day.](#)

Chief Patron: Rush

Summary:

Designates October 22, in 2019 and in each succeeding year, as the Cameron Crowder Pediatric Care Awareness Day in Virginia to honor the vital work of pediatric emergency care providers.

Law Advice: FYI - No Direct Impact

HJ928 [Commending Marcus L. Martin, M.D.](#)

Chief Patron: Toscano

Summary:

Commending Marcus L. Martin, M.D.

Law Advice: FYI - No Direct Impact

HR225 [Commending the University of Virginia.](#)

Companion Bill: SR89

Chief Patron: Toscano

Summary:

Commending the University of Virginia.

Law Advice: FYI - No Direct Impact

SB1004 [Elective procedure, test, or service; estimate of payment amount.](#)

Companion Bill: HB2750

Chief Patron: Chase

Summary:

Provides that every hospital currently required to provide an estimate of the payment amount for an elective procedure, test, or service for which a patient may be responsible shall also be required to provide each patient with written information regarding his right to request such estimate, to post written

information regarding a patient's right to request such estimate conspicuously in public areas of the hospital, and to make such information available on the hospital's website.

Law Advice: FYI - No Direct Impact

As the Health System is not a licensed medical facility as defined in this section of the Code, this new requirement does not apply.

SB1068 [Members of boards of visitors; employment waiting period.](#)

Chief Patron: Obenshain

Summary:

Prohibits a baccalaureate public institution of higher education from employing an individual appointed by the Governor to the board of visitors of such institution within two years of the expiration of such member's term but exempts the employment of the institution president or superintendent from such prohibition.

Law Advice: New Requirement

SB1106 [Physical therapists & physical therapist assistants; licensure, Physical Therapy Licensure Compact.](#)

Chief Patron: Peake

Summary:

Authorizes Virginia to become a signatory to the Physical Therapy Licensure Compact. The Compact permits eligible licensed physical therapists and physical therapist assistants to practice in Compact member states, provided they are licensed in at least one member state. In addition, the bill requires each applicant for licensure in the Commonwealth as a physical therapist or physical therapist assistant to submit fingerprints and provide personal descriptive information in order for the Board to receive a state and federal criminal history record report for each applicant. The bill has a delayed effective date of January 1, 2020, and directs the Board of Physical Therapy to adopt emergency regulations to implement the provisions of the bill.

Law Advice: FYI - No Direct Impact

Delayed effective date of January 1, 2020

SB1110 [Alcoholic beverage control; local referendums.](#)

Companion Bill: HB2634

Chief Patron: Reeves

Summary:

Allows the sale of mixed beverages by licensed restaurants and the sale of alcoholic beverages by the Board of Directors of the Virginia Alcoholic Beverage Control Authority in any county, town, or supervisor's election district unless a referendum is held and a majority of the voters voting in such referendum vote to prohibit such sales. Under current law, such sales are prohibited unless they have been approved through the referendum process. The bill includes a grandfathering provision that allows the granting of a mixed beverage license to any establishment described in § 4.1-126, as it was in effect prior to the effective date of this bill, notwithstanding the provisions of the bill related to local referendums but subject to other applicable laws and regulations. The bill has a delayed effective date of July 1, 2020, but allows localities to hold anticipatory referendums between July 1, 2019, and June 30, 2020, and provides that the results of such referendums shall become valid and enforceable on July 1, 2020. The bill provides that the result of any referendum held prior to July 1, 2019, shall remain valid and enforceable for a period of five years. This bill is identical to [HB 2634](#).

Law Advice: FYI - No Direct Impact

Delayed effective date of July 1, 2020; however, localities may hold anticipatory referendums between July 1, 2019 and June 30, 2020, and the results of such referendums shall become valid and enforceable on July 1, 2020.

SB1118 [Higher educational institutions, public; tuition and fee increases, public comment.](#)

Companion Bill: HB2173

Chief Patron: Petersen

Summary:

Requires the governing board of each public institution of higher education, prior to a vote on an increase in undergraduate tuition or mandatory fees, to permit public comment on the proposed increase at a meeting of the governing board. The bill requires each such governing board to establish policies for such public comment, which may include reasonable time limitations. This bill is identical to [HB 2173](#).

Law Advice: New Requirement

Similar to HB2337; requires the Board to establish policy for public comment on proposed increases in undergraduate tuition and mandatory fees

SB1126 [Lottery Board; regulation of casino gaming, penalties, report.](#)

Chief Patron: Lucas

Summary:

Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board). Casino gaming shall be limited to certain cities that meet the criteria that is outlined in the bill,

and a referendum must be passed in the city on the question of allowing casino gaming in the city. The bill requires the Joint Legislative Audit and Review Commission (JLARC) to conduct a review of casino gaming laws in other states and report its findings to the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on General Laws on or before December 1, 2019. The bill contains enactment clauses that prohibit (i) any referendum from being held prior to the publication of the JLARC findings and recommendations regarding casino gaming or after January 1, 2021, and (ii) the Board from issuing a license to operate a gaming operation before July 1, 2020. The bill also provides that amendments to the Code of Virginia that are made in the bill will not become effective unless reenacted by the 2020 Session of the General Assembly.

Law Advice: Monitor and Track

Requires reenactment by the General Assembly in 2020 and local referendum

SB1153 [Virginia Public Procurement Act; job order contracting, limitations.](#)

Companion Bill: HB2071

Chief Patron: Black

Summary:

Raises from \$5 million to \$6 million the maximum allowable sum of all jobs performed in a one-year contract term for job order contracts beginning on July 1, 2019. The bill also provides an exception to allow job order contracting in the case of safety improvements or traffic calming measures for individual job orders up to \$250,000, subject to the maximum annual threshold amount as established in the bill. This bill is identical to [HB 2071](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

SB1161 [Cancer patients; expedited review of adverse coverage determinations.](#)

Companion Bill: HB1915

Chief Patron: Ruff

Summary:

Provides that a covered person shall not be required to have exhausted his health carrier's internal appeal process before seeking an external review of an adverse determination regarding coverage of treatment if the treatment is to treat his cancer. The measure provides that a covered person may request an expedited external review if the adverse determination relates to the treatment of a cancer of the covered person. The measure requires health carriers' notices of the right to an external review to notify covered persons of this provision. The bill has an emergency clause and is identical to [HB 1915](#).

Law Advice: Change in Requirement

SB1167 [Medicaid recipients; treatment involving opioids or opioid replacements, payment.](#)

Companion Bill: HB2558

Chief Patron: Chafin

Summary:

Prohibits health care providers licensed by the Board of Medicine from requesting or requiring a patient who is a recipient of medical assistance services pursuant to the state plan for medical assistance to pay out-of-pocket costs associated with the provision of service involving (i) the prescription of an opioid for the management of pain or (ii) the prescription of buprenorphine-containing products, methadone, or other opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration for medication-assisted treatment of opioid addiction. The bill requires providers who do not accept payment from the Department of Medical Assistance Services (DMAS) who provide such services to patients participating in the Commonwealth's program of medical assistance services to provide written notice to such patient that (a) the Commonwealth's program of medical assistance services covers such health care services and DMAS will pay for such health care services if such health care services meet DMAS's medical necessity criteria and (b) the provider does not participate in the Commonwealth's program of medical assistance and will not accept payment from DMAS for such health care services. Such notice and the patient's acknowledgement of such notice shall be documented in the patient's medical record. This bill is identical to [HB 2558](#).

Law Advice: New Requirement

SB1173 [Virginia Military Survivors and Dependents Education Program; eligibility.](#)

Companion Bill: HB2685

Chief Patron: McPike

Summary:

Extends the benefits of the Virginia Military Survivors and Dependents Education Program to the spouse or child of a veteran with at least a 90 percent permanent, service-related disability. Under current law, the spouse or child would be eligible for benefits only if the veteran's disability was incurred during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict. Under the provisions of the bill, eligibility for stipends from the Virginia Military Survivors and Dependents Education Fund is unchanged. This bill is identical to [HB 2685](#).

Law Advice: Change in Requirement

SB1178 [Health carriers; services provided by nurse practitioners.](#)

Companion Bill: HB1640

Chief Patron: Sturtevant

Summary:

Requires health insurers and health services plan providers whose policies or contracts cover services that may be legally performed by licensed nurse practitioners to provide equal coverage for such services when rendered by a licensed nurse practitioner. The bill contains an enactment that exempts the measure from the requirement that the Health Insurance Reform Commission review any legislative measure containing a mandated health insurance benefit or provider. The bill has a delayed effective date of October 1, 2019.

Law Advice: FYI - No Direct Impact

Delayed effective date of October 1, 2019

SB1180 [Virginia Freedom of Information Act; definition of trade secret.](#)

Chief Patron: Stuart

Summary:

Defines the term "trade secret," for the purposes of the Virginia Freedom of Information Act, as meaning the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.). This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

Law Advice: FYI - No Direct Impact

SB1182 [Virginia Freedom of Information Act; meetings held through electronic communication means.](#)

Chief Patron: Stuart

Summary:

Clarifies that certain requirements of current law regarding participation in public meetings through electronic communication means do not apply to meetings held to address a state of emergency declared by the Governor, specifically the requirements that public bodies (i) adopt a written policy regarding participation by electronic communication, (ii) have a quorum of a public body physically assembled at a primary or central location, and (iii) make arrangements for the voice of any member participating from a remote location to be heard by all persons at the primary or central location. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

Law Advice: FYI - No Direct Impact

SB1184 [FOIA; applicability to sexual assault response teams, etc.](#)

Chief Patron: Stuart

Summary:

Provides that the Virginia Freedom of Information Act (FOIA) shall not apply to sexual assault response teams, with the exception of records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team, which the bill provides shall be public records and subject to the provisions of FOIA. The bill also provides that FOIA shall not apply to multidisciplinary child sexual abuse response teams. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

Law Advice: New Authority

SB1197 [Pharmacies; freedom of choice.](#)

Chief Patron: Dance

Summary:

Requires carriers that provide exclusive provider policies and contracts to allow consumers freedom of choice for pharmacy benefits. This requirement currently applies to health insurers, health services plans, and health maintenance organizations in Virginia.

Law Advice: FYI - No Direct Impact

SB1209 [Patient care team; podiatrists and physician assistants.](#)

Companion Bill: HB1952

Chief Patron: Peake

Summary:

Establishes the role of "patient care team podiatrist" as a provider of management and leadership to physician assistants in the care of patients as part of a patient care team. The bill modifies the supervision requirements for physician assistants by establishing a patient care team model. The bill directs the Board of Medicine to adopt emergency regulations to implement the provisions of the bill and is identical to [HB 1952](#).

Law Advice: Change in Requirement

SB1216 [All-Payer Claims Database; penalty.](#)

Companion Bill: HB2798

Chief Patron: Newman

Summary:

Requires the Commissioner of Health, in cooperation with the Bureau of Insurance, to collect health claims data from certain insurers, corporations, managed care organizations, third-party administrators, and any self-funded employee welfare benefit plans (ERISA plans) whose employer has opted-in to the All-Payer Claims Database, the Department of Medical Assistance Services, state government health insurance plans, local government health insurance plans, and federal health insurance plans. The bill provides that employers that maintain an ERISA plan may opt-in to participate in the All-Payer Claims Database and provides a process for such agreement. The bill adds members to the advisory committee to the nonprofit organization that administers the All-Payer Claims Database. The bill requires the Commissioner of Health to establish a data release committee to review and approve requests for access to data and prohibits the release of data without the approval of such committee. The bill requires the nonprofit organization to ensure that data is timely submitted to the All-Payer Claims Database and authorizes the Board of Health to assess a civil penalty on entities not in compliance. This bill is identical to [HB 2798](#).

Law Advice: FYI - No Direct Impact

SB1221 [Telemedicine services; payment and coverage of services.](#)

Companion Bill: HB1970

Chief Patron: Chafin

Summary:

Requires insurers, corporations, or health maintenance organizations to cover medically necessary remote patient monitoring services as part of their coverage of telemedicine services to the full extent that these services are available. The bill defines remote patient monitoring services as the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload. The bill requires the Board of Medical Assistance Services to include in the state plan for medical assistance services a provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services. This bill is identical to [HB 1970](#).

Law Advice: FYI - No Direct Impact

SB1233 [Administration of government; prohibition on use of certain products and services.](#)

Chief Patron: Ebbin

Summary:

Prohibits public bodies from using hardware, software, or services that have been prohibited by the U.S. Department of Homeland Security for use on federal systems. The bill also requires the Chief Information Officer of the Commonwealth to promptly notify all public bodies of such prohibited hardware, software, and services.

Law Advice: New Requirement

SB1234 [Higher educational institutions, public; governing boards, educational programs.](#)

Companion Bill: HB2620

Chief Patron: DeSteph

Summary:

Requires educational programs for the governing boards of public institutions of higher education to include presentations relating to (i) board members' primary duty to the citizens of the Commonwealth and (ii) student debt trends.

Law Advice: FYI - No Direct Impact

SB1248 [Stormwater Management Fund, local; locality by ordinance authorized to create.](#)

Companion Bill: HB1614

Chief Patron: Reeves

Summary:

Authorizes a locality by ordinance to create a local Stormwater Management Fund consisting of appropriated local moneys for the purpose of granting funds to an owner of private property or a common interest community for stormwater management and erosion prevention on previously developed lands. This bill is identical to [HB 1614](#).

Law Advice: FYI - No Direct Impact

SB1255 [Major Headquarters Workforce Grant Fund; created.](#)

Companion Bill: HB2356

Chief Patron: Ruff

Summary:

Creates the Major Headquarters Workforce Grant Fund. A qualified e-commerce company that makes a

capital investment of at least \$2 billion in a major headquarters facility in Arlington County and that creates at least 25,000 new full-time jobs with an average annual wage of \$150,000 will be eligible for up to \$550 million in grants from the Fund. A qualified company may also be eligible for an additional \$200 million in grants for creating an additional 12,850 new full-time jobs. This bill is identical to [HB 2356](#).

Law Advice: FYI - No Direct Impact

SB1274 [Forensic Science, Department of; purchase of forensic laboratory services.](#)

Companion Bill: HB2279

Chief Patron: Chafin

Summary:

Permits the Department of Forensic Science (the Department) to purchase forensic laboratory services from laboratories located in the Commonwealth that are operated by an institution of higher education located in the Commonwealth or a corporate entity that is wholly owned by an institution of higher education located in the Commonwealth, where such institution meets certain requirements. The bill provides that no contract or agreement may be made with any other laboratory unless the Department requests, and the Department of General Services grants, an exemption in a case where such laboratory does not meet the reasonable requirements of the Department, cannot provide the forensic laboratory services required by the Department, or the Department can purchase forensic laboratory services from another source at a price that is at least 10 percent less or from a laboratory that has received a ranking that is at least 10 percent higher than the ranking of any laboratory of such institution of higher education. The bill also provides that any laboratory that has entered into a contract with the Department for the provision of forensic laboratory services shall be deemed authorized by the Department to conduct certain analyses and examinations of certain trial evidence. This bill is identical to [HB 2279](#).

Law Advice: Eliminates Authority

Because UVA does not have a Doctor of Pharmacy program and has not entered into a contract with the Department of Forensic Services, the University will not be able to provide autopsy or toxicology services to the Department.

SB1277 [Certificate of public need; nursing homes and hospitals, establishing a disaster exemption.](#)

Companion Bill: HB1870

Chief Patron: Barker

Summary:

Provides for a 30-day exemption from the requirement to obtain a certificate of public need for an increase in the total number of beds in existing hospitals or nursing homes if the State Health Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or

nursing home beds. The Board of Health shall adopt regulations for this exemption. This bill is identical to [HB 1870](#).

Law Advice: Change in Requirement

SB1289 [Pharmacy, Board of; seizure of controlled substances and prescription devices.](#)

Chief Patron: Edwards

Summary:

Establishes a process by which the Board of Pharmacy, an authorized agent of the Board, or law enforcement can seize and place under seal controlled substances and prescription devices that are owned or possessed by a person or entity when the registration, license, permit, or certificate authorizing such ownership or possession is suspended or revoked. The bill also provides procedures and requirements for the transfer and disposal of sealed controlled substances and prescription devices if subject to forfeiture. The bill provides that the period in which the Director of the Department of Health Professions, his authorized agent, or a law-enforcement officer may properly dispose of the seized drugs and devices in the event the owner has not claimed and provided for the proper disposition of the property is 60 days from notice of seizure. Under current law, such period is six months from notice of seizure.

Law Advice: FYI - No Direct Impact

SB1315 [Virginia College Savings Plan; prepaid tuition contracts, etc.](#)

Companion Bill: HB1972

Chief Patron: Hanger

Summary:

Makes several changes to the provisions that establish the Virginia College Savings Plan (the Plan), including (i) permitting the Plan to maintain an independent disbursement system for the disbursement of prepaid tuition contract benefits and (ii) requiring each prepaid tuition contract entered into on or after July 1, 2019, to include provisions for the application of tuition prepayments, at a rate equal to the percentage of enrollment-weighted average tuition at public institutions of higher education to be determined by the board, at (a) public institutions of higher education, (b) accredited nonprofit independent or private institutions of higher education, and (c) non-Virginia public and accredited nonprofit independent or private institutions of higher education, provided that no such payment is less than the sum of tuition prepayments made, less any fees as determined by the board. This bill is identical to [HB 1972](#).

Law Advice: FYI - No Direct Impact

SB1318 [Bond bills; Governor's required submission.](#)

Companion Bill: HB2360

Chief Patron: Hanger

Summary:

Changes the requirement that the Governor submit certain bond bills concurrently with the submission of his Budget Bill, or his gubernatorial amendments to the Budget Bill, to require that the Governor ensure that prefiled bond bills are submitted to the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance for such bond legislation. Currently, the Governor is required to submit on the same day his Budget Bill or his proposed amendments thereto are submitted any bond bills authorizing additional indebtedness if the bonds are authorized under or are to be repaid from revenues or appropriations contained in his Budget Bill or his proposed amendments thereto. This bill is identical to [HB 2360](#).

Law Advice: FYI - No Direct Impact

SB1329 [Major information technology project procurement; terms and conditions, etc.](#)

Companion Bill: HB2324

Chief Patron: Ruff

Summary:

Requires, in any contract for a major information technology project, terms and conditions relating to the indemnification obligations and liability of a supplier to be reasonable and to not exceed in aggregate twice the value of the contract. The bill also provides that there is be no limitation on the liability of a supplier for (i) any intentional or willful misconduct, fraud, or recklessness of a supplier or any employee of a supplier or (ii) claims for bodily injury, including death, and damage to real property or tangible personal property resulting from the negligence of a supplier or any employee of a supplier. The bill provides an exception to such conditions where the Secretary of Administration approves a reasonable maximum alternative limitation of liability amount recommended by the Chief Information Officer of the Commonwealth based on a risk assessment showing exceptional risk to the Commonwealth. This bill is identical to [HB 2324](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

SB1349 [Overdoses; safe reporting.](#)

Chief Patron: McDougle

Summary:

Eliminates the requirement to substantially cooperate with law enforcement in any investigation of any criminal offense reasonably related to an overdose in order to qualify for an affirmative defense from prosecution for the unlawful purchase, possession, or consumption of alcohol, possession of a controlled substance, possession of marijuana, intoxication in public, or possession of controlled paraphernalia.

Law Advice: FYI - No Direct Impact

SB1355 [Coal combustion residuals impoundment; closure of certain CCR units.](#)

Companion Bill: HB2786

Chief Patron: Wagner

Summary:

Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, within the Chesapeake Bay watershed at Bremo Power Station, Chesapeake Energy Center, Chesterfield Power Station, and Possum Point Power Station to close such CCR unit by removing all of the CCR for (i) recycling, known as encapsulated beneficial use, or (ii) deposition in a permitted and lined landfill that meets certain federal standards. The measure requires that any owner or operator beneficially reuse no less than 6.8 million cubic yards in aggregate of such removed CCR from no fewer than two of the sites. Such a closure project shall be completed within 15 years of its initiation and shall be accompanied by an offer by the owner or operator to provide connection to a municipal water supply for every residence within one-half mile, or if such connection is not feasible, the owner or operator shall offer to provide water testing for any such residence.

The bill provides that if the owner or operator moves CCR off-site, it shall develop a transportation plan in consultation with any county, city, or town in which the CCR units are located and any county, city, or town within two miles of the CCR units, for any truck transportation that minimizes the effects on adjacent property owners and surrounding communities. The bill requires the owner or operator of a CCR unit to accept and review on an ongoing basis sufficiently detailed proposals to beneficially reuse any CCR that are not already subject to a removal contract. The bill requires that any entity conducting the closure work (i) identify options for utilizing local workers, (ii) consult with the Commonwealth's Chief Workforce Development Officer on opportunities to advance the Commonwealth's workforce goals, and (iii) give priority to the hiring of local workers.

The bill requires the CCR unit owner or operator to submit two biennial reports beginning October 1, 2022, and continuing until closure of all of its CCR units is complete. One report describes closure plans, progress, a detailed accounting of the amounts of CCR that have been beneficially reused and the amount of CCR that have been landfilled, the utilization of transportation options, water monitoring results, and other aspects of the closure process; the other report contains the beneficial reuse proposals that the owner or operator has received and its analysis of such proposals.

The measure provides that all costs associated with closure of a CCR unit shall be recoverable through a rate adjustment clause authorized by the State Corporation Commission (the Commission) provided that (i) when determining the reasonableness of such costs the Commission shall not consider closure in place of the CCR unit as an option and (ii) the annual revenue requirement recoverable through a rate adjustment clause shall not exceed \$225 million on a Virginia jurisdictional basis for the Commonwealth in any 12-month period, provided that any under-recovery amount of revenue requirements incurred in

excess of \$225 million in a given 12-month period shall be deferred and recovered through the rate adjustment clause over up to three succeeding 12-month periods. The bill provides that costs may begin accruing on July 1, 2019, but no approved rate adjustment clause charges shall be included in customer bills until July 1, 2021; any such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer; and any such costs that are allocated to the utility's system customers outside of the Commonwealth that are not actually recovered from such customers shall be included for cost recovery from jurisdictional customers in the Commonwealth through the rate adjustment clause. The measure prohibits cost recovery for any fines or civil penalties resulting from violations of federal or state law. This bill incorporates [SB 1009](#) and is identical to [HB 2786](#).

Law Advice: FYI - No Direct Impact

SB1366 [Health, Commissioner of; consolidation of inspections.](#)

Chief Patron: Cosgrove

Summary:

Requires the Commissioner of Health to identify any inspection of a medical care facility required by Title 32.1 (Health), Board of Health regulations, the Commissioner of Health, the Department of Health, or any other state regulatory boards or agencies and, in collaboration with any such inspecting entity, work to consolidate, as much as practicable, all such inspections in order to minimize the interruption of the provision of care in such medical care facilities.

Law Advice: FYI - No Direct Impact

SB1368 [Virginia College Savings Plan; prepaid tuition contracts, pricing reserves.](#)

Companion Bill: HB1611

Chief Patron: Norment

Summary:

Provides that in the event that the ratio of the assets of the Virginia College Savings Plan (the Plan) to the obligations of the Plan exceeds 105 percent, the pricing reserve, which the bill defines as the percentage by which the sum of advanced payments to be made pursuant to each prepaid tuition contract of the Plan exceeds the amount estimated to be required to provide tuition at the fixed, guaranteed level that is specified in such prepaid tuition contract, shall not exceed five percent. The bill provides that in the event that the ratio of the assets of the Plan to the obligations of the Plan does not meet or exceed 105 percent, the pricing reserve may exceed five percent but shall not exceed 10 percent. The bill also requires the governing board of the Plan to provide to the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Legislative Audit and Review Commission written notification and a detailed explanation of any change to the pricing reserve within 30 days of such change.

Law Advice: FYI - No Direct Impact

SB1370 [Semiconductor Manufacturing Grant Fund; created.](#)

Companion Bill: HB2180

Chief Patron: Norment

Summary:

Creates the Semiconductor Manufacturing Grant Fund for the award of grants to a qualified semiconductor manufacturing company that makes a capital investment of at least \$2.98 billion in a qualified locality and creates and maintains at least 1,106 new jobs with an average annual wage of at least \$92,000. Such a qualified company would be eligible to receive a grant of \$50 million in fiscal year 2020 and a grant of \$20 million in fiscal year 2021, subject to total or partial recapture if the qualified company does not meet the performance metrics agreed to in a memorandum of understanding with the Commonwealth. This bill is identical to [HB 2180](#).

Law Advice: FYI - No Direct Impact

SB1372 [Income tax, state; conformity of taxation system with the IRC, taxable income deductions, etc.](#)

Companion Bill: HB2529

Chief Patron: Norment

Summary:

Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, effective starting in taxable year 2018. Starting in taxable year 2019, the bill deconforms from the provisions of the federal Tax Cuts and Jobs Act (TCJA) that limit the deduction for state and local taxes and that suspend the overall limit on itemized deductions.

The bill establishes income tax subtractions starting in taxable year 2018 for Global Intangible Low-Taxed Income (GILTI) and for one-fifth of the amount of business interest that is disallowed as a deduction from federal income tax.

The bill increases the standard deduction to \$4,500 for single individuals and \$9,000 for married persons filing jointly for taxable years 2019 through 2025. Under current law, the standard deduction is \$3,000 for single individuals and \$6,000 for married couples filing jointly.

The bill provides for a refund, not to exceed a taxpayer's tax liability of up to \$110 for individuals and \$220 for married persons filing a joint return. The refund will be issued in October 2019 and will be available only for a taxpayer filing a final return by July 2019. The refunds will be reduced and prorated if the additional revenues generated by the TCJA are insufficient to fully fund the refunds.

The bill establishes the Taxpayer Relief Fund (the Fund). For fiscal years 2019 through 2025, any additional revenues attributable to the TCJA, beyond those necessary to fund the provisions of the bill, would accrue to the Fund. The bill directs the General Assembly to appropriate money from the Fund to

enact permanent or temporary tax reform measures.

The bill contains an emergency clause and is identical to [HB 2529](#).

Law Advice: FYI - No Direct Impact

Effective March 21, 2019

[SB1386 James Madison University; management agreement with the Commonwealth.](#)

Companion Bill: HB2290

Chief Patron: McDougle

Summary:

Provides a management agreement between the Commonwealth and James Madison University pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.). This bill is identical to [HB 2290](#).

Law Advice: FYI - No Direct Impact

[SB1395 Health care provider; threats of death or bodily injury to a provider, penalty.](#)

Chief Patron: Howell

Summary:

Provides that any person who orally makes a threat to kill or to do bodily injury against any health care provider who is engaged in the performance of his duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering emergency medical care is guilty of a Class 1 misdemeanor, unless the person is on the premises of the hospital or emergency room as a result of an emergency custody order, an involuntary temporary detention order, an involuntary hospitalization order, or an emergency custody order of a conditionally released acquittee.

Law Advice: FYI - No Direct Impact

[SB1405 Pharmacist; counseling for new prescriptions, disposal of medicine.](#)

Companion Bill: HB1743

Chief Patron: Dance

Summary:

Allows a pharmacist to include information regarding the proper disposal of medicine when giving counsel to a person who presents a new prescription for filling. This bill is identical to [HB 1743](#).

Law Advice: New Authority

SB1407 [Child care providers; fingerprint background checks, forwarding fingerprints and other information.](#)

Chief Patron: Mason

Summary:

Allows local law-enforcement agencies to process and submit requests for national fingerprint background checks for employees and volunteers of child day programs operated by a local government. The bill has a delayed effective date of July 1, 2020.

Law Advice: FYI - No Direct Impact

Delayed effective date of July 1, 2020

SB1432 [Motor vehicles; immobilization of vehicles.](#)

Chief Patron: Obenshain

Summary:

Allows the owner or operator of a parking lot or other building to immobilize a trespassing vehicle by use of any device in a manner that prevents its removal or lawful operation, provided that the device used does not damage the vehicle. Current law limits immobilization devices to those, such as a boot, that prevent a vehicle from being moved by preventing a wheel from turning. The bill clarifies that the currently authorized use of a device by a locality to immobilize a vehicle against which there are outstanding parking violations in a manner that prevents its operation means in a manner that prevents its lawful operation.

Law Advice: Change in Authority

SB1436 [Child abuse or neglect; prenatal substance exposure, mandatory reporters.](#)

Chief Patron: McClellan

Summary:

Requires any licensed hospital, whenever a health care provider in such hospital reports suspected child abuse or neglect resulting from prenatal substance exposure, to require the development of a written discharge plan that includes, among other things, appropriate treatment referrals and notice to the community services board of the jurisdiction in which the mother resides for the appointment of a discharge plan manager. The bill provides that such reports shall not constitute a per se finding of child

abuse or neglect.

Law Advice: FYI - No Direct Impact

SB1463 [Compliance with grant requirements; new jobs requirement includes off-site jobs.](#)

Chief Patron: McPike

Summary:

Specifies that the creation of off-site or teleworking jobs for Virginia residents by a recipient company or its affiliates may be included in assessing compliance with a job-creation requirement for a grant or incentive issued by a state agency.

Law Advice: FYI - No Direct Impact

SB1481 [Commercial driver's licenses; entry-level driver training.](#)

Chief Patron: Deeds

Summary:

Amends several statutes regarding the licensure of commercial motor vehicle drivers. The bill codifies federal regulatory requirements relating to the training and licensure of first time applicants for certain classifications of commercial driver's licenses and endorsements. The bill allows for lifetime disqualification of the commercial credentials for holders of commercial driver's licenses and commercial learner's permits for certain felony drug charges in compliance with current federal regulation. The bill authorizes certain exemptions for qualifying military personnel. Several provisions of the bill have delayed or contingent effective dates.

Law Advice: FYI - No Direct Impact

Delayed effective dates for certain provisions

SB1488 [State hospital for individuals w/ mental illness; SHHR to examine cause of high census at hospital.](#)

Chief Patron: Hanger

Summary:

Directs the Secretary of Health and Human Resources to convene a stakeholder work group to examine the causes of the high census at the Commonwealth's state hospitals for individuals with mental illness, including (i) the impact on such census of the practice of conducting evaluations of individuals who are the subject of an emergency custody order in hospital emergency departments, the treatment needs of individuals with complex medical conditions, the treatment needs of individuals who are under the

influence of alcohol or other controlled substances, and the need to ensure that individuals receive treatment in the most appropriate setting to meet their physical and behavioral health care needs and (ii) the potential impact on such census of extending the time frame during which an emergency custody order remains valid, revising security requirements to allow custody of a person who is the subject of an emergency custody order to be transferred from law enforcement to a hospital emergency department, diverting individuals who are the subject of an emergency custody order from hospital emergency departments to other more appropriate locations for medical and psychological evaluations, and preventing unnecessary use of hospital emergency department resources by improving the efficiency of the evaluation process. The work group shall analyze how such issues affect both adults and children. The work group shall develop recommendations for both long-term and short-term solutions to the high census at the Commonwealth's state hospitals for individuals with mental illness and shall report such recommendations to the Chairmen of the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century, the House Committee on Appropriations, the House Committee for Courts of Justice, the Senate Committee on Finance, and the Senate Committee for Courts of Justice by November 1, 2019.

Law Advice: Monitor and Track

SB1492 [FOIA; exclusions, proprietary records and trade secrets.](#)

Chief Patron: Chafin

Summary:

Excludes trade secrets, financial information, and research-related information supplied to the Department of Housing and Community Development (the Department) as part of any grant application submitted to the Department pursuant to certain requirements set out in the Code or pursuant to the Virginia Growth and Opportunity Board or the Virginia Telecommunication Initiative as authorized by the appropriation act from the mandatory disclosure provisions of FOIA, if such disclosure would be harmful to the competitive position of the applicant. The bill provides that in order for such trade secrets, financial information, and research-related information to be excluded, the applicant shall (i) invoke this exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify with specificity the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary. The Department is directed to determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant.

Law Advice: FYI - No Direct Impact

SB1494 [Firefighters and Emergency Medical Technicians Procedural Guarantee Act; breach of procedures.](#)

Chief Patron: Edwards

Summary:

Prohibits evidence gathered through the conduct of an interrogation that violates the provisions of the Firefighters and Emergency Medical Technicians Procedural Guarantee Act from being admissible in any

case against a firefighter or emergency medical services personnel.

Law Advice: FYI - No Direct Impact

SB1495 [Virginia Rural Information Technology Apprenticeship Grant Fund and Program; established.](#)

Companion Bill: HB2185

Chief Patron: Chafin

Summary:

Establishes the Virginia Rural Information Technology Apprenticeship Grant Fund and Program, to be administered by the Southwest Virginia Higher Education Center, for the purpose of awarding grants to small, rural information technology businesses in certain localities in the Southwest and Southside regions of Virginia to establish 18-month apprenticeship programs for full-time employees that combine mentorship and on-the-job training to enhance the experience and skills of such employees.

Law Advice: FYI - No Direct Impact

SB1507 [Unmanned aircraft systems; used by law-enforcement officers, persons sought for arrest.](#)

Chief Patron: Carrico

Summary:

Provides that a law-enforcement officer may deploy an unmanned aircraft system (i) to aerially survey a primary residence of the subject of the arrest warrant to formulate a plan to execute an existing arrest warrant or capias for a felony offense or (ii) to locate a person sought for arrest when such person has fled from a law-enforcement officer and a law-enforcement officer remains in hot pursuit of such person.

Law Advice: New Authority

SB1510 [Towing; requests made by local law-enforcement officers.](#)

Chief Patron: Carrico

Summary:

Provides that only towing requests made by local law-enforcement officers are subject to local ordinances regulating towing services for unattended, abandoned, or immobile vehicles.

Law Advice: FYI - No Direct Impact

SB1519 [University of Virginia's College at Wise; reduced rate tuition.](#)

Companion Bill: HB1666

Chief Patron: Carrico

Summary:

Permits the board of visitors of the University of Virginia to charge reduced rate tuition to any student enrolled at the University of Virginia's College at Wise who resides in the Appalachian Region as defined in relevant federal law, is domiciled in the Appalachian Region, and is entitled to in-state tuition charges at a public institution of higher education in the Appalachian Region provided such entitlement is based on circumstances that when applied to a student who resides in Virginia would result in entitlement to in-state tuition. The bill prohibits the board of visitors from setting such reduced rate below the in-state tuition rate for Virginia students attending the University of Virginia's College at Wise. The bill contains an emergency clause and is identical to [HB 1666](#).

Law Advice: New Authority

Effective March 18, 2019

SB1547 [Music therapists; Board of Health Professions to evaluate regulation.](#)

Chief Patron: Vogel

Summary:

Directs the Board of Health Professions to evaluate whether music therapists and the practice of music therapy should be regulated and the degree of regulation to be imposed. The bill requires the Board to report the results of its evaluation to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2019.

Law Advice: FYI - No Direct Impact

SB1554 [Virginia Freedom of Information Act \(FOIA\); violations and civil penalties.](#)

Chief Patron: Surovell

Summary:

Provides that in addition to any penalties imposed under FOIA, (i) if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because such officer, employee, or member of a public body altered or destroyed the requested public records with the intention of avoiding the provisions of FOIA prior to the expiration of the applicable record retention period set pursuant to the Virginia Public Records Act, the court may impose upon such officer, employee, or member in his individual capacity a civil penalty of up to \$100 per record altered or destroyed and (ii) if a court finds that a member of a public body voted to certify a

closed meeting and at the time of such certification an attorney representing the body was present and such certification was not in accordance with the requirements of FOIA, the court may impose on the public body a civil penalty of up to \$1,000.

Law Advice: FYI - No Direct Impact

[SB1556 Auditor of Public Accounts; Commonwealth Data Point, employee compensation information.](#)

Chief Patron: Peake

Summary:

Requires that the searchable database containing certain state expenditure information that is maintained by the Auditor of Public Accounts include the number of full-time state employees for whom the annual rate of pay is more than \$10,000, an identifier associated with each such employee, and the salary, bonuses, and total compensation paid during the fiscal year for the employee associated with each identifier. Current law requires that compensation data be connected to an employee's job position.

Law Advice: Change in Requirement

[SB1557 Pharmacy, Board of; cannabidiol oil and tetrahydrocannabinol oil, regulation of pharmaceutical.](#)

Chief Patron: Dunnivant

Summary:

Authorizes licensed physician assistants and licensed nurse practitioners to issue a written certification for use of cannabidiol oil and THC-A oil. The bill requires the Board to promulgate regulations establishing dosage limitations, which shall require that each dispensed dose of cannabidiol oil or THC-A oil not exceed 10 milligrams of tetrahydrocannabinol. The bill requires the Secretary of Health and Human Resources and the Secretary of Agriculture and Forestry to convene a work group to review and recommend an appropriate structure for an oversight organization in Virginia and report its findings and recommendations to the Chairmen of the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health and the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions by November 1, 2019.

Law Advice: New Authority

[SB1575 Teacher licensure; certain instructors at higher educational institutions.](#)

Chief Patron: Ebbin

Summary:

Grants to the Chancellor of the Virginia Community College System voting privileges as a member of the

Advisory Board on Teacher Education and Licensure (the Advisory Board). The bill requires the Advisory Board to report to the Board of Education and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2019, recommendations relating to licensure qualifications for individuals employed by an institution of higher education to teach (i) career and technical education courses in a high school setting and (ii) dual enrollment courses in a high school setting. The bill also requires the Board of Education to provide for the issuance of a three-year license to solely teach career and technical education courses or dual enrollment courses at public high schools in the Commonwealth to any individual who is employed as an instructor by an institution of higher education that is accredited by a nationally recognized regional accreditation body, is teaching in the specific career and technical education or dual enrollment subject area at such institution in which the individual seeks to teach at a public school, and complies with certain additional requirements.

Law Advice: FYI - No Direct Impact

SB1581 [Parental leave benefits; DHRM to implement and administer.](#)

Companion Bill: HB2234

Chief Patron: Suetterlein

Summary:

Codifies the policy described in Executive Order Number 12 (2018) providing parental leave to state employees, consisting of eight weeks (320 hours) of paid leave in addition to leave provided under other state and federal programs. The bill requires that parental leave be available following the birth, adoption, or foster placement of a child under age 18 and be available to both parents of such child if both are state employees. The bill requires that parental leave be taken within six months of a birth, adoption, or foster placement and limits parental leave to once in any 12-month period and only once per child. This bill is identical to [HB 2234](#).

Law Advice: New Requirement

No action required; the new requirements have already been incorporated into University policy

SB1591 [School and Campus Safety, Virginia Center for; guidelines on information sharing.](#)

Chief Patron: Dunnavant

Summary:

Directs the Virginia Center for School and Campus Safety (the Center) to convene a work group to develop guidelines and best practices for the sharing of information between a local school board or public institution of higher education and law enforcement regarding a student whose behavior may pose a threat to the safety of a school or institution or the community. Such guidelines and best practices shall seek to balance the interests of safety and student privacy and shall be consistent with the provisions of the federal Family Educational Rights and Privacy Act and Health Insurance Portability and

Accountability Act, as applicable. The bill requires the Center to develop such guidelines and best practices, report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, and make such guidelines available to local school boards, public institutions of higher education, law enforcement, and the public by October 1, 2019.

Law Advice: Monitor and Track

SB1593 [SCHEV; financial aid award notification.](#)

Companion Bill: HB1704

Chief Patron: Dunnavant

Summary:

Requires any comprehensive financial aid award notification provided to a student by a public institution of higher education or private institution of higher education to meet the requirements and best practices established by the State Council of Higher Education for Virginia in its Financial Aid Award Letters Policies and Guidance. This bill is identical to [HB 1704](#).

Law Advice: New Requirement

SB1596 [Health plans; calculation of enrollee's contribution.](#)

Companion Bill: HB2515

Chief Patron: Dunnavant

Summary:

Requires any carrier issuing a health plan in the Commonwealth to count any payments made by another person on the enrollee's behalf, as well as payments made by the enrollee, when calculating the enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under the carrier's health plan. This bill is identical to [HB 2515](#).

Law Advice: FYI - No Direct Impact

SB1602 [Central Criminal Records Exchange; reports, duties and authority.](#)

Companion Bill: HB2343

Chief Patron: Obenshain

Summary:

Requires the Central Criminal Records Exchange (Exchange) to review offenses containing unapplied criminal history record information, defined in the bill, and make reasonable efforts to ensure that such

information is applied to criminal history records. The bill requires the Exchange to submit periodic reports to the Office of the Executive Secretary of the Supreme Court of Virginia, the clerk of each circuit court and district court, attorneys for the Commonwealth, and law-enforcement agencies containing (i) a list of offenses with unapplied criminal history record information and (ii) for each offense, if known, the name and any other identifying information of the defendant, any identifying court case information, the date of submission to the Exchange, and the reason the offense could not be applied to the criminal history record. The bill also requires the Exchange to submit an annual report to the Governor and General Assembly on the status of unapplied criminal history record information and any updates to fingerprinting policies and procedures.

The bill also requires a law-enforcement officer to report the required information to the Central Criminal Records Exchanges for persons arrested on a *capias* for any allegation of a violation of the terms or conditions of a suspended sentence, probation, or parole for a felony offense. The bill also provides that for persons served with a show cause for any allegation of a violation of the terms or conditions of a suspended sentence, probation, or parole for a felony offense, a report to the Central Criminal Records Exchange is not required until such person is found to be in violation of the terms or conditions of a suspended sentence, probation, or parole. The bill authorizes the court to order that the fingerprints and photograph of such person served with a show cause and found to be in violation be taken by a law-enforcement officer.

The bill provides that for persons charged under the first offender domestic assault, first offender drug possession, or first offender property offense statute, the court shall verify that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person prior to discharging such person and dismissing the proceedings. The bill authorizes a court to order a law-enforcement officer to take the fingerprints and photograph of a person charged if the fingerprint identification information or fingerprints have not been provided to the clerk of court.

The bill provides that if a person is in custody for an offense for which a report to the Central Criminal Records Exchange is required when an indictment or presentment is found or made, or information is filed, and no process is awarded, the attorney for the Commonwealth shall notify the court of such and the court shall order that the fingerprints and photograph of the accused be taken by a law-enforcement officer or by the agency that has custody of the accused at the time of the first appearance by the accused.

The bill requires the Department of State Police to develop a model policy on the collection of fingerprints and reporting of criminal history record information to the Central Criminal Records Exchange and to disseminate such policy to all law-enforcement agencies within the Commonwealth.

The bill requires a judge, after convicting the defendant of any offense for which a report to the Central Criminal Records Exchange is required, to determine if a copy of such defendant's fingerprints or fingerprint identification information has been provided by a law-enforcement officer to the clerk of court. The bill provides that in any case in which fingerprints or fingerprint identification information has not been provided by a law-enforcement officer to the clerk of court, the judge shall require that fingerprints and photograph be taken by a law-enforcement officer as a condition of probation or of the suspension of the imposition or execution of any sentence.

The bill provides that any fingerprints, photographs, and records received by the Central Criminal Records Exchange from any correctional institution concerning an incarcerated person may be classified and filed as criminal history record information. The bill requires the Department of Corrections to

submit photographs, fingerprints, and a description of each person who is under the custody of the Department to the Central Criminal Records Exchange if such person has been convicted of an offense for which a report to the Central Criminal Records Exchange is required.

The bill requires a state probation and parole officer and a local community-based probation officer, (a) at least 60 days prior to an offender's release from supervision pursuant to the terms of the sentencing order or (b) prior to submitting a request to the court that the offender be released from supervision, to review the criminal history record of the offender to verify that the offense for which the offender is being supervised appears on the offender's criminal history record, if such offense is required to be reported to the Central Criminal Records Exchange, and, if such offense does not appear on the offender's criminal history record, to take and provide the fingerprints and photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the criminal history record information. The Department of State Police shall develop a form for use by local community-based probation officers when ordering additional fingerprints of an offender.

The bill provides that at a restitution hearing the court shall review the criminal history record of a defendant and determine whether the defendant's conviction appears on such record. The bill provides that if such conviction does not appear on the defendant's criminal history record, the court shall order that the fingerprints and photograph of the defendant be taken by a law-enforcement officer. The bill requires such fingerprints and photograph to be submitted to the Central Criminal Records Exchange.

The bill provides that in any case where the court has suspended the imposition or execution of a sentence or placed the defendant on probation, the court, after a hearing and providing adequate notice to the parties, may modify the sentence or conditions of probation at any time within the period of suspension or supervision to require that the fingerprints and photograph of the defendant be taken as a condition of the suspended sentence or probation. The clerk of each circuit court shall make an electronic report to the Central Criminal Records Exchange of any finding that a person charged on a summons is in violation of the terms or conditions of a suspended sentence or probation for a felony offense.

The bill provides that for treason, any felony, any offense punishable as a misdemeanor under Title 54.1 (Professions and Occupations), or any misdemeanor punishable by jail, when any such offense is charged on a summons, the electronic report filed by the clerk of each circuit court and district court to the Central Criminal Records Exchange shall not be required until (1) a conviction is entered and no appeal is noted or, if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (2) the court dismisses the proceeding pursuant to the first offense statute; or (3) an acquittal by reason of insanity is entered.

The bill directs the Department of State Police to make reasonable efforts to ensure that criminal history record information that was reported to the Central Criminal Records Exchange prior to July 1, 2019, and not applied to the criminal history record of a person be applied to the criminal history record of that person. The bill requires the Department to report on the progress of these efforts to the Governor and the Chairman of the State Crime Commission by November 1, 2019.

This bill as introduced was a recommendation of the Virginia State Crime Commission and is identical to [HB 2343](#).

Law Advice: FYI - No Direct Impact

SB1605 [Electric utilities; stakeholder process for energy efficiency programs.](#)

Companion Bill: HB2293

Chief Patron: Ebbin

Summary:

Requires the independent monitor chosen to facilitate the energy efficiency stakeholder process established for the purpose of providing input and feedback on the development of electric utilities' energy efficiency programs to convene meetings of the participants not less frequently than twice each calendar year between July 1, 2019, and July 1, 2028. The measure also requires the independent monitor's report on the status of the stakeholder process to address (i) the objectives established by the stakeholder group during this process related to programs to be proposed, (ii) recommendations related to programs to be proposed that result from the stakeholder process, and (iii) the status of those recommendations. Current law requires that an annual report be submitted by the utility and does not require that it include such information on the stakeholder process. This bill is identical to [HB 2293](#).

Law Advice: FYI - No Direct Impact

SB1607 [Health insurance; carrier business practices, authorization of health care services.](#)

Chief Patron: Dunnavant

Summary:

Provides that if a carrier has previously authorized an invasive or surgical health care service as medically necessary and during the procedure the health care provider discovers clinical evidence prompting the provider to perform a less or more extensive or complicated procedure than was previously authorized, then the carrier shall pay the claim, provided that it is appropriately coded consistent with the procedure actually performed, the additional procedures were not investigative in nature, and the additional procedure was compliant with a carrier's post-service claims process. The measure requires any provider contract between a carrier and a participating health care provider to contain certain specific provisions addressing how carriers interact with prior authorization requests. The measure requires that no prior authorization is required for at least one drug prescribed for substance abuse medication-assisted treatment, provided that (i) the drug is a covered benefit, (ii) the prescription does not exceed the FDA labeled dosages, and (iii) the drug is prescribed consistent with the regulations of the Board of Medicine. The measure clarifies that the 24-hour period during which a carrier is required to communicate to a prescriber if an urgent prior authorization request submitted telephonically or in an alternate method directed by the carrier has been approved, denied, or requires supplementation includes weekend hours. The measure provides that a carrier shall not be required to pay a claim if the carrier has previously authorized health care service and if, during the post-service claims process, it is determined that the claim was submitted fraudulently.

Law Advice: FYI - No Direct Impact

SB1611 [Health care shared savings; incentive programs.](#)

Companion Bill: HB2639

Chief Patron: Dunnavant

Summary:

Requires health carriers to establish a comparable health care service incentive program under which savings are shared with a covered person who elects to receive a covered comparable health care service from a lower-cost provider. Incentive payments are not required for savings of \$25 or less. The measure requires health carriers to comply with transparency requirements beginning with health benefit plans offered or renewed on or after July 1, 2020. Programs are required to be approved by the Commissioner of Insurance. This bill is identical to [HB 2639](#).

Law Advice: FYI - No Direct Impact

SB1617 [Tech Talent Investment Program and Fund; created, report.](#)

Companion Bill: HB2490

Chief Patron: Ruff

Summary:

Creates a grant program to assist qualified public institutions of higher education, defined in the bill, in reaching, by 2039, a goal of increasing by at least 25,000 degrees the number of bachelor's and master's degrees awarded in computer science, computer engineering, and closely related fields, or that otherwise align with traded-sector, technology-focused growth opportunities identified by the Virginia Economic Development Partnership Authority. To be eligible for an annual grant, a qualified institution is required to enter into a memorandum of understanding setting forth specific criteria for eligible degrees, eligible expenses, degree production goals, and graduation rates. Failure to meet criteria would result in the adjustment of future awards.

The bill requires qualified institutions that are grant recipients to report annually on progress towards meeting such goals and that grants issued pursuant to the program are subject to appropriation, and for the Secretary of Finance to report annually regarding the progress of each qualified institution in meeting its goals and the amount of grants awarded to such institution. This bill is identical to [HB 2490](#).

Law Advice: New Authority

SB1625 [Statewide Fire Prevention Code; changes definition of permissible fireworks.](#)

Chief Patron: McPike

Summary:

Changes the definition of permissible fireworks for purposes of the Statewide Fire Prevention Code to

mean any fountains that do not emit sparks or other burning effects to a distance greater than five meters (16.4 feet); wheels that do not emit a flame radius greater than one meter (39 inches); crackling devices and flashers or strobes that do not emit sparks or other burning effects to a distance greater than two meters (78.74 inches); and sparkling devices or other fireworks devices that (i) do not explode or produce a report, (ii) do not travel horizontally or vertically under their own power, (iii) do not emit or function as a projectile, (iv) do not produce a continuous flame longer than 20 inches, (v) are not capable of being reloaded, and (vi) if designed to be ignited by a fuse, have a fuse that is protected to resist side ignition and a burning time of not less than four seconds and not more than eight seconds. Current law defines this category of fireworks in more general terms.

Law Advice: FYI - No Direct Impact

SB1628 [Innovative Internship Fund and Program; created and established.](#)

Companion Bill: HB2653

Chief Patron: Dunnavant

Summary:

Permits any public institution of higher education to propose in conjunction with the six-year plan process, and the General Assembly to adopt by reference in the general appropriation act, an innovative proposal for a performance pilot that advances the objectives of the Virginia Higher Education Opportunity Act of 2011. The bill provides that the General Assembly may approve no more than six performance pilots per year.

An innovative proposal may include an institutional partnership performance agreement with mutually dependent commitments among the institution, the Commonwealth, and identified partners. A proposal shall align the strategies, activities, and investments of the institution, the Commonwealth, and any identified partners concerning college access, affordability, cost predictability, and employment pathways for undergraduate Virginia students and other priorities which may be set out in the general appropriation act. The bill contains provisions relating to mandatory and permissive contents of, the approval process for, and the legal effect of any performance agreement.

The bill establishes the Innovative Internship Fund (the Fund) to be used to fund the Innovative Internship Program (the Program). The Fund and the Program would be administered by the State Council of Higher Education for Virginia and would be used to expand internship or other work-based learning opportunities by providing institutional grants to facilitate the readiness of students, employers, and institutions of higher education. The bill requires the Council to establish eligibility criteria for grants. This bill is identical to [HB 2653](#).

Law Advice: New Authority

SB1638 [Newspapers; legal notice and publications, requirements.](#)

Chief Patron: Boysko

Summary:

Alters the requirements for newspapers that may be used for legal notices and publications by (i) changing the publication and circulation requirement from 24 consecutive weeks to at least 50 of the preceding 52 weeks and requiring such publication be in printed form; (ii) requiring that such a newspaper provide general news coverage of the area in which the notice is to be published; and (iii) requiring that such a newspaper have a periodicals mailing permit issued by the United States Postal Service. The bill further provides that a newspaper that lacks a periodicals permit issued by the United States Postal Service may petition the circuit court for the jurisdiction in which such notices or publications are to be published, as opposed to where such newspaper is located as current law requires, for the authority to be certified as a newspaper of general circulation. The bill further allows a locality that determines that no newspaper published in such locality otherwise meets the requirements that enable it to be a newspaper for the use of such notices and publications to petition the circuit court in the jurisdiction in which such notices and publications are to be published for the authority to be published in another medium. The bill specifies that such petition shall not be filed without majority approval of the locality's local governing body. The bill requires that any newspaper authorized to publish such notices and publications shall also (a) print such notices and publications in a prominent location in such newspaper with an identifying heading in boldface letters no smaller than 24-point type and (b) maintain at least three years' worth of print archives of such newspaper and make such archives available for public inspection. The bill further requires that a newspaper shall post a notice on the newspaper's website, if such a website is published by such newspaper, and on a searchable, statewide repository website established and maintained as a joint venture of the majority of Virginia newspapers as a repository for such notices. The bill provides that any notice published on a website shall be accessible to the public at no charge.

Law Advice: Change in Requirement

SB1662 [Electric utilities; energy efficiency programs.](#)

Chief Patron: Wagner

Summary:

Provides that any determination by the State Corporation Commission that an energy efficiency program is not in the public interest shall include with its final order the work product and analysis conducted by the staff of the Commission in making that determination. The measure provides that any utility petitioning the Commission for approval of one or more rate adjustment clauses for energy efficiency programs shall include a proposed budget for the design, implementation, and operation of the energy efficiency programs. The bill requires that any rate adjustment clause approved for an energy efficiency program remain in effect until the utility exhausts the approved budget for the energy efficiency program.

Law Advice: FYI - No Direct Impact

SB1668 [Alcoholic beverage control; Sunday store hours, distiller commission.](#)

Companion Bill: HB1770

Chief Patron: Reeves

Summary:

Requires the Alcoholic Beverage Control Authority (the Authority) to pay a distiller who operates a government store on the distiller's licensed premises a commission of not less than 20 percent of the retail price of any goods sold. The bill also allows certain government stores, as determined by the Board of Directors (the Board) of the Authority, to be open on Sundays for the sale of alcoholic beverages after 10:00 a.m. Finally, the bill grants the Board the power to employ or retain in-house legal counsel to advise or represent the Authority in hearings, controversies, or other matters involving the interests of the Authority. The bill provides, however, that upon request by the Board, the Attorney General shall provide legal services for the Authority in accordance with current law. This bill is identical to [HB 1770](#).

Law Advice: FYI - No Direct Impact

SB1677 [Child restraint devices and safety belts; exempts emergency and law-enforcement vehicles.](#)

Companion Bill: HB1662

Chief Patron: Suetterlein

Summary:

Exempts the operators of emergency medical services agency vehicles, fire company vehicles, fire department vehicles, and law-enforcement agency vehicles during the performance of their official duties from (i) the requirement that certain minors be secured with a safety belt and (ii) the requirement that minors under the age of eight be secured in a child restraint device provided that exigent circumstances exist and no child restraint device is readily available. This bill is identical to [HB 1662](#).

Law Advice: Eliminates Requirement

SB1681 [DGS; surplus property, opportunity for economic development entities to purchase.](#)

Companion Bill: HB2182

Chief Patron: Mason

Summary:

Provides that prior to offering surplus property for sale to the public, the Department of General Services (the Department) shall notify the chief administrative officer of the locality within which the property is located as well as any economic development entity for such locality of the pending disposition of such property. The bill provides that the chief administrative officer or local economic development entity shall have up to 180 days from the date of such notification to submit a proposal to the Department for the use by the locality or the local economic development entity of such property in conjunction with a bona fide economic development activity. The bill requires the Department to review such proposal and provides that if the Department determines that such proposal is viable and could benefit the

Commonwealth, the Department may negotiate with the chief administrative officer or the local economic development entity for the sale of such property to the locality or economic development entity. This bill is identical to [HB 2182](#).

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

SB1685 [Health insurance; credentialing, mental health professionals.](#)

Chief Patron: Dunnavant

Summary:

Requires health insurers and other carriers that credential the mental health professionals in their provider networks to establish reasonable protocols and procedures for reimbursing a mental health professional who has submitted a completed credentialing application to a carrier, after being credentialed by the carrier, for mental health services provided to covered persons during the period in which the applicant's completed credentialing application is pending. The measure requires health maintenance organizations that issue Medicaid coverage to provide reimbursement to physicians and mental health professionals during the credentialing process. Under current law, Medicare Advantage plans and Medicaid plans are excluded from such requirement. The measure provides that health insurers that credential mental health professionals in their network may establish reasonable protocols and procedures for credentialing private mental health agencies. The bill establishes minimum standards that must be maintained by credentialed private mental health agencies.

Law Advice: FYI - No Direct Impact

SB1692 [Industrial hemp; federal Farm Bill.](#)

Companion Bill: HB1839

Chief Patron: Ruff

Summary:

Conforms Virginia law to the provisions of the federal 2018 Farm Bill by amending the definitions of cannabidiol oil, marijuana, and tetrahydrocannabinol (THC) to exclude industrial hemp in the possession of a registered person, hemp products, or an oil containing no more than 0.3% THC. The bill defines "industrial hemp" as any part of the plant *Cannabis sativa* that has a concentration of THC that is no greater than that allowed by federal law, and it defines "hemp product" as any finished product that is otherwise lawful and that contains industrial hemp. The bill it adds the category of "dealer" in industrial hemp to the existing registration categories of grower and processor.

The bill requires any registered grower, dealer, or processor who negligently violates the law to comply with a corrective action plan established by the Commissioner of Agriculture and Consumer Services (the Commissioner). The plan must identify a date by which the person is required to correct the violation and requires the person to report periodically for not less than two calendar years on his

compliance with the law. No person who negligently violates the industrial hemp law three times in a five-year period is eligible to grow, deal in, or process industrial hemp for a period of five years beginning on the date of the third violation.

The bill directs the Commissioner to (i) revoke the registration of any registered grower, dealer, or processor who violates the law with a culpable mental state greater than negligence and (ii) advise the Attorney General of the United States and the Superintendent of State Police, or the chief law-enforcement officer of the county or city, when such person grows, deals in, or processes any *Cannabis sativa* with a concentration of THC that is greater than that allowed by federal law with a culpable mental state greater than negligence.

The bill authorizes the Department of Agriculture and Consumer Services (the Department), if it obtains the approval of the U.S. Secretary of Agriculture, to refrain from requiring destruction of industrial hemp until the THC level is greater than 0.6%, and it authorizes the Department at that point to allow a re-test of the industrial hemp if the THC level is no greater than one percent.

The bill abolishes the higher education and Virginia industrial hemp research programs, along with the requirement that a grower or processor act exclusively within such a program. The bill authorizes the Commissioner to charge a fee for certain THC testing. Finally, the bill directs the Department to report by December 1, 2019, (a) to the General Assembly on the fiscal impact of the growth of the industrial hemp industry upon the Department's registration program and the existence of any need to alter the registration fee and (b) to the Chairmen of the House and Senate Agriculture Committees on the viability of markets for Virginia industrial hemp growers, the types of products made from industrial hemp that can be produced in Virginia, and the economic benefits and costs of production of such products. The bill also directs the Secretary of Agriculture and Forestry and the Secretary of Health and Human Resources to report by November 1, 2019, on the appropriate standards, if any, for the production of an oil with a THC concentration of no greater than 0.3 percent that is derived from industrial hemp. The bill contains an emergency clause.

Law Advice: Change in Requirement

Abolishes the higher education and Virginia industrial hemp research programs along with the requirement that growers and processors of them must act exclusively within those programs.

SB1693 [Health insurance; coverage for autism spectrum disorder.](#)

Companion Bill: HB2577

Chief Patron: Vogel

Summary:

Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals of any age. Currently, such coverage is required to be provided for individuals from age two through age 10. The provision applies with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2020. This bill is identical to [HB 2577](#).

Law Advice: FYI - No Direct Impact

SB1694 [Qualified mental health professionals; regulations for registration.](#)

Companion Bill: HB2693

Chief Patron: Barker

Summary:

Requires the Board of Counseling to promulgate regulations for the registration of persons receiving supervised training in order to qualify as a qualified mental health professional. The bill defines the terms "qualified mental health professional-adult," "qualified mental health professional-child," and "qualified mental health professional-trainee." This bill is identical to [HB 2693](#).

Law Advice: FYI - No Direct Impact

SB1695 [Public utilities; acquisition of rights-of-way for economic development sites.](#)

Companion Bill: HB2738

Chief Patron: Wagner

Summary:

Authorizes a public utility providing water, sewer, electric, or natural gas service to propose an Economic Development Program (Program) under which it may acquire utility right-of-way for one or more qualified economic development sites. A proposal for a Program is required to include an analysis of how acquiring the rights-of-way will enhance the Commonwealth's infrastructure and promote the Commonwealth's competitive business environment by improving the readiness of a qualified economic development site. The measure establishes criteria for the Virginia Economic Development Partnership Authority to certify that an industrial site is a qualified economic development site. The State Corporation Commission (SCC) is authorized to approve a proposal for a Program that satisfies certain conditions, including findings that (i) implementation of the Program will provide significant economic development benefits that might not otherwise be attained absent its approval and (ii) the Program is designed only to acquire utility rights-of-way to a qualified economic development site and not to provide service to other customers or potential customers. A utility's capital investment is capped at one percent of gross plant investment in the aggregate of all of the utility's Programs and at \$5 million for any specific qualified economic development site. This bill is identical to [HB 2738](#).

Law Advice: FYI - No Direct Impact

SB1696 [Wage payment statements; each employer to provide on each regular pay date.](#)

Companion Bill: HB2664

Chief Patron: Wagner

Summary:

Requires each employer to provide on each regular pay date a written statement, by a paystub or online accounting, that shows the name and address of the employer, the number of hours worked during the pay period, and the rate of pay. Currently an employer is required to provide, when requested, a written statement of the employee's gross wages and any deductions. The measure does not apply to agricultural employment except that an agricultural employer, upon request of its employee, shall furnish the employee a written statement of the gross wages earned by the employee during any pay period and the amount and purpose of any deductions therefrom. The measure has a delayed effective date of January 1, 2020. The bill is identical to [HB 2664](#).

Law Advice: FYI - No Direct Impact

Delayed effective date of January 1, 2020; not applicable to state agencies

SB1707 [Southwest Virginia Energy Research and Development Authority; created, sunset provision.](#)

Companion Bill: HB2747

Chief Patron: Chafin

Summary:

Creates the Southwest Virginia Energy Research and Development Authority (the Authority) to promote opportunities for energy development in Southwest Virginia, to create jobs and economic activity in Southwest Virginia consistent with the Virginia Energy Plan, and to position Southwest Virginia and the Commonwealth as a leader in energy workforce and energy technology research and development. The Authority will be composed of 11 nonlegislative members, of whom four will be appointed by the Governor, four will be appointed by the Speaker of the House, and three will be appointed by the Senate Committee on Rules. The Authority is charged with, among other tasks, (i) leveraging the strength in energy research and workforce development of Virginia's public and private institutions of higher education; (ii) supporting the development of pump storage hydropower in Southwest Virginia and energy storage generally; (iii) promoting the development of renewable energy generation facilities on brownfield sites, including abandoned mine sites; (iv) promoting energy workforce development; and (v) assisting energy technology research and development by promoting the development of a Southwest Virginia Energy Park. The bill has a sunset date of July 1, 2029. This bill is identical to [HB 2747](#).

Law Advice: FYI - No Direct Impact

SB1715 [Retail Sales and Use Tax; reduced rate on essential personal hygiene products.](#)

Companion Bill: HB2540

Chief Patron: Boysko

Summary:

Applies the reduced state sales and use tax rate of 1.5%, which under current law applies only to food purchased for human consumption, to essential personal hygiene products, defined in the bill as (i) nondurable incontinence products such as diapers, disposable undergarments, pads, and bed sheets; and (ii) menstrual cups and pads, pantyliners, sanitary napkins, tampons, and other products used to absorb or contain menstrual flow. The bill has a delayed effective date of January 1, 2020. This bill is identical to [HB 2540](#).

Law Advice: Change in Requirement

Delayed effective date of January 1, 2020

SB1719 [Cannabidiol oil and THC-A oil; registered agents and pharmaceutical processors.](#)

Chief Patron: Marsden

Summary:

Authorizes a patient or, if such patient is a minor or an incapacitated adult, such patient's parent or legal guardian to designate an individual to act as his registered agent for the purposes of receiving cannabidiol oil or THC-A oil pursuant to a valid written certification. Such designated individual is required to register with the Board of Pharmacy (Board). The bill authorizes the Board to set a limit on the number patients for whom any individual is authorized to act as a registered agent. The bill authorizes a pharmaceutical processor to dispense cannabidiol oil or THC-A oil to such registered agent and provides such registered agent an affirmative defense for possession of cannabidiol oil or THC-A oil.

The bill authorizes a pharmaceutical processor, in addition to other employees authorized by the Board, to employ individuals (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in horticulture or a certification recognized by the Board or who has at least two years of experience cultivating plants and (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants.

The bill directs the Board to promulgate regulations regarding the wholesale distribution of and transfer of cannabidiol oil or THC-A oil between pharmaceutical processors and removes a requirement that a pharmaceutical processor only dispense cannabidiol oil or THC-A oil cultivated and produced on-site. The bill provides that a pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

The bill provides that the concentration of tetrahydrocannabinol in any THC-A oil on site at a pharmaceutical processor may be up to 10 percent greater than or less than the level of tetrahydrocannabinol measured for labeling. Finally, the bill requires the Board of Pharmacy to promulgate regulations to implement the provisions of the bill within 280 days of its enactment.

Law Advice: FYI - No Direct Impact

SB1722 [Continuing care retirement communities; accessing medical assistance, certificate of public need.](#)

Companion Bill: HB2722

Chief Patron: Barker

Summary:

Changes from 10 percent of a nursing facility to the lesser of 25 percent of a nursing facility or 15 nursing home beds the cap on nursing home beds that are eligible for medical assistance in certain nursing facilities in Planning District 8 in a continuing care retirement community that may be certified to participate in the state program for medical assistance without regard to a certificate of public need. This bill is identical to [HB 2722](#).

Law Advice: FYI - No Direct Impact

SB1724 [Employment records; written request from employee, subpoena duces tecum.](#)

Chief Patron: Norment

Summary:

Provides that an employer shall furnish a copy of certain employment records or papers within 30 days of receipt of a written request of a current or former employee or employee's attorney. The bill provides that the employer may charge a reasonable fee to comply with such a request. The bill further provides that a subpoena duces tecum may be issued upon the failure of an employer to comply with such a written request and that if the court finds that an employer willfully refused to comply with such a written request, as outlined in the bill, the court may award damages for all expenses incurred by the employee. The bill provides that copies of an employee's records or papers may be withheld from such employee if the employee's treating physician or clinical psychologist states that providing such records to such employee would be reasonably likely to endanger the life or physical safety of the employee or another person. This bill incorporates [SB 1682](#).

Law Advice: New Requirement

SB1726 [Alcoholic beverage control; happy hour advertising.](#)

Companion Bill: HB2073

Chief Patron: McDougle

Summary:

Expands the ability of retail on-premises licensees to advertise happy hours by allowing them to

advertise the prices of featured alcoholic beverages and to use creative marketing techniques, provided that such techniques do not tend to induce overconsumption or consumption by minors. This bill incorporates [SB 1170](#) and is identical to [HB 2073](#).

Law Advice: FYI - No Direct Impact

SB1727 [Tobacco products, nicotine vapor products, etc.; purchase, possession, and sale.](#)

Companion Bill: HB2748

Chief Patron: Norment

Summary:

Increases the minimum age for persons prohibited from purchasing or possessing tobacco products, nicotine vapor products, and alternative nicotine products, and the minimum age for persons such products can be sold to, from 18 years of age to 21 years of age with an exception for active duty military personnel. The bill also allows tobacco products, nicotine vapor products, and alternative nicotine products to be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to persons under 21 years of age. Under current law, tobacco products may be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to minors. This bill is identical to [HB 2748](#).

Law Advice: FYI - No Direct Impact

SB1729 [Workers' compensation; payment of claims.](#)

Chief Patron: Norment

Summary:

Prohibits a health care provider from submitting a claim to the Workers' Compensation Commission seeking additional payment for medical services rendered to a claimant before July 1, 2014, if the health care provider has previously accepted payment for the same medical services pursuant to the federal Longshore and Harbor Workers' Compensation Act. The measure prohibits the Commission from adjudicating any such claim.

Law Advice: New Requirement

SB1734 [Accident and sickness insurance; restrictions relating to premium rates.](#)

Companion Bill: HB2770

Chief Patron: Deeds

Summary:

Requires a rate filing by a health carrier that proposes area rate factors in the individual or small group market that exceed the weighted average of the proposed area rate factors among all rating areas by more than 15 percent to include, in publicly available and unredacted form, a comparison of the area rate factor for individual and small group plans that utilize the same provider network and provider reimbursement levels of the health benefit plans that are subject to the filing. In addition, to the extent that the health carrier is deriving any area rate factor from experience data, the measure requires the health carrier to provide additional information, including aggregated incurred claims for any provider exceeding 30 percent of total claims for the rating area in that market. The measure requires the State Corporation Commission to hold a public hearing before approving such proposed rates. The measure also bars the Commission from approving such a proposed rate filing if (i) a variance in area rate factors, indexed to the same rating region for both the individual and small group markets, of 15 percent or more exists between health benefit plans a carrier intends to offer in the individual market and health benefit plans intended to be offered in the small group market, when those plans utilize the same provider networks and reimbursement levels and (ii) the methodologies used to calculate the area rate factors are different between the two markets. The measure provides that beginning for plan year 2020, a health carrier with an approved rate filing that contains at least one area rate factor that exceeds by more than 25 percent the weighted average of the area rate factors among all rating areas in a market in which the health carrier offers individual or small group health insurance coverage shall file with the Commission for each calendar quarter during that plan year a report that provides, for each rating area within the market in which the health carrier operates, the plan's enrollment, total premiums, allowed claims, incurred claims excluding anticipated or, if available, actual risk adjustment payments or receipts, incurred claims including anticipated or, if available, actual risk adjustment payments or receipts, loss ratio, and aggregate claims, for each provider exceeding 25 percent of total claims for that rating area. The measure requires the health carrier to make each such quarterly report publicly available, without redaction, not later than 45 days after the end of the calendar quarter. This bill is identical to [HB 2770](#).

Law Advice: FYI - No Direct Impact

SB1755 [USBC and SFPC; changes to Codes for safety measures for schools.](#)

Chief Patron: Hanger

Summary:

Directs the Department of Housing and Community Development to convene stakeholders representing entities that enforce the Uniform Statewide Building Code and the Statewide Fire Prevention Code and other law-enforcement organizations to develop proposals for changes to each such code for submission to the Board of Housing and Community Development. Such proposals shall have the goal of assisting in the provision of safety and security measures for the Commonwealth's public or private elementary and secondary schools and public or private institutions of higher education for active shooter or hostile threats. The review conducted by the stakeholders shall include the examination of (i) locking devices, (ii) barricade devices, and (iii) other safety measures that may be utilized in an active shooter or hostile threat situation that occurs in any classroom or other area where students are located for a finite period of time.

Law Advice: FYI - No Direct Impact

SB1759 [Underground electric distribution lines; placing in areas of transit-oriented development.](#)

Chief Patron: Surovell

Summary:

Establishes a pilot program under which the governing body of any locality operating under the urban county executive form of government (Fairfax County) may request an electric utility to place underground electric utility distribution lines in transportation projects to serve and facilitate the creation of transit-oriented development in such locality in conjunction with a transportation infrastructure improvement project that the Commonwealth Transportation Board identifies that reduces congestion, improves mobility, incorporates transit systems and improves safety. The measure provides that the locality and the utility shall enter into an agreement that provides that (i) the locality shall pay to the utility its full additional costs of relocating and converting that portion of the line located in the locality underground rather than overhead that are not recoverable under applicable rates, net of relocation credits, which costs shall include associated feasibility costs, or any smaller portion of such costs as the utility and the locality may agree; (ii) the locality shall impose an additional levy on electric utility customers in the locality in an amount sufficient to cover the utility's additional costs, which levy shall not exceed \$1 per month on residential customers and shall be collected by the utility on behalf of the locality; (iii) the utility shall convert, operate, and maintain the agreed portion of the line underground; and (iv) other terms and conditions on which the parties may agree shall be included in the agreement. The measure provides that upon presentation of the agreement to the Commonwealth Transportation Board, the Commissioner of Highways shall be responsible for securing the necessary easements and permits for the pilot program. The measure provides that the pilot program terminates on July 1, 2022.

Law Advice: FYI - No Direct Impact

SB1769 [Electric utilities; net energy metering.](#)

Chief Patron: Sturtevant

Summary:

Establishes requirements for net energy metering by electric cooperatives effective upon the earlier of July 1, 2019, or the effective date of implementing regulations by the State Corporation Commission. Instances where the new net energy metering program's requirements differ from those of the existing program include (i) the cap on the capacity of generating facilities, which will initially be two percent of system peak for residential customers, two percent of system peak for not-for-profit and nonjurisdictional customers, and one percent of system peak for other nonresidential customers; (ii) authorizing an electric cooperative to raise these caps up to a cumulative total of seven percent of its system peak; (iii) legalizing third-party partial requirements power purchase agreements for those retail customers and nonjurisdictional customers of an electric cooperative that are exempt from federal income taxation; and (iv) establishing registration requirements for third-party partial requirements power purchase agreements, including a self-certification system under which a provider is required to affirm certain information to Commission staff, under penalty of revocation of its registration. The measure authorizes the board of directors of an electric cooperative to adjust its rates, terms, conditions,

and rate schedules governing net energy metering and prohibits a cooperative after the date of such an adjustment from collecting stand-by charges. The measure authorizes an electric cooperative to adopt a new rate schedule or rider containing demand charges based upon a net energy metering customer's noncoincident peak demand and provides for alternative caps on its net energy metering program. The measure authorizes a cooperative's fixed monthly charge covering the fixed costs of owning and operating its electric distribution system as an alternative to volumetric charges associated with demand and to rebalance among any of the fixed monthly charge, distribution demand, and distribution energy charges. The measure authorizes an investor-owned utility participating in the pilot program for community solar development to move the Commission to make its pilot program permanent. The measure also requires Dominion Power to (a) convene a stakeholder process, using an independent facilitator, to make recommendations to the utility concerning issues related to the implementation of advanced metering technology and related investments in customer information systems; (b) submit to the Commission for approval retail rate schedules designed to offer time-varying pricing; and (c) submit to the Commission for approval an incentive program for the installation of solar equipment for customers served under time-varying retail rate schedules that have advanced-metering technology equipment.

Law Advice: FYI - No Direct Impact

SB1774 [Automatic fire sprinkler inspectors; requirement for licensure, certification.](#)

Chief Patron: Edwards

Summary:

Creates the classification of fire sprinkler contractor for the purpose of licensure by the Board for Contractors (the Board). The bill also creates a certification for automatic fire sprinkler inspectors and prohibits any person from conducting inspections of automatic fire sprinkler systems unless he maintains or is accompanied by a person who maintains a Level II or higher NICET certification. The bill requires the Board to promulgate regulations requiring continuing education and knowledge of the Statewide Fire Prevention Code as prerequisites for certification renewal as an automatic fire sprinkler inspector. The provisions of the bill mandating NICET certification have a delayed effective date of July 1, 2021.

Law Advice: FYI - No Direct Impact

Delayed effective date of July 1, 2021

SB1779 [Electric utilities; municipal net energy metering.](#)

Companion Bill: HB2792

Chief Patron: Ebbin

Summary:

Directs the State Corporation Commission to establish a pilot program that affords the opportunity for any locality to participate in net energy metering if it is a retail customer of a certain type of investor-owned electric utility. In order to qualify for the program, the locality is required to own and operate a

renewable generating facility with a generating capacity of not more than two megawatts that is located on the municipality's premises and is intended primarily to offset all or part of the locality's own electricity requirements. Under the pilot program, a municipal customer-generator that generates electricity in amounts that exceed the amount of electricity consumed by the municipal customer-generator, determined annually, to credit one or more of the municipality's target metered accounts in order that the generation energy charges on the electric bills of the target's metered accounts are reduced by the amount of excess generation kilowatt hours apportioned to the metered account multiplied by the applicable generation energy rate of the target's accounts. In Appalachian Power's service territory, metered accounts of the public school division of a locality may be target accounts. The amount of generating capacity of all generating facilities that are the subject of a pilot program are limited to (i) five megawatts if Appalachian Power is the pilot program utility, though the utility may increase the amount to up to 10 megawatts or (ii) 25 megawatts if Dominion Power is the pilot program utility. Such aggregated capacities of the generation facilities that are the subject of a pilot program constitute a portion of the existing limit of the utility's adjusted Virginia peak-load forecast of the previous year that is available to municipal customer-generators, eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the utility's service area. The duration of the pilot program is six years. This bill is identical to [HB 2792](#).

Law Advice: FYI - No Direct Impact

SJ277 [Resiliency Week; designating as first week of September 2019, and each succeeding year thereafter.](#)

Chief Patron: Sturtevant

Summary:

Designates the first week of September, in 2019 and in each succeeding year, as Resiliency Week in Virginia.

Law Advice: FYI - No Direct Impact

SJ281 [Commending the Society of NeuroInterventional Surgery.](#)

Chief Patron: Hanger

Summary:

Commending the Society of NeuroInterventional Surgery.

Law Advice: FYI - No Direct Impact

SJ282 [Commending the Virginia Governmental Employees Association.](#)

Chief Patron: Hanger

Summary:

Commending the Virginia Governmental Employees Association.

Law Advice: FYI - No Direct Impact

SJ286 [Move Over Awareness Month; designating as June 2019, and in honor & memory of Lt. Bradford T. Clark.](#)

Chief Patron: McDougle

Summary:

Recognizing June 2019 as Move Over Awareness Month in honor of Lieutenant Bradford Turner Clark.

Law Advice: FYI - No Direct Impact

SJ289 [Designating Feb. 20, 2019 and each succeeding year, as Cardiopulmonary Resuscitation Awareness Day.](#)

Chief Patron: McDougle

Summary:

Designates February 20, in 2019 and in each succeeding year, as Cardiopulmonary Resuscitation Awareness Day in Virginia.

Law Advice: FYI - No Direct Impact

SJ294 [Governor; confirming appointments.](#)

Chief Patron: Vogel

Summary:

Confirms appointments of agency heads and certain persons made by Governor Ralph Northam and communicated to the General Assembly August 1, 2018.

Law Advice: FYI - No Direct Impact

SJ298 [Designating as August 2019 and each succeeding year, as Breastfeeding Awareness Month.](#)

Chief Patron: McClellan

Summary:

Designates August, in 2019 and in each succeeding year, as Breastfeeding Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

SJ301 [Mental Health Services in the Commonwealth in the 21st Century; Joint Subcommittee Studying, cont'd.](#)

Chief Patron: Deeds

Summary:

Continues the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century for two additional years, through December 1, 2021.

Law Advice: Monitor and Track

SJ316 [Commending Stephen K. White, Ph.D.](#)

Chief Patron: Deeds

Summary:

Commending Stephen K. White, Ph.D.

Law Advice: FYI - No Direct Impact

SR89 [Commending the University of Virginia.](#)

Companion Bill: HR225

Chief Patron: Deeds

Summary:

Commending the University of Virginia.

Law Advice: FYI - No Direct Impact