HB1  Absentee voting; no excuse required, voting by absentee ballot.  12
HB4  Lottery Board; regulation and control of casino gaming, definitions.  12
HB9  Firearms; reporting those lost or stolen, civil penalty.  13
HB10  Student loans; licensing of qualified education loan servicers, civil penalties, report.  13
HB29  Budget Bill.  14
HB30  Budget Bill.  14
HB36  Student journalists; freedom of speech and the press, definitions.  14
HB37  Alcoholic beverage control; stills or distilling apparatuses, permit requirement.  15
HB42  Prenatal and postnatal depression, etc.; importance of screening patients.  15
HB46  Workers' compensation; employer to notify employee of intent.  15
HB51  Line of Duty Act; eligible dependents.  16
HB56  Minimum wage; tipped employees, classification.  16
HB63  Court of Appeals; use of moot courtroom of accredited law schools.  16
HB66  Health insurance; cost-sharing payments for prescription insulin drugs.  17
HB97  Newborn screening; screening for Krabbe disease.  17
HB103  Higher educational institutions, certain; transcript notations, expungement.  17
HB104  Higher educational institutions, public; non-academic student codes of conduct.  17
HB108  Legal holidays; Election Day, removes Lee-Jackson Day as state holiday.  18
HB115  Health care providers, certain; program to address career fatigue and wellness, civil immunity.  18
HB123  Nonpayment of wages; cause of action, civil penalty.  19
HB165  Teledentistry; definitions, establishes requirements for practice, digital scans, etc.  19
HB166  Electric utilities; fuel cost recovery.  19
HB196  Employment discrimination; prohibits against electoral board member, etc., for election day service.  20
HB201  Elections; same-day registration.  20
HB207  Absentee voting; no excuse required, permanent absentee voter list.  20
HB213  Voter identification; accepted forms of identification, out-of-state student identification card.  21
HB232  Mail voter registration application forms; distribution to certain public and private institutions.  21
HB234  Offshore Wind, Division of; established, report.  21
HB235  Voter registration; automatic voter registration.  22
HB246  Law-enforcement agencies, local; body-worn camera systems.  22
HB262  Immigration status; prohibiting inquiry into status of certain victims or witnesses of crimes.  23
HB276  Hate crimes; reporting to State Police.  23
HB284  Removal of dangerous roadside vegetation; local option.  23
HB299  Fluoride varnish; possession and administration by medical assistants, etc.  24
HB310  Alzheimer's Disease and Related Disorders Commission; extends sunset provision.  24
HB313  Virginia Freedom of Information Act; excludes library records.  24
HB330  Employment; covenants not to compete, definition of low-wage employees, civil penalty.  25
HB343  Volunteer or nonprofit organizations, certain; donation by locality of in-kind resources.  25
HB347  Commonwealth's medical cannabis program; SHHR to convene work group to review & make recommendation.  26
HB358  Public works contracts; definitions, authorization of project labor agreements.  26
HB362  Physician assistant; capacity determinations.  26
HB378  Comprehensive harm reduction programs; public health emergency, repeals sunset provision.  27
HB385  Chiropractic, practice of; clarifies definition.  27
HB386  Conversion therapy; prohibited by certain health care providers. 27

HB390  Alcoholic beverage control; definitions, license and fee reform. 28

HB394  Diversity, Equity, and Inclusion, Director of; position created. 28

HB395  Minimum wage; increases to $9.50 per hour effective May 1, 2021. 29

HB404  Public libraries; providing an essential service to communities of the Commonwealth. 29

HB408  Green job creation tax credit; extends sunset date. 29

HB414  Virginia Energy Plan; covenants regarding solar power, reasonable restrictions. 30

HB420  Emergency services and disaster preparedness plans; DEM to review plans. 30

HB421  Firearms, ammunition, etc.; control by localities by governing possession, etc., within locality. 31

HB437  DGS; disposition of surplus materials, permit sale to military spouse-owned businesses. 31

HB438  Workers’ compensation; post-traumatic stress disorder, law-enforcement officers and firefighters. 31

HB446  DGS; disposition of surplus materials, donation of surplus computers. 32

HB447  Active duty military personnel, etc.; eligibility for in-state tuition and other benefits. 32

HB452  Virginia Public Procurement Act; small purchases. 33

HB454  Virginia Public Procurement Act; purchase programs for recycled goods, climate positive materials. 33

HB456  Higher educational institutions, public; withdrawal of veteran student. 33

HB465  Transportation companies, certain; local regulation. 34

HB471  Health professionals; unprofessional conduct, reporting. 34

HB475  Va. sexual assault forensic examiner coordination program; established, report, effective clause. 35

HB491  Industrial hemp; VDACS to convene work group to assess opportunities for development of industry. 35

HB504  Chesapeake Bay Preservation Areas; preservation of mature trees. 35

HB510  FOIA; public higher educational institutions, information related to pledges and donations. 36

HB511  Electric vehicle charging stations; operation by state agencies. 36

HB516  High school graduation; standard diploma requirements, etc. 36

HB517  Collaborative practice agreements; adds nurse practitioners and physician assistants to list. 37

HB520  Trees; DEQ to convene advisory to study planting or preservation, report. 37

HB528  Electric generation facilities; SCC shall determine retirement of facilities. 37

HB533  Expanded polystyrene food service containers; definitions, prohibition on dispensing, penalty. 38

HB534  Disposable plastic bags; local tax. 38

HB535  Real estate with delinquent taxes or liens; sales by nonprofit organizations. 39

HB536  Virginia Retirement System; accidental death and dismemberment benefits, definitions. 39

HB543  Electric power-assisted bicycles; amends definition. 40

HB544  DGS; public posting of contract information on central electronic procurement. 40

HB552  Birth control; definition. 40

HB554  Zoning; wireless communications infrastructure. 41

HB558  Micro-business; enhancement of participation in local procurement. 41

HB561  Project evaluation; primary evacuation routes. 41

HB572  Distributed solar & other renewable energy; sales of electricity under third-party agreements. 42

HB575  Electric utilities; energy efficiency programs, stakeholder process. 42

HB576  Undergrounding electric transmission lines; pilot program. 43

HB581  Diversity and cultural competency; DHRM to develop online training module. 43

HB582  Employees of local governments; collective bargaining. 43

HB587  Baby changing facilities; DGS to implement in public buildings. 44

HB611  Higher educational institutions, public; governing board, educational programs. 44

HB617  Workers’ compensation; repetitive motion injuries. 45

HB618  Hate crimes; gender, disability, gender identity, or sexual orientation, penalty, effective clause. 45

HB622  Limiting employees’ sharing of wage information; prohibited, exception, civil penalty. 45

HB648  Prescription Monitoring Program; information disclosed to Emergency Department Care Coord. Program. 46
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB655</td>
<td>Solar photovoltaic projects; special exceptions for any project.</td>
</tr>
<tr>
<td>HB656</td>
<td>Solar energy projects; national standards.</td>
</tr>
<tr>
<td>HB661</td>
<td>Exposure-prone incidents; Secretaries of HHR &amp; PSHS to establish a work group.</td>
</tr>
<tr>
<td>HB664</td>
<td>Exposure to a decedent's body fluids; testing.</td>
</tr>
<tr>
<td>HB666</td>
<td>Vital records; expands the definition of 'dead body.'</td>
</tr>
<tr>
<td>HB668</td>
<td>Field investigations permit; definitions, archaeologist qualifications, penalty.</td>
</tr>
<tr>
<td>HB670</td>
<td>USBC &amp; SFPC; proposal for changes to the Codes to address active shooters or hostile threats.</td>
</tr>
<tr>
<td>HB674</td>
<td>Firearms; removal from persons posing substantial risk of injury to himself, etc., penalties.</td>
</tr>
<tr>
<td>HB678</td>
<td>State-certified doulas; certification, registry.</td>
</tr>
<tr>
<td>HB679</td>
<td>Certified community health workers; establishes requirements for use of the title.</td>
</tr>
<tr>
<td>HB704</td>
<td>Wage payment statements; statement of earnings.</td>
</tr>
<tr>
<td>HB714</td>
<td>Environmental justice; definitions, agency regulations, Virginia Environmental Justice Act, policy.</td>
</tr>
<tr>
<td>HB715</td>
<td>Virginia Energy Plan; climate change pressing challenge.</td>
</tr>
<tr>
<td>HB719</td>
<td>Higher educational institutions, public; increases in undergraduate tuition.</td>
</tr>
<tr>
<td>HB726</td>
<td>Administration of government; state publications to be made available in electronic format.</td>
</tr>
<tr>
<td>HB727</td>
<td>Comprehensive plan; adoption or disapproval by governing body.</td>
</tr>
<tr>
<td>HB728</td>
<td>PSAP dispatchers; definitions, telecommunicator cardiopulmonary resuscitation, EMD program.</td>
</tr>
<tr>
<td>HB732</td>
<td>Residential psychiatric placement and services; SOE, et al., to establish work group.</td>
</tr>
<tr>
<td>HB742</td>
<td>Unmanned aircraft; political subdivision may regulate take-off and landing of system, etc.</td>
</tr>
<tr>
<td>HB743</td>
<td>Higher educational institutions; qualified education loans, providers of private education loans.</td>
</tr>
<tr>
<td>HB748</td>
<td>Research and development tax credits; extends sunset date, aggregate caps.</td>
</tr>
<tr>
<td>HB757</td>
<td>Public employment; limitations on inquiries by state agencies and localities regarding arrests.</td>
</tr>
<tr>
<td>HB763</td>
<td>Hospitals; notification to patient of outpatient physical therapy following discharge.</td>
</tr>
<tr>
<td>HB781</td>
<td>Accrual of cause of action; diagnoses of nonmalignant and malignant asbestos-related injury.</td>
</tr>
<tr>
<td>HB783</td>
<td>Workers' compensation; presumption of compensability for certain diseases, conditions before 7/1/20.</td>
</tr>
<tr>
<td>HB785</td>
<td>Localities; authority to levy taxes.</td>
</tr>
<tr>
<td>HB791</td>
<td>Comprehensive harm reduction programs; authority to establish and operate.</td>
</tr>
<tr>
<td>HB798</td>
<td>Employment; prohibited retaliatory action.</td>
</tr>
<tr>
<td>HB799</td>
<td>Child day programs; lead testing, potable water.</td>
</tr>
<tr>
<td>HB806</td>
<td>Criminal Injuries Compensation Fund; victims of sexual assault, report.</td>
</tr>
<tr>
<td>HB807</td>
<td>Health care; explanation of benefits, sensitive health care services.</td>
</tr>
<tr>
<td>HB808</td>
<td>Survivors of sexual assault; definitions, every hospital to provide treatment or transfer services.</td>
</tr>
<tr>
<td>HB810</td>
<td>Virginia housing opportunity tax credit program; VHDA, et al., to develop.</td>
</tr>
<tr>
<td>HB812</td>
<td>Handguns; limitation on purchases, penalty.</td>
</tr>
<tr>
<td>HB822</td>
<td>Health insurance; credentialing, health care or professional health-related services.</td>
</tr>
<tr>
<td>HB826</td>
<td>State plan for medical assistance; payment for services provided by certified doulas.</td>
</tr>
<tr>
<td>HB831</td>
<td>Utility easements; location of broadband and other communications facilities.</td>
</tr>
<tr>
<td>HB832</td>
<td>Athlete agents; creates registration requirement, penalties.</td>
</tr>
<tr>
<td>HB833</td>
<td>Virginia Public Procurement Act; public works contracts, prevailing wage rate, penalty.</td>
</tr>
<tr>
<td>HB840</td>
<td>Health insurance; formula and enteral nutrition products, definitions.</td>
</tr>
<tr>
<td>HB852</td>
<td>VITA; required information security training program for state employees.</td>
</tr>
<tr>
<td>HB854</td>
<td>Affordable housing; VHDA, et al., to study ways to develop.</td>
</tr>
<tr>
<td>HB860</td>
<td>Inhaled asthma medications; school nurse, etc., may administer to a student.</td>
</tr>
<tr>
<td>HB868</td>
<td>Electric utilities; right to shop.</td>
</tr>
<tr>
<td>HB874</td>
<td>Handheld personal communications devices; holding devices while driving a motor vehicle, penalty.</td>
</tr>
<tr>
<td>HB882</td>
<td>Stormwater management; use of a proprietary best management practice.</td>
</tr>
<tr>
<td>HB887</td>
<td>ABLE savings trust agreement; Medicaid clawback prohibition.</td>
</tr>
<tr>
<td>HB890</td>
<td>Construction management or design-build contracts; use by local public bodies.</td>
</tr>
</tbody>
</table>
HB894 Education preparation programs; teacher licensure, certain instruction or training.

HB896 Virginia Lottery; powers and duties of Board, sports betting, etc.

HB907 Sickle cell anemia; treatment.

HB908 Naloxone; possession and administration by employee or person acting on behalf of a public place.

HB913 Higher educational institutions; sexual violence policies, immunity from disciplinary action.

HB923 Alcoholic beverage control; interdiction of intoxicated driver, etc.

HB925 DMAS; steps to facilitate transition between two programs.

HB932 Natural gas automobile mechanics and technicians; removal of certification requirement.

HB935 Economic development programs; reporting requirements.

HB942 Industrial hemp; federal regulations, adoption in Virginia.

HB962 Hemp; products intended for smoking.

HB972 Marijuana; definitions, possession and consumption, civil penalties, report.

HB973 Elementary and secondary schools, etc.; repealing several Acts relating to racial segregation.

HB980 Abortion; expands who can perform in first trimester, informed consent required.

HB981 Clean Energy and Community Flood Preparedness Act; definitions, funds, report.

HB990 Military Affairs, Department of; change of secretariat.

HB1000 Prescription drugs; expedited partner therapy, labels.

HB1003 Virginia Geographic Information Network; transfer of responsibilities.

HB1012 Early childhood care and education; establishment of system, definitions, licensure.

HB1013 Prescription requirements; treatment of sexually transmitted diseases, repeals sunset date.

HB1015 Virginia Sexual and Domestic Violence Prevention Fund; created, report.

HB1017 Commonwealth of Virginia Innovation Partnership Authority; created.

HB1025 Law-enforcement officers w/disability, former; vocational rehabilitation and employment services.

HB1037 Health insurance; short-term limited-duration medical plans, definitions, effective date.

HB1042 Environmental Justice, Virginia Council on; established.

HB1047 Fingerprints and photographs by police authorities; reports to Central Criminal Records Exchange.

HB1048 Fingerprints and photographs; authority of police.

HB1049 Discrimination; sexual orientation and gender identity.

HB1056 Wellness and Opportunity, Commission on; established, report.

HB1059 Certified registered nurse anesthetists; prescriptive authority.

HB1078 Virginia Public Procurement Act; process for competitive negotiation, etc.

HB1082 Emergency Services and Disaster Law; definition of disaster, incidents involving cyber systems.

HB1084 Surgical assistants; definition, licensure.

HB1090 Immunizations; regulations by State Board of Health.

HB1098 Administration, Secretary of; policy of Commonwealth regarding employment of certain individuals.

HB1100 State Inspector General; powers and duties.

HB1101 Affordable housing; certain localities allowed to adopt dwelling unit ordinances.

HB1105 Affordable housing; adds City of Charlottesville to list of localities with authority to provide.

HB1107 Charlottesville, City of; amending charter, city organization.

HB1133 Solar and wind energy; projects on previously developed project sites.

HB1136 Hazardous Waste Site Inventory; DEQ to publish, update annually.

HB1141 Health benefit plans; renewal of plans, special exception.

HB1147 Epinephrine; every public place may make available for administration.

HB1148 Aging and Rehabilitative Services, Department of; reorganizes provisions.

HB1149 Virginia Stock Corporation Act; clarifying and technical changes.

HB1162 Environmental Quality, Department of; definition of environmental justice.

HB1164 Environmental Quality, Department of; policy statement.

HB1176 Sexual assault nurse examiners; place of practice.
HB1179 Higher educational institutions, public; in-state tuition, refugees. 86
HB1183 Bulk energy storage resources; State Corporation Commission. 87
HB1184 Distributed solar & other renewable energy; sales of electricity under third-party agreements. 87
HB1198 Workforce Development, Virginia Board of; membership, updates as a response to federal law. 88
HB1199 Employee misclassification; retaliatory actions prohibited, civil penalty. 88
HB1201 Virginia Public Procurement Act; determination of nonresponsibility, local option. 88
HB1205 Discharge deleterious substance in state waters; notice to citizens if detrimental to public health. 89
HB1209 New Americans, Office of; created within Department of Social Services. 89
HB1211 Driver privilege cards; definitions, effective date, report. 90
HB1221 One-stop small business; permitting program, written guidance. 90
HB1223 Higher educational institutions, public; foundations, annual reporting requirements, VCCS exempt. 91
HB1226 Higher educational institutions, public; collection of debts by hospitals affiliated w/institutions. 91
HB1228 Fair Employment Contracting Act; annual training on sexual harassment policy. 91
HB1231 Criminal Justice Services, Department of; crisis intervention team training. 92
HB1248 Capital outlay bill; timing of required submission. 92
HB1250 Virginia Community Policing Act; data collection and reporting requirement. 93
HB1251 Health insurance; definitions, payment to out-of-network providers, emergency services. 93
HB1252 Registered apprenticeship programs; prohibited discrimination. 94
HB1260 Athletic Training, Advisory Board on; membership. 95
HB1261 Athletic trainers; naloxone or other opioid antagonist. 95
HB1263 Drug Control Act; adds certain chemicals to Schedule I of Act. 95
HB1273 Organ, eye, or tissue transplantation; discrimination prohibited. 95
HB1275 Veteran Student Transition Grant Fund and Program; established. 96
HB1290 Pharmacy benefits managers; licensure and regulation definitions. 96
HB1291 Medical assistance services; managed care organization contracts with pharmacy benefits managers. 97
HB1300 Virginia Public Procurement Act; statute of limitations on actions on construction contracts. 98
HB1303 Nuclear energy; strategic plan for overall goal of carbon-free energy. 98
HB1304 Pharmacy technicians and pharmacy technician trainees; registration. 98
HB1310 Environmental Quality, Department of; notice of disposal of certain fill materials. 99
HB1313 Chief Resilience Officer; Governor to designate. 99
HB1315 Higher educational institutions, public; students, determination of domicile. 99
HB1328 Offender medical & mental health information & records; exchange of information to facility, etc. 100
HB1332 Telehealth services; definitions, report. 100
HB1334 Insurance data security; required programs and notifications. 101
HB1335 SCHEV; Director of Council to appoint student advisory committee. 101
HB1353 Federal acts; meat and poultry. 101
HB1354 Plastic Waste Prevention Advisory Council; established. 101
HB1355 Community schools; establishment, community programs, etc. 102
HB1375 Living shorelines; resiliency. 102
HB1376 Virginia Wireless Service Authority Act; appointments to board. 102
HB1413 Commonwealth’s tax system; conformity with the Internal Revenue Code. 103
HB1414 Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc. 103
HB1428 Virginia Health Benefit Exchange; created. 104
HB1429 Health insurance; nondiscrimination, gender identity or transgender status. 105
HB1430 Industrial hemp extract; approval as food or ingredient, regulations. 105
HB1431 Art and Architectural Review Board; changes number of citizen members, staggered terms of members. 106
HB1436 Virginia Spirits Board and Virginia Spirits Promotion Fund; established, report. 106
HB1442 Photo speed monitoring devices; civil penalty. 107
HB1452  Temporary detention; observation, testing, or treatment.

HB1453  Acute psychiatric bed registry; DBHDS shall establish work group to evaluate, etc.

HB1460  Cannabidiol oil and THC-A oil; certification for use of oil.

HB1490  Same-sex marriages; civil unions.

HB1495  Virginia Retirement System; retired law-enforcement officers employed as school security officers.

HB1499  Virginia Gun Violence Intervention and Prevention Fund; created.

HB1503  Health insurance; coverage for autism spectrum disorder, individual and small group markets, etc.

HB1505  Small Business and Supplier Diversity, Department of; small business grant funds.

HB1506  Pharmacists; initiating of treatment with and dispensing and administering of controlled substances.

HB1514  Virginia Human Rights Act; racial discrimination, hair.

HB1523  Historical African American Cemeteries and Graves Fund; created.

HB1526  Electric utility regulation; environmental goals.

HB1529  Higher educational institutions, public; governing board to establish policy, donations, gifts, etc.

HB1531  Drug disposal; Bd. of Pharmacy to develop public awareness of proper methods.

HB1537  War memorials for veterans; removal, relocation, etc.

HB1549  Certificate of public need; criteria for determining need.

HB1558  Workers' compensation; Ombudsman program created.

HB1560  Transportation, Department of; primary evacuation routes.

HB1570  Tobacco products, etc.; possession by persons under 21 years of age.

HB1576  Electric utility regulation; energy efficiency programs.

HB1587  Investment of public funds; ratings agencies.

HB1597  GO Virginia grants; matching funds.

HB1609  Nutrient and sediment credit generation and transfer; limits certain transfers to private sector.

HB1623  Open-space preservation; increases fee for every writing document and instrument admitted to record.

HB1638  Institutional racial segregation and discrimination; repeals several Acts.

HB1639  Rural lands; DEQ shall convene work group to discuss issue of disposal of debris on lands.

HB1646  Contractors, Board for; misclassification of worker prohibited.

HB1647  Distributed solar & other renewable energy; sales of electricity under third-party agreements.

HB1654  Schedule VI controlled substances and hypodermic syringes and needles; limited-use license.

HB1660  Online Virginia Network Authority; adds President of James Madison University as member, etc.

HB1670  Pharmaceutical processors; cannabidiol oil, permit to operate processor.

HB1699  Temporary detention; DBHDS shall study who may evaluate.

HB1701  Medical Excellence Zone Program; VDH to determine feasibility of establishment.

HB1707  Clean Energy Advisory Board; increases membership.

HB1719  Prescribed pediatric extended care centers; plan for licensure.

HJ1  United States Constitution; ratifies and affirms Equal Rights Amendment.

HJ4  Celebrating the life of Alan Arnold Diamonstein.

HJ10  Gun Violence Awareness Day; designating as June 1, 2020, and each succeeding year thereafter.

HJ21  Women's Equality Day; designating as August 26, 2020, and each succeeding year thereafter.

HJ25  Coal dust blown from moving trains; report.

HJ47  Coastal areas; study on economic consequences of weather-related events.

HJ50  Radiologic Technology Week; designating week of November 8, 2020, and each year thereafter.

HJ51  Early childhood mental health consultation program; DBHDS, DOE, and DSS to study developing.

HJ52  Prescription drugs; SHHR to convene work group to address cost to Virginians, etc.

HJ64  Ransomware attack preparedness; Virginia Information Technologies Agency (VITA) to study.

HJ85  Transgender Day of Remembrance; designating as November 20, 2020, & each succeeding year thereafter.

HJ88  Virginia's Mental Health Region; designating as Roanoke and New River Valleys.
HJ91  Civil rights and dignity of all Virginians; affirming the Commonwealth's commitment to diversity. 126
HJ99  General Assembly; 2020 Session schedule. 127
HJ108  Year of the Eye Exam; designating 2020 as The Year of the Eye Exam. 127
HJ111  Maternal Health Awareness Month; designating July, 2020, and annually thereafter. 127
HJ121  Commending the University of Virginia men's basketball team. 127
HJ130  Marijuana; JLARC to study legalization, regulation, etc. 128
HJ133  Postural Orthostatic Tachycardia Syndrome Awareness Month; designating as October in 2020, etc. 128
HJ175  Commending the University of Virginia's College at Wise cornhole team. 128
HJ188  Commending the recipients of the 2020 Virginia Outstanding Faculty Awards. 128
HJ199  Commending William H. Goodwin, Jr. 128
HJ308  Commending Zyahna Bryant. 129
HJ311  Celebrating the life of the Honorable Gerald L. Baliles. 129
HJ356  Celebrating the life of Sidney Buford Scott. 129
HJ414  Commending Jillian Anne Ellis. 129
HJ415  Celebrating the life of Dr. Reginald Dennin Butler. 130
HJ416  Celebrating the life of Mortimer Caplin. 130
HJ417  Celebrating the life of Annie Mae Dorns Merritt. 130
HJ418  Celebrating the life of Mark Harril Saunders. 130
HJ420  Celebrating the life of Kärenne Wood. 130
HR17  House of Delegates; establishing Rules for the 2020-2021 Sessions of the General Assembly. 131
HR118  Celebrating the life of Emma Carrington Edmunds. 131
SB2  Marijuana; definitions, possession and consumption, civil penalties, report. 131
SB7  Minimum wage; increases to $9.50 per hour effective May 1, 2021. 132
SB8  Virginia Public Procurement Act; public works contracts, prevailing wage rate, penalty. 133
SB9  Workers' compensation; presumption of compensability for certain diseases, conditions before 7/1/20. 133
SB11  Disposable plastic bags; local tax. 134
SB17  Same-sex marriages; civil unions. 134
SB31  Eminent domain; costs for petition for distribution of funds, interest rate. 134
SB34  Driver privilege cards; definitions, effective date, report. 135
SB35  Firearms, ammunition, etc.; control by localities by governing possession, etc., within locality. 135
SB36  Lottery Board; regulation and control of casino gaming, definitions. 136
SB40  Line of Duty Act; eligible dependents. 137
SB50  Virginia Human Rights Act; racial discrimination, hair. 137
SB53  Social workers; licensure by endorsement. 137
SB54  Virginia Retirement System; retired law-enforcement officers employed as school security officers. 137
SB60  Capital outlay bill; timing of required submission. 138
SB64  Paramilitary activities; penalty. 138
SB69  Handguns; limitation on purchases, penalty. 138
SB71  Firearms; possession on school property. 139
SB77  Student loans; licensing of qualified education loan servicers, civil penalties, report. 139
SB78  Minimum wage; pay based on work done. 140
SB94  Virginia Energy Plan; climate change pressing challenge. 140
SB95  Health insurance; coverage for essential health benefits, preventive services. 141
SB101  Driver's license; scanning information. 141
SB109  Virginia Retirement System; accidental death and dismemberment benefits, definitions. 142
SB110  Research and development tax credits; extends sunset date, aggregate caps. 142
SB111  Absentee voting; no excuse required, voting by absentee ballot. 142
SB112  High school graduation; standard diploma requirements, etc. 143
SB120    Health care providers, certain; program to address career fatigue and wellness, civil immunity.

SB122    Teledentistry; definitions, establishes requirements for practice, digital scans, etc.

SB130    Electric Utility Regulation, Commission on; extends sunset provision.

SB138    Virginia Freedom of Information Act; FOIA officers, training and reporting requirements.

SB139    Freedom of Information Advisory Act; training requirements.

SB140    FOIA; public higher educational institutions, information related to pledges and donations.

SB153    Virginia Freedom of Information Act; cost estimates, response time.

SB160    Handheld personal communications devices; holding devices while driving a motor vehicle, penalty.

SB172    Health insurance; definitions, payment to out-of-network providers, emergency services.

SB177    Autism Advisory Council; extends sunset provision.

SB179    Hate crimes; adds gender, disability, gender identity, or sexual orientation, penalty.

SB182    Public works contracts; definitions, authorization of project labor agreements.

SB183    War memorials for veterans; removal, relocation, etc.

SB208    Mechanics' liens; right to withhold payment.

SB213    Personal Maintenance Allowance; DMAS to establish work group to evaluate current amount.

SB219    Voter registration; automatic voter registration.

SB225    Removal of dangerous roadside vegetation; local option.

SB239    Fluoride varnish; possession and administration by medical assistants, etc.

SB240    Firearms; removal from persons posing substantial risk of injury to himself, etc., penalties.

SB245    Conversion therapy; prohibited by certain health care providers.

SB250    Medicare; supplement policies for certain individuals under age 65.

SB251    Pharmacy benefits managers; licensure and regulation definitions.

SB256    Alzheimer’s Disease and Related Disorders Commission; extends sunset provision.

SB259    Virginia Freedom of Information Act; excludes library records.

SB264    Certified registered nurse anesthetists; prescriptive authority.

SB270    Pharmacy; practice, regulation by Board of Pharmacy, report.

SB271    Higher educational institutions, public; public-private partnerships, wind and solar power.

SB279    Certificate of public need; criteria for determining need.

SB280    Health insurance; mental health parity, required report.

SB284    Charlottesville, City of; amending charter, city organization.

SB289    Driver's license designation; traumatic brain injury.

SB290    Commercial driver's licenses; entry-level driver training.

SB297    Virginia Sexual and Domestic Violence Prevention Fund; created, report.

SB301    Medically underserved areas; transporting patients to 24-hour urgent care facilities.

SB323    High school graduation requirements; advanced diploma, standard units of credit.

SB333    USBC & SFPC; proposal for changes to the Codes to address active shooters or hostile threats.

SB341    Construction management contracts; use by local public bodies.

SB350    Emergency Shelters Upgrade Assistance Grant Fund; established.

SB356    Aircraft; no aircraft shall be required to be registered if brought into Commonwealth for repairs.

SB365    Health care provider; SHHR to convene a work group related to credentialing.

SB368    Virginia Public Procurement Act; architectural and professional engineering term contracts.

SB373    Virginia sexual assault forensic examiner coordination program; established, report.

SB378    Computer trespass; expands the crime.

SB380    Virginia Public Procurement Act; determination of nonresponsibility, local option.

SB384    Virginia Lottery; powers and duties of Board, sports betting, etc.

SB386    Emergency Medical Services Patient Care Information System; trauma data, confidentiality.

SB389    Alcoholic beverage control; definitions, license and fee reform.

SB393    Child day programs; lead testing, potable water.
<table>
<thead>
<tr>
<th>Bill</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB394</td>
<td>Virginia Health Club Act; automated external defibrillator required in health clubs.</td>
</tr>
<tr>
<td>SB404</td>
<td>Health insurance; short-term limited-duration medical plans, definitions, effective date.</td>
</tr>
<tr>
<td>SB406</td>
<td>Environmental justice; definitions, agency regulations, Virginia Environmental Justice Act, policy.</td>
</tr>
<tr>
<td>SB422</td>
<td>Health regulatory boards; clarifies the meaning of 'license.'</td>
</tr>
<tr>
<td>SB423</td>
<td>Health insurance; mandated coverage for hearing aids for minors and services.</td>
</tr>
<tr>
<td>SB430</td>
<td>Minor's child-care records; access by parent.</td>
</tr>
<tr>
<td>SB448</td>
<td>Higher educational institutions, public; contracting firms, president of the institution.</td>
</tr>
<tr>
<td>SB462</td>
<td>Higher educational institutions, public; in-state tuition, children of active duty service members.</td>
</tr>
<tr>
<td>SB465</td>
<td>Volunteer or nonprofit organizations, certain; donation by locality of in-kind resources.</td>
</tr>
<tr>
<td>SB480</td>
<td>Employment; covenants not to compete, definition of low-wage employees, civil penalty.</td>
</tr>
<tr>
<td>SB487</td>
<td>Virginia Public Procurement Act; architectural and professional engineering term contracts.</td>
</tr>
<tr>
<td>SB494</td>
<td>Criminal Justice Services, Department of; crisis intervention team training.</td>
</tr>
<tr>
<td>SB497</td>
<td>Alcoholic beverage control; mixed beverage restaurant license, mini bottles.</td>
</tr>
<tr>
<td>SB498</td>
<td>Alcoholic beverage control; expands definition of resort complex.</td>
</tr>
<tr>
<td>SB504</td>
<td>Virginia Energy Plan; covenants regarding solar power, reasonable restrictions.</td>
</tr>
<tr>
<td>SB525</td>
<td>Passenger buses; width requirements.</td>
</tr>
<tr>
<td>SB530</td>
<td>Epinephrine; possession and administration by a restaurant employee.</td>
</tr>
<tr>
<td>SB538</td>
<td>Drug Control Act; adds certain chemicals to Schedule I of Act.</td>
</tr>
<tr>
<td>SB540</td>
<td>Health professionals; unprofessional conduct, reporting.</td>
</tr>
<tr>
<td>SB544</td>
<td>Physician assistant; capacity determinations.</td>
</tr>
<tr>
<td>SB548</td>
<td>Unemployment compensation; amends various provisions regarding compensation.</td>
</tr>
<tr>
<td>SB549</td>
<td>Nuclear energy; strategic plan for overall goal of carbon-free energy.</td>
</tr>
<tr>
<td>SB561</td>
<td>Workers' compensation; post-traumatic stress disorder, law-enforcement officers and firefighters.</td>
</tr>
<tr>
<td>SB563</td>
<td>DGS; public posting of contract information on central electronic procurement.</td>
</tr>
<tr>
<td>SB565</td>
<td>Collaborative practice agreements; adds nurse practitioners and physician assistants to list.</td>
</tr>
<tr>
<td>SB566</td>
<td>Naloxone or other opioid antagonist; possession and administration, liability.</td>
</tr>
<tr>
<td>SB567</td>
<td>Disability insurance; coverage for disability arising out of childbirth, report.</td>
</tr>
<tr>
<td>SB568</td>
<td>Medical assistance services; managed care organization contracts with pharmacy benefits managers.</td>
</tr>
<tr>
<td>SB572</td>
<td>Alzheimer's disease and related dementias; early detection and diagnosis, risk reduction and care.</td>
</tr>
<tr>
<td>SB575</td>
<td>Prescription Monitoring Program; information disclosed to Emergency Department Care Coord. Program.</td>
</tr>
<tr>
<td>SB576</td>
<td>Commonwealth of Virginia Innovation Partnership Authority; created.</td>
</tr>
<tr>
<td>SB577</td>
<td>Capital outlay plan; updates six-year plan for projects.</td>
</tr>
<tr>
<td>SB578</td>
<td>Early childhood care and education; establishment of system, definitions, licensure.</td>
</tr>
<tr>
<td>SB582</td>
<td>Commonwealth's tax system; conformity with the Internal Revenue Code.</td>
</tr>
<tr>
<td>SB583</td>
<td>Virginia Spirits Board and Virginia Spirits Promotion Fund; established, report.</td>
</tr>
<tr>
<td>SB586</td>
<td>Auditor of Public Accounts; duties, Commonwealth Data Point.</td>
</tr>
<tr>
<td>SB588</td>
<td>Localities; authority to levy taxes.</td>
</tr>
<tr>
<td>SB600</td>
<td>Elementary and secondary schools, etc.; repealing several Acts relating to racial segregation.</td>
</tr>
<tr>
<td>SB601</td>
<td>Legal holidays; Election Day, removes Lee-Jackson Day as state holiday.</td>
</tr>
<tr>
<td>SB605</td>
<td>Health insurance; formula and enteral nutrition products.</td>
</tr>
<tr>
<td>SB607</td>
<td>Virginia Public Procurement Act; statute of limitations on actions on construction contracts.</td>
</tr>
<tr>
<td>SB632</td>
<td>Public utilities; aggregate energy storage capacity in the Commonwealth.</td>
</tr>
<tr>
<td>SB650</td>
<td>Virginia Public Procurement Act; small purchases.</td>
</tr>
<tr>
<td>SB656</td>
<td>Offender medical &amp; mental health information &amp; records; exchange of information to facility, etc.</td>
</tr>
<tr>
<td>SB658</td>
<td>Contracts with design professionals; provisions requiring a duty to defend void.</td>
</tr>
<tr>
<td>SB661</td>
<td>Accrual of cause of action; diagnoses of nonmalignant and malignant asbestos-related injury.</td>
</tr>
<tr>
<td>SB662</td>
<td>Employee misclassification; retaliatory actions prohibited, civil penalty.</td>
</tr>
<tr>
<td>SB665</td>
<td>Electronic Identity Management Act; definitions, federated digital identity systems.</td>
</tr>
</tbody>
</table>
SB667 Overdoses; arrest and prosecution when experiencing or reporting.

SB668 Child care providers; out-of-state background checks.

SB710 Distributed solar & other renewable energy; sales of electricity under third-party agreements.

SB718 Health insurance; interhospital transfer for newborn or mother.

SB720 PSAP dispatchers; definitions, telecommunicator cardiopulmonary resuscitation, EMD program.

SB722 Institutional racial segregation and discrimination; repeals several Acts.

SB732 Virginia Health Benefit Exchange; created.

SB733 Abortion; expands who can perform in first trimester, informed consent required.

SB734 Residential psychiatric placement and services; SOE, et al., to establish work group.

SB738 Temporary detention; observation, testing, or treatment.

SB739 Acute psychiatric bed registry; DBHDS shall establish work group to evaluate, etc.

SB744 Misclassification of employees as independent contractors; Department of Taxation to investigate.

SB745 Income tax, state; exclusion, student loan forgiveness, disabled veterans.

SB746 Comprehensive plan; adoption or disapproval by governing body.

SB747 Nutrient and sediment credit generation and transfer; limits certain transfers to private sector.

SB757 Medical Excellence Zone Program; VDH to determine feasibility of establishment.

SB758 Electric personal delivery devices; changes related to devices.

SB760 Psychologists; licensure, permitted to practice in Psychology Interjurisdictional Compact.

SB764 Certificate of public need; revises the Medical Care Facilities Certificate of Public Need Program.

SB766 Health care; explanation of benefits, sensitive health care services.

SB768 Temporary detention; DBHDS shall study who may evaluate.

SB782 Undergrounding electric transmission lines; pilot program.

SB794 Utility easements; location of broadband and other communications facilities.

SB817 Nuclear energy; considered a clean energy source.

SB828 Carbon-free energy and clean energy; definition.

SB830 Pharmacy technicians and pharmacy technician trainees; registration.

SB833 Alcoholic beverage control; limitation of tasting licenses.

SB834 Affordable housing; certain localities allowed to adopt dwelling unit ordinances.

SB836 Naloxone; possession and administration, employee or person acting on behalf of a public place.

SB838 Nonpayment of wages; cause of action, penalties.

SB843 Stormwater and erosion and sediment control; acceptance of plans in lieu of plan review.

SB846 Organ, eye, or tissue transplantation; discrimination prohibited.

SB849 Lawn fertilizer; contractor-applicators.

SB851 Electric utility regulation; environmental goals.

SB864 Comprehensive harm reduction programs; public health emergency, repeals sunset provision.

SB868 Discrimination; prohibited in public accommodations, etc., causes of action, civil actions.

SB870 Solar photovoltaic projects; special exceptions for any project.

SB871 Electric power-assisted bicycles; amends definition.

SB875 Solar energy projects; national standards.

SB877 Technology, Secretary of; transfer of duties to Secretaries of Administration & Commerce and Trade.

SB881 Historical African American Cemeteries and Graves Fund; created.

SB883 Environmental Justice, Virginia Council on; established.

SB885 Performance of laboratory analysis; cannabidiol oil, THC-A oil, tetrahydrocannabinol.

SB890 Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc.

SB897 Higher educational institutions, public; governing boards, educational programs.

SB903 Hospitals; screening emergency department patients, etc.

SB904 Higher educational institutions, public; dyslexia and literacy.

SB913 Home hospice programs; disposal of drugs, opioids.
SB918  Industrial hemp extract; approval as food or ingredient, regulations.
SB925  Fingerprints and photographs; authority of police.
SB926  Fingerprints and photographs by police authorities; reports to Central Criminal Records Exchange.
SB935  Higher educational institutions, public; eligibility for in-state tuition.
SB939  Employees of local governments; collective bargaining.
SB948  Real property by state agencies; conveyance and transfers.
SB949  Criminal Injuries Compensation Fund; victims of sexual assault, report.
SB953  Virginia Wireless Service Authority Act; appointments to board.
SB957  Civic Education, Commission on; increases membership, repeals sunset provision and general funding.
SB963  Energy manager; responsibilities.
SB976  Pharmaceutical processors; operation of cannabis dispensing facilities.
SB991  New Americans, Office of; created within Department of Social Services.
SB1003 Computer crimes; penalty.
SB1015 Marijuana; possession of cannabidiol oil or THC-A oil.
SB1024 Detector canines and detector canine handlers; training and database.
SB1041 Online Virginia Network Authority; adds President of James Madison University as member, etc.
SB1045 Cannabidiol oil and THC-A oil; sample testing.
SB1046 Clinical social workers; patient records, involuntary detention orders.
SB1064 Combined sewer overflow outfalls; James River watershed.
SB1070 Cemeteries, special interments; pets.
SB1074 Schedule VI controlled substances and hypodermic syringes and needles; limited-use license.

SJ4  Celebrating the life of Alan Arnold Diamonstein.
SJ15  Teacher licensing process; Department of Education to study.
SJ30  Economic and workforce development; DOAV to study.
SJ35  Barrier crimes and criminal history records checks; joint subcommittee to study.
SJ38  Coastal areas; study on economic consequences of weather-related events.
SJ42  Waste Diversion and Recycling Task Force; DEQ to establish.
SJ44  Governor; confirming appointments.
SJ49  Social workers; DHP to study need for additional, etc., workers.
SJ51  World Prematurity Month and Day; designating as November, 2020, and November 17, 2020, respectively.
SJ60  Nuclear energy; advancement of nuclear energy research & exploration of economic opportunities.
SJ67  Marijuana; JLARC to study legalization of growth, sale, and possession.
SJ86  Ovarian Cancer Awareness Month; designating as September 2020 and each succeeding year thereafter.
SJ88  Celebrating the life of the Honorable Gerald L. Baliles.
SJ102  Celebrating the life of Paul Morton Gaston.
SJ103  Commending the University of Virginia men's basketball team.
SJ145  Commending Deborah Warrick Lamb.
SJ242  Commending Christopher Howard Long.
SR24  Commending William H. Goodwin, Jr.
SR79  Celebrating the life of Henry J. Abraham.
HB1  **Absentee voting; no excuse required, voting by absentee ballot.**

*Chief Patron:* Herring

**Summary:**
Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. This bill incorporates HB 25, HB 208, and HB 209.

**Law Advice: FYI - No Direct Impact**

May require revisions to information shared with students regarding voting procedures.

HB4  **Lottery Board; regulation and control of casino gaming, definitions.**

*Companion Bill:* SB36

*Chief Patron:* Knight

**Summary:**
Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill specifies the requirements for licensure of casino gaming operators and the conduct of casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. The location of casino gaming establishments shall be limited to eligible host cities that meet specified criteria: the Cities of Portsmouth, Richmond, Norfolk, Danville, and Bristol. The bill requires each eligible host city to hold a referendum on the question of whether to allow casino gaming in the city and, with the exception of the City of Richmond, to hold such referendum at the November 2020 general election. The bill imposes a tax ranging from 18 to 30 percent of the adjusted gross receipts of licensees, based upon a licensee's annual adjusted gross receipts, and provides for disbursement of the tax revenues. The bill requires the Board to establish a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill establishes the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services, and the Virginia Indigenous People's Trust Fund, both of which are funded by proceeds from the casino gaming tax revenues. The bill also establishes the Regional Improvement Commission, consisting of a representative of each jurisdiction composing the transportation district in which the City of Bristol is located, to receive disbursements of gaming tax revenues and to prioritize and fund improvements in those jurisdictions. The bill requires the Virginia Racing Commission to authorize an additional 600 historical horse racing terminals each time a local referendum held by an eligible host city is approved, provided that the total number of additional machines does not exceed 2,000 statewide, and includes other provisions relating to the placement of historical horse racing terminals in the Commonwealth. The bill incorporates HB 374, HB 428, HB 560, HB 1343, and HB 1661 and is identical to SB 36.

**Law Advice: FYI - No Direct Impact**

Requires each eligible host city to hold a referendum on the question of whether to allow casino gaming
in the city; prohibits casino betting on Virginia college athletic events but does not prohibit proposition bets.

HB9  **Firearms; reporting those lost or stolen, civil penalty.**

**Chief Patron:** Bourne

**Summary:**
Requires that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 48 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center. A violation is punishable by a civil penalty of not more than $250. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft. The immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

**Law Advice: New Requirement**

HB10  **Student loans; licensing of qualified education loan servicers, civil penalties, report.**

**Companion Bill:** SB77

**Chief Patron:** Simon

**Summary:**
Prohibits any person from acting as a qualified education loan servicer except in accordance with provisions established by this bill. The bill requires a loan servicer to obtain a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks, savings institutions, credit unions, nonprofit institutions of higher education, and farm credit systems are exempt from the licensing provisions. The servicing of a qualified education loan encompasses (i) receiving any scheduled periodic payments from a qualified education loan borrower or notification of such payments; (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; (iii) during a period when no payment is required on a qualified education loan, maintaining account records and communicating with the qualified education loan borrower; and (iv) interacting with a student loan borrower, including conducting activities to help prevent default. Qualified education loan servicers are prohibited from, among other things, (a) misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a qualified education loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) misapplying loan payments to the outstanding balance of a qualified education loan; and (c) failing to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau.
bureau. Violations are subject to a civil penalty not exceeding $2,500 and are prohibited practices under
the Virginia Consumer Protection Act. The bill has a delayed effective date of July 1, 2021, but provides
that applications shall be accepted, and investigations commenced, by the SCC beginning March 1,
2021. This bill is identical to SB 77.

Law Advice: FYI - No Direct Impact

HB29   **Budget Bill.**

*Chief Patron:* Torian

*Summary:*  

Law Advice:

HB30   **Budget Bill.**

*Chief Patron:* Torian

*Summary:*  
Provides for all appropriations of the Budget submitted by the Governor of Virginia in accordance with
the provisions of § 2.2-1509, Code of Virginia, and provides a portion of revenues for the two years
ending respectively on the thirtieth day of June 2021, and the thirtieth day of June 2022.

Law Advice:

HB36   **Student journalists; freedom of speech and the press, definitions.**

*Companion Bill:* SB80

*Chief Patron:* Hurst

*Summary:*  
Declares that, except in certain limited circumstances, a student journalist at a public institution of higher
education has the right to exercise freedom of speech and the press in institution-sponsored media,
including determining the news and opinion content of institution-sponsored media, regardless of
whether the media is supported financially by the governing board of the institution, supported through
the use of campus facilities, or produced in conjunction with a course in which the student is enrolled.
The bill defines "institution-sponsored media" as any material that is prepared, substantially written,
published, or broadcast by a student journalist at a public institution of higher education under the
direction of a student media adviser and distributed or generally made available to members of the
student body.
Law Advice: New Requirement

UVA already complies with the requirement established by the law.

HB37  **Alcoholic beverage control; stills or distilling apparatuses, permit requirement.**

Chief Patron: Cole, M.L.

Summary:
Narrows the requirement that a permit be obtained from the Board of Directors of the Alcoholic Beverage Control Authority in order to keep, store, or possess any still or distilling apparatus to include only instances in which a still or distilling apparatus is kept, stored, or possessed for the purpose of distilling alcohol.

Law Advice: FYI - No Direct Impact

HB42  **Prenatal and postnatal depression, etc.; importance of screening patients.**

Chief Patron: Samirah

Summary:
Directs the Board of Medicine to annually issue a communication to every practitioner licensed by the Board who provides primary, maternity, obstetrical, or gynecological health care services reiterating the standard of care pertaining to prenatal or postnatal depression or other depression and encouraging practitioners to screen every patient who is pregnant or who has been pregnant within the previous five years for prenatal or postnatal depression or other depression, as clinically appropriate. The bill requires the Board to include in such communication information about the factors that may increase susceptibility of certain patients to prenatal or postnatal depression or other depression, including racial and economic disparities, and to encourage providers to remain cognizant of the increased risk of depression for such patients.

Law Advice: FYI - No Direct Impact

HB46  **Workers' compensation; employer to notify employee of intent.**

Chief Patron: Carter

Summary:
Requires an employer whose employee has filed a claim under the Virginia Workers' Compensation Act to advise the employee whether the employer intends to accept or deny the claim or is unable to make such a determination because it lacks sufficient information from the employee or a third party. If the employer is unable to make such a determination because it lacks sufficient information from the employee or a third party, the employer shall so state and identify the needed additional information. If
the employer intends to deny the claim, it shall provide the reasons. The bill provides that an employer may, if the employee consents, send any such required response to the employee by email.

Law Advice: New Requirement

HB51  **Line of Duty Act; eligible dependents.**

*Companion Bill:* SB40

*Chief Patron:* Knight

*Summary:*
Provides that children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance coverage if their birth or adoption occurred after the time of the employee's death or disability, but prior to July 1, 2017. Under current law, such children are not eligible unless they were adopted pursuant to a preadoptive agreement entered into prior to the death or disability. This bill is identical to SB 40.

Law Advice: Change in Requirement

HB56  **Minimum wage; tipped employees, classification.**

*Chief Patron:* Carter

*Summary:*
Prohibits an employer from classifying an individual as a tipped employee if the individual is prohibited by applicable federal or state law or regulation from soliciting tips.

Law Advice: Eliminates Authority

HB63  **Court of Appeals; use of moot courtroom of accredited law schools.**

*Chief Patron:* Miyares

*Summary:*
Provides that upon proper agreement with the applicable authorities the Court of Appeals may use the moot courtroom of any accredited law school located in the Commonwealth for the holding of court and for its ancillary functions. Current law specifies that the Court may use state and federal facilities but not private law schools in the Commonwealth. This bill is identical to SB 1002.

Law Advice: New Requirement
HB66  **Health insurance; cost-sharing payments for prescription insulin drugs.**

*Chief Patron:* Carter

*Summary:* Prohibits health insurance companies and other carriers from setting an amount exceeding $50 per 30-day supply that a covered person is required to pay at the point of sale in order to receive a covered prescription insulin drug. The measure also prohibits a provider contract between a carrier or its pharmacy benefits manager and a pharmacy from containing a provision (i) authorizing the carrier's pharmacy benefits manager or the pharmacy to charge, (ii) requiring the pharmacy to collect, or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds such limitation. This bill incorporates HB 1403.

*Law Advice: Eliminates Authority*

HB97  **Newborn screening; screening for Krabbe disease.**

*Chief Patron:* Miyares

*Summary:* Directs the Department of Health to review Krabbe disease and provide recommendations to the Board of Health regarding whether Krabbe disease should be included in newborn screening.

*Law Advice: Monitor and Track*

HB103  **Higher educational institutions, certain; transcript notations, expungement.**

*Chief Patron:* Lindsey

*Summary:* Requires each institution of higher education that is required by law to include a prominent notation on the academic transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct to adopt a policy for the expungement of such notation for good cause shown and after a period of three years.

*Law Advice: New Requirement*

Requires new policy.

HB104  **Higher educational institutions, public; non-academic student codes of conduct.**
Chief Patron: Lindsey

Summary:
Requires each public institution of higher education, with the exception of the Virginia Military Institute, to adopt non-academic student codes of conduct. The bill mandates that students and student organizations that participate in the non-academic student codes of conduct process as a complainant or respondent shall have the responsibilities and rights afforded to them by the institution's codes of conduct and related policies and procedures. The bill states that the codes of conduct shall describe and define the responsibilities and rights of all enrolled students and student organizations and outline each step in the institution's procedures for responding to and resolving allegations of violations. The bill outlines procedures that the codes of conduct shall include when an accused student or student organization faces the potential sanctions of suspension or expulsion.

Law Advice: New Requirement

May require minor edits to current policies.

HB108 Legal holidays; Election Day, removes Lee-Jackson Day as state holiday.

Companion Bill: SB601

Chief Patron: Lindsey

Summary:
Designates Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday. This bill is identical to SB 601.

Law Advice: FYI - No Direct Impact

HB115 Health care providers, certain; program to address career fatigue and wellness, civil immunity.

Chief Patron: Hope

Summary:
Expands civil immunity for health care professionals serving as members of or consultants to entities that function primarily to review, evaluate, or make recommendations related to health care services to include health care professionals serving as members of or consultants to entities that function primarily to address issues related to career fatigue and wellness in health care professionals licensed to practice medicine or osteopathic medicine or licensed as a physician assistant. The bill also clarifies that, absent evidence indicating a reasonable probability that a health care professional who is a participant in a professional program to address issues related to career fatigue or wellness is not competent to continue in practice or is a danger to himself, his patients, or the public, participation in such a professional program does not trigger the requirement that the health care professional be reported to the Department of Health Professions. The bill contains an emergency clause.
HB123  **Nonpayment of wages; cause of action, civil penalty.**

*Chief Patron:* Carroll Foy

*Summary:* Provides that an employee has a private cause of action against an employer who fails to pay wages to recover the amount of wages due plus interest at eight percent annually from the date the wages were due. If the court finds that the employer knowingly failed to pay wages to an employee, the court shall award the employee (i) reasonable attorney fees and other costs and (ii) an amount equal to triple the amount of wages due.

Law Advice: New Requirement

HB165  **Teledentistry; definitions, establishes requirements for practice, digital scans, etc.**

*Companion Bill:* SB122

*Chief Patron:* Hope

*Summary:* Defines "teledentistry," establishes requirements for the practice of teledentistry and the taking of dental scans for use in teledentistry by dental scan technicians, and clarifies requirements related to the use of digital work orders for dental appliances in the practice of teledentistry. This bill is identical to SB 122.

Law Advice: FYI - No Direct Impact

Teledentistry is currently not practiced in the UVA Health System.

HB167  **Electric utilities; fuel cost recovery.**

*Chief Patron:* Ware

*Summary:* Requires an electric utility, as a condition of approval of any request by an electric utility for recovery through its fuel factor of costs incurred under a natural gas capacity contract not previously subject to review in a fuel factor case, to prove by a preponderance of the evidence that the utility has (i) determined that the utility cannot meet its service obligations, giving due regard, in the Commission's sole discretion, to reliability of service and the need to maintain reliable sources of supply, without an additional fuel resource; (ii) reasonably identified and determined the date and amount of the new fuel resource it needs; (iii) objectively studied available alternative fuel resource options, as verified by the Commission, including options other than a new natural gas capacity contract or contracts to meet the

Office of State Governmental Relations  Thursday, July 16, 2020
identified and determined need; and (iv) determined that the natural gas capacity contract or contracts are the lowest-cost available option, taking into consideration fixed and variable costs and a reasonable projection of utilization.

Law Advice: FYI - No Direct Impact

HB196  **Employment discrimination: prohibits against electoral board member, etc., for election day service.**

*Chief Patron:* Gooditis

**Summary:**
Prohibits discrimination in employment against electoral board members and assistant general registrars on the basis of service on election day or at a meeting of the electoral board following the election to ascertain the results of the election. Current law prohibits such employment discrimination only on the basis of election day service and only against officers of election. A violation of the bill's provisions is a Class 3 misdemeanor.

Law Advice: Change in Authority

HB201  **Elections: same-day registration.**

*Chief Patron:* Ayala

**Summary:**
Provides any person who is qualified to vote is entitled to register to vote in person up to and including the day of the election at the office of the general registrar in the locality in which the person resides or at the polling place for the precinct in which the person resides. Under current law, registration records close for registration purposes, whether in person or by other means, 21 days prior to a primary or general election. The bill has a delayed effective date of October 1, 2022. The bill incorporates HB 187.

Law Advice: FYI - No Direct Impact

Delayed effective date of October 1, 2022; may require revisions to information shared with students regarding voting procedures.

HB207  **Absentee voting: no excuse required, permanent absentee voter list.**

*Chief Patron:* VanValkenburg

**Summary:**
Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. The bill also
provides for a special application by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote. A voter on the permanent absentee voter list remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. The provisions of the bill providing for a permanent absentee voter list do not become effective until July 1, 2021.

Law Advice: FYI - No Direct Impact

Certain provisions do not become effective until July 1, 2021; may require revisions to information shared with students regarding voting procedures.

**HB213**  [Voter identification; accepted forms of identification, out-of-state student identification card.](#)

*Chief Patron:* Sullivan

*Summary:*
Adds to the list of acceptable forms of voter identification a valid student photo identification card issued by any institution of higher education located in any other state or territory of the United States. Current law allows students from any institution of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting.

Law Advice: FYI - No Direct Impact

May require revisions to information shared with students regarding voting procedures.

**HB232**  [Mail voter registration application forms; distribution to certain public and private institutions.](#)

*Chief Patron:* Willett

*Summary:*
Requires the Department of Elections to provide a reasonable number of mail voter registration application forms to public institutions of higher education, nonprofit private institutions of higher education that are eligible to participate in the Tuition Assistance Grant Program, and any other education institution that is authorized to issue bonds. The bill requires the State Council of Higher Education for Virginia to assist the Department by providing a list of such institutions and by requesting those institutions to make the mail voter registration application forms available to students.

Law Advice: New Requirement

**HB234**  [Offshore Wind, Division of; established, report.](#)
Summary:
Establishes the Division of Offshore Wind in the Department of Mines, Minerals and Energy and gives it the following powers and duties: (i) to identify specific measures that will facilitate the establishment of the Hampton Roads region as a wind industry hub for offshore wind generation projects in state and federal waters off the United States coast; (ii) to coordinate state agencies' activities related to offshore wind; (iii) to develop and implement a stakeholder engagement strategy that identifies key groups, sets forth outreach objectives, and outlines a timeline for outreach and engagement; (iv) to identify regulatory and other barriers to the deployment of offshore wind and attraction of offshore wind supply chain businesses; and (v) to provide staff support for the Virginia Offshore Wind Development Authority and facilitate fulfillment of the Authority's purpose and duties.

Law Advice: FYI - No Direct Impact

HB235  Voter registration; automatic voter registration.

Companion Bill: SB219

Chief Patron: Cole, J.G.

Summary:
Provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license; (ii) apply for, replace, or renew a special identification card; or (iii) change an address on an existing driver's license or special identification card if the person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction is punishable under Virginia law as a felony. Upon receipt of the information collected to ensure that the person meets all voter registration eligibility requirements, the Department of Elections is required to determine whether the person is already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. This bill is identical to SB219.

Law Advice: FYI - No Direct Impact

HB246  Law-enforcement agencies, local; body-worn camera systems.

Chief Patron: Levine

Summary:
Requires localities to adopt and establish a written policy for the operation of a body-worn camera system, as defined in the bill, that follows identified best practices and is consistent with Virginia law and regulations, using as guidance the model policy established by the Department of Criminal Justice Services prior to purchasing or deploying a body-worn camera system. The bill also requires localities to make such policy available for public comment and review prior to its adoption. The bill requires the Department to establish a model policy for the operation of body-worn camera systems and the storage and maintenance of body-worn camera system records.

Law Advice: Monitor and Track

HB262    **Immigration status; prohibiting inquiry into status of certain victims or witnesses of crimes.**

*Chief Patron:* Lopez

*Summary:* Prohibits law-enforcement officers from inquiring into the immigration status of a person who (i) reports that he is a victim of a crime or a parent or guardian of a minor victim of a crime or (ii) is a witness in the investigation of a crime or the parent or guardian of a minor witness to a crime. However, a law-enforcement officer is not prohibited from making such an inquiry if it is necessary for the enforcement or implementation of certain criminal provisions or if the parent or guardian has been arrested for, has been charged with, or is being investigated for a crime against the minor victim.

Law Advice: Eliminates Authority

HB276    **Hate crimes; reporting to State Police.**

*Chief Patron:* Sullivan

*Summary:* Includes within the definition of "hate crime" a criminal act committed against a person or the person's property because of disability, as defined in the bill, sexual orientation, gender, or gender identification and requires the reporting of the commission of such crime to the State Police. This bill incorporates HB 1058.

Law Advice: New Requirement

New definitions adopted for hate crimes align with existing University policy; new requirement to report the commission of hate crimes to the State Police.

HB284    **Removal of dangerous roadside vegetation; local option.**

*Companion Bill:* SB225
Chief Patron: Cole, J.G.

Summary:
Authorizes any locality, by ordinance, to require the owner of any property located adjacent to a right-of-way maintained by the Virginia Department of Transportation to remove any and all trees, tree limbs, shrubs, high grass, or other substance that might dangerously obstruct the line of sight of a driver, be involved in a collision with a vehicle, or interfere with the safe operation of a vehicle. This bill is identical to SB 225.

Law Advice: FYI - No Direct Impact

HB299  Fluoride varnish; possession and administration by medical assistants, etc.

Companion Bill: SB239

Chief Patron: Sickles

Summary:
Allows an authorized agent of a doctor of medicine, osteopathic medicine, or dentistry to possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry. This bill is identical to SB 239.

Law Advice: New Authority

HB310  Alzheimer's Disease and Related Disorders Commission; extends sunset provision.

Companion Bill: SB256

Chief Patron: Simonds

Summary:
Extends the sunset provision of the Alzheimer's Disease and Related Disorders Commission from July 1, 2020, to July 1, 2023. This bill is identical to SB 256.

Law Advice: FYI - No Direct Impact

HB313  Virginia Freedom of Information Act; excludes library records.

Companion Bill: SB259

Chief Patron: Gooditis
Summary:
Clarifies that information contained in library records that can be used to identify any library patron who has borrowed or accessed material or resources from a library as well as the material or resources such patron borrowed or accessed is exempt from disclosure under the Virginia Freedom of Information Act. This bill is identical to SB 259.

Law Advice: New Authority

HB330 Employment; covenants not to compete, definition of low-wage employees, civil penalty.

Companion Bill: SB480

Chief Patron: VanValkenburg

Summary:
Prohibits an employer from entering into, enforcing, or threatening to enforce a covenant not to compete between the employer and a low-wage employee. The employer is subject to a civil penalty of $10,000 per violation. The bill defines "low-wage employee" as either (i) an employee, intern, student, apprentice, or trainee whose average weekly earnings are less than the average weekly wage of the Commonwealth or who is employed without pay or (ii) an independent contractor who is compensated for his services at an hourly rate that is less than the median hourly wage for the Commonwealth for all occupations as reported by the Bureau of Labor Statistics of the U.S. Department of Labor. The bill defines "covenant not to compete" as an agreement that restrains, prohibits, or otherwise restricts an individual's ability to compete with his former employer. The bill allows any low-wage employee subject to such a covenant not to compete to bring a civil action against an employer and seek appropriate relief, including enjoining the conduct of any person or employer, ordering payment of liquidated damages, and awarding lost compensation, damages, and reasonable attorney fees and costs. The bill provides that if the court finds a violation of the bill's provisions, the plaintiff is entitled to recover reasonable costs, including reasonable fees for expert witnesses, and attorney fees from the former employer or other person who attempts to enforce a covenant not to compete against such plaintiff. The bill requires all employers to post in the workplace a notice of the prohibition or a summary of the notice approved by the Department of Labor and Industry and provides that an employer is subject to a warning for a first offense and to a civil penalty for a subsequent offense for failure to post such notice or approved summary. The provisions of the bill are applicable to covenants not to compete entered into on or after July 1, 2020. This bill is identical to SB 480.

Law Advice: Eliminates Authority

Applies to covenants not to compete entered into on or after July 1, 2020.

HB343 Volunteer or nonprofit organizations, certain; donation by locality of in-kind resources.

Companion Bill: SB465
**Chief Patron:** Bell

**Summary:**
Expands the scope of permitted in-kind donations by a locality to include the provision of in-kind resources for contract management services for capital projects; assistance in preparing requests for information, bids, or proposals; and budgeting services to any association or other organization furnishing voluntary firefighting services or a nonprofit or volunteer emergency medical services agency. This bill is identical to [SB 465](#).

**Law Advice:** FYI - No Direct Impact

**HB347**  
*Commonwealth's medical cannabis program; SHHR to convene work group to review & make recommendation.*

**Chief Patron:** Davis

**Summary:**
Directs the Secretary of Health and Human Resources to convene a work group to review the Commonwealth's medical cannabis program and issues of critical importance to the medical cannabis industry and patients, including expansion of the medical cannabis program and the medical use of cannabis flowers, and to report its findings and recommendations, including any legislative recommendations, to the Governor, the Attorney General, and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health no later than October 1, 2020.

**Law Advice:** Monitor and Track

**HB358**  
*Public works contracts; definitions, authorization of project labor agreements.*

**Chief Patron:** Lopez

**Summary:**
Authorizes any public body, including any state or local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. The bill has a delayed effective date of May 1, 2021. The bill incorporates [HB 122](#), [HB 1202](#), and [HB 1311](#) and is identical to [SB 182](#).

**Law Advice:** FYI - No Direct Impact

Exempt under Restructuring

**HB362**  
*Physician assistant; capacity determinations.*
Companion Bill: SB544

Chief Patron: Rasoul

Summary:
Expands the class of health care practitioners who can make the determination that a patient is incapable of making informed decisions to include a licensed physician assistant. The bill provides that such determination shall be made in writing following an in-person examination of the person and certified by the physician assistant. This bill is identical to SB 544.

Law Advice: Change in Authority

HB378 Comprehensive harm reduction programs; public health emergency, repeals sunset provision.

Companion Bill: SB864

Chief Patron: Rasoul

Summary:
Repeals the sunset on the program established in 2017 that allows the Commissioner of Health to establish and operate local or regional comprehensive harm reduction programs during a declared public health emergency that include a provision for the distribution of sterile hypodermic needles and syringes and the disposal of used hypodermic needles and syringes. This bill is identical to SB 864.

Law Advice: FYI - No Direct Impact

HB385 Chiropractic, practice of; clarifies definition.

Chief Patron: Sickles

Summary:
Clarifies the definition of "practice of chiropractic" to make clear that a doctor of chiropractic may (i) request, receive, and review a patient's medical and physical history, including information related to past surgical and nonsurgical treatment of the patient and controlled substances prescribed to the patient, and (ii) document in a patient's record information related to the condition and symptoms of the patient, the examination and evaluation of the patient made by the doctor of chiropractic, and the treatment provided to the patient by the doctor of chiropractic.

Law Advice: Change in Requirement

HB386 Conversion therapy; prohibited by certain health care providers.
Companion Bill: SB245

Chief Patron: Hope

Summary:
Prohibits any health care provider or person who performs counseling as part of his training for any profession licensed by a regulatory board of the Department of Health Professions from engaging in conversion therapy, as defined in the bill, with any person under 18 years of age and provides that such counseling constitutes unprofessional conduct and is grounds for disciplinary action. The bill provides that no state funds shall be expended for the purpose of conducting conversion therapy with a person under 18 years of age, referring a person under 18 years of age for conversion therapy, or extending health benefits coverage for conversion therapy with a person under 18 years of age. This bill is identical to SB 245.

Law Advice: Eliminates Authority

HB390 Alcoholic beverage control; definitions, license and fee reform.

Companion Bill: SB389

Chief Patron: Knight

Summary:
Reorganizes all alcoholic beverage control licenses pursuant to the three-tier structure and license privileges, consolidates many licenses with common privileges, aligns license fee amounts with enforcement demands, and standardizes quantity limits on alcohol samples. The bill has a delayed effective date of July 1, 2021. This bill is identical to SB 389.

Law Advice: FYI - No Direct Impact
Delayed effective date of July 1, 2021

HB394 Diversity, Equity, and Inclusion, Director of; position created.

Chief Patron: Ward

Summary:
Establishes the position of Director of Diversity, Equity, and Inclusion (the Director), to be appointed by the Governor. The Director is empowered to (i) develop a sustainable framework to promote inclusive practices across state government; (ii) implement a measurable, strategic plan to address systemic inequities in state government practices; and (iii) facilitate methods to turn feedback and suggestions from state employees, external stakeholders, and community leaders into concrete equity policy.

Law Advice: FYI - No Direct Impact
HB395  Minimum wage; increases to $9.50 per hour effective May 1, 2021.

**Companion Bill:** SB7

**Chief Patron:** Ward

**Summary:**
Increases the minimum wage from its current federally mandated level of $7.25 per hour to $9.50 per hour effective May 1, 2021; to $11.00 per hour effective January 1, 2022; to $12.00 per hour effective January 1, 2023; to $13.50 per hour effective January 1, 2025; and to $15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure provides that the increases scheduled for 2025 and 2026 will not become effective unless reenacted by the General Assembly prior to July 1, 2024. If such provisions are not reenacted prior to July 1, 2024, then the annual minimum wage will be adjusted to reflect increases in the consumer price index beginning January 1, 2025. The measure creates a training wage at 75 percent of the minimum wage for employees in on-the-job training programs lasting less than 90 days. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the Fair Labor Standards Act; persons employed in domestic service or in or about a private home; persons who normally work and are paid on the amount of work done; persons with intellectual or physical disabilities except those whose employment is covered by a special certificate issued by the U.S. Secretary of Labor; persons employed by an employer who does not employ four or more persons at any one time; and persons who are less than 18 years of age and who are under the jurisdiction of a juvenile and domestic relations district court. The measure provides that the Virginia minimum wage does not apply to persons participating in the U.S. Department of State's au pair program, persons employed as temporary foreign workers, and persons employed by certain amusement or recreational establishments, organized camps, or religious or nonprofit educational conference centers. This bill incorporates HB 433, HB 583 and HB 615 and is identical to SB 7.

**Law Advice: New Requirement**

Delayed effective date of January 1, 2021; increases scheduled for 2025 and 2026 require reenactment prior to July 1, 2024.

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HB404  Public libraries; providing an essential service to communities of the Commonwealth.

**Chief Patron:** Keam

**Summary:**
Provides that it is the policy of the Commonwealth that public libraries are deemed to provide an essential service to the communities of the Commonwealth.

**Law Advice: FYI - No Direct Impact**

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HB408  Green job creation tax credit; extends sunset date.
Chief Patron: Delaney

Summary:
Extends the sunset date of the green job creation tax credit from January 1, 2021, to January 1, 2025. The bill contains technical amendments.

Law Advice: FYI - No Direct Impact

HB414  Virginia Energy Plan; covenants regarding solar power, reasonable restrictions.

Companion Bill: SB504

Chief Patron: Delaney

Summary:
Provides that a restriction on solar energy collection devices is not reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist that is satisfactory to the community association to show that the restriction is not reasonable according to the criteria established in the bill. This bill is identical to SB 504.

Law Advice: Change in Authority

HB420  Emergency services and disaster preparedness plans; DEM to review plans.

Chief Patron: Price

Summary:
Directs the Department of Emergency Management (the Department) to review its emergency services and disaster preparedness programs to determine if changes are necessary to address the needs of individuals with limited English proficiency, as defined in the bill, and individuals with access or functional needs. The bill directs the Department to complete its review no later than November 1, 2020, and report its findings to the Chairs of the Senate Committee on General Laws and Technology and the House Committee on General Laws. Such report shall include any recommendations for legislation that would be required to fully address the needs of individuals with limited English proficiency and individuals with access or functional needs.

Law Advice: Monitor and Track
HB421  **Firearms, ammunition, etc.; control by localities by governing possession, etc., within locality.**

*Chief Patron:* Price

**Summary:**
Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. The bill also provides that any firearm received by the locality pursuant to a gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold. The provisions of the bill do not apply to the activities of a Senior Reserve Officers’ Training Corps program operated at a public or private institution of higher education or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. The bill contains technical amendments. This bill is identical to SB 35.

Law Advice: FYI - No Direct Impact

HB437  **DGS; disposition of surplus materials, permit sale to military spouse-owned businesses.**

*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 active military-owned and military spouse-owned businesses.

Law Advice: FYI - No Direct Impact

HB438  **Workers' compensation; post-traumatic stress disorder, law-enforcement officers and firefighters.**

*Companion Bill:* SB561

*Chief Patron:* Heretick

**Summary:**
Provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is
compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event, defined as an incident or exposure occurring in the line of duty on or after July 1, 2020, (i) resulting in serious bodily injury or death to any person or persons; (ii) involving a minor who has been injured, killed, abused, or exploited; (iii) involving an immediate threat to life of the claimant or another individual; (iv) involving mass casualties; or (v) responding to crime scenes for investigation. Other conditions for compensability include (a) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards; (b) if the law-enforcement officer's or firefighter's undergoing of a qualifying event was a substantial factor in causing his post-traumatic stress disorder; (c) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (d) if the post-traumatic stress disorder did not result from any disciplinary action, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measure also establishes requirements for resilience and self-care technique training.

Law Advice: Monitor and Track

Directs the Department of Criminal Justice Services to establish "standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency."

HB446  **DGS; disposition of surplus materials, donation of surplus computers.**

*Chief Patron:* McGuire

*Summary:* Requires the Department of General Services to permit surplus computers and related equipment to be donated to organizations in the Commonwealth granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code that refurbish computers and related equipment for donation to veterans and active military, naval, or air service members. The bill also provides that any such donation to an organization shall be conditioned upon, and in consideration of, the organization's promise to refurbish the donated equipment and distribute it free of charge to such veterans or active military, naval, or air service members.

Law Advice: FYI - No Direct Impact

HB447  **Active duty military personnel, etc.; eligibility for in-state tuition and other benefits.**

*Chief Patron:* Murphy

*Summary:* Requires the condition of continuous enrollment in a public institution of higher education or private institution of higher education currently imposed on dependents of active duty military personnel or activated or temporarily mobilized reservists or guard members in order to be eligible for in-state tuition
and other educational benefits afforded to Virginia students to be waived if the dependent verifies that a break of no longer than one year was required in order to support a spouse or parent on orders for a change of duty assignment or location.

**Law Advice: New Requirement**

**HB452**  
**Virginia Public Procurement Act; small purchases.**

*Companion Bill:* SB650  
*Chief Patron:* Murphy

**Summary:**
Increases from $100,000 to $200,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services. The bill also removes outdated provisions related to informal solicitations required to be posted on the Department of General Services' central electronic procurement website. This bill is identical to [SB 650](#).

**Law Advice: Change in Authority**

**HB454**  
**Virginia Public Procurement Act; purchase programs for recycled goods, climate positive materials.**

*Chief Patron:* Wyatt

**Summary:**
Directs the Department of General Services to make state agencies aware of the availability of recycled materials and products certified as climate positive. The term "climate positive" is defined as having a negative carbon footprint.

**Law Advice: FYI - No Direct Impact**

**HB456**  
**Higher educational institutions, public; withdrawal of veteran student.**

*Chief Patron:* Murphy

**Summary:**
Requires each public institution of higher education to provide a refund of the tuition and mandatory fees paid by any veteran student for any course from which he is forced to withdraw, for the first time, due to a service-connected medical condition during a semester, as certified in writing to the institution by a physician licensed to practice medicine who treated the veteran student for such medical condition. Such refund shall not be issued when three-quarters of a course has been completed at the time that the veteran student withdraws from the course.
HB465  **Transportation companies, certain; local regulation.**

*Chief Patron:* Keam

*Summary:*
Extends from January 1, 2020, to October 1, 2020, the prohibition on offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in any locality that has not enacted any licensing ordinance, regulation, or other action regulating such business. The bill clarifies that localities are authorized to create or amend such ordinances, regulations, or actions even after any such business is operating in the locality and exercise authority otherwise authorized by law. The bill contains an emergency clause.

**Law Advice: FYI - No Direct Impact**

Extends prohibition through October 1, 2020.

HB471  **Health professionals; unprofessional conduct, reporting.**

*Companion Bill:* SB540

*Chief Patron:* Collins

*Summary:*
Requires the chief executive officer and the chief of staff of every hospital or other health care institution in the Commonwealth, the director of every licensed home health or hospice organization, the director of every accredited home health organization exempt from licensure, the administrator of every licensed assisted living facility, and the administrator of every provider licensed by the Department of Behavioral Health and Developmental Services in the Commonwealth to report to the Department of Health Professions any information of which he may become aware in his professional capacity that indicates a reasonable belief that a health care provider is in need of treatment or has been admitted as a patient for treatment of substance abuse or psychiatric illness that may render the health professional a danger to himself, the public, or his patients, or that he determines, following review and any necessary investigation or consultation with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, indicates that there is a reasonable probability that such health professional may have engaged in unethical, fraudulent, or unprofessional conduct. Current law requires information to be reported if the information indicates, after reasonable investigation and consultation with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, a reasonable probability that such health professional may have engaged in unethical, fraudulent, or unprofessional conduct. This bill is identical to SB 540.

**Law Advice: Change in Requirement**
HB475  **Va. sexual assault forensic examiner coordination program; established, report, effective clause.**

*Companion Bill:* SB373

*Chief Patron:* Mullin

**Summary:**
Establishes the Virginia sexual assault forensic examiner coordination program within the Department of Criminal Justice Services. The bill requires the head of the program to create and coordinate an annual statewide sexual assault forensic nurse examiner training program; coordinate the development and enhancement of sexual assault forensic examiner programs across the Commonwealth; participate in the development of hospital protocols and guidelines for treatment of survivors of sexual assault; coordinate and strengthen communications among sexual assault nurse examiner medical directors, sexual assault response teams, and hospitals for existing and developing sexual assault nurse examiner programs; provide technical assistance for existing and developing sexual assault forensic examiner programs; create and maintain a statewide list, updated biannually, that includes pertinent information regarding sexual assault forensic examiners and nurse examiners; create sexual assault nurse examiner recruitment materials for universities and colleges with nursing programs; and support and coordinate community education and public outreach, when appropriate, relating to sexual assault nurse examiner issues for the Commonwealth. The provisions of the bill are contingent on funding in a general appropriation act.

**Law Advice:** Monitor and Track

HB491  **Industrial hemp; VDACS to convene work group to assess opportunities for development of industry.**

*Chief Patron:* Marshall

**Summary:**
Directs the Department of Agriculture and Consumer Services to convene a working group to assess the opportunities for development and manufacturing in the industrial hemp industry. The Department shall report the analysis of the working group by November 30, 2020, to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources.

**Law Advice:** Monitor and Track

HB504  **Chesapeake Bay Preservation Areas; preservation of mature trees.**

*Chief Patron:* Hope

**Summary:**
Adds (i) the preservation of mature trees or planting of trees, both as a water quality protection tool and as a means of providing other natural resource benefits, and (ii) coastal resilience and adaptation to sea-
level rise and climate change to the list of activities that the State Water Control Board is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas. The bill directs the Board to adopt regulations to implement the provisions of the bill.

**Law Advice: FYI - No Direct Impact**

**HB510**  
**FOIA; public higher educational institutions, information related to pledges and donations.**

*Companion Bill: SB140*

*Chief Patron: Bulova*

**Summary:**
Provides that no discretionary exclusion in FOIA shall apply to protect information relating to the amount, date, purpose, and terms of a pledge or donation made to a public institution of higher education. The bill provides that the identity of the donor shall be protected only if (i) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (ii) the pledge or donation does not impose terms or conditions directing academic decision-making. As introduced, this bill was a recommendation of the Virginia Freedom of Information Advisory Council. This bill is identical to **SB 140**.

**Law Advice: Change in Authority**

**HB511**  
**Electric vehicle charging stations; operation by state agencies.**

*Chief Patron: Bulova*

**Summary:**
Authorizes any agency of state government to locate and operate a retail fee-based electric vehicle charging station on property the agency controls. The bill exempts state agencies from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. Currently, state-operated charging stations may be operated by the Department of Conservation and Recreation, Department of General Services, Department of Motor Vehicles, Department of Transportation, and public institutions of higher education.

**Law Advice: New Authority**

**HB516**  
**High school graduation; standard diploma requirements, etc.**

*Companion Bill: SB112*
Chief Patron: Bulova

Summary:
Requires the Board of Education to include in its graduation requirements the options for students to complete a dual enrollment course or high-quality work-based learning experience. This bill incorporates HB 112 and is identical to SB 112.

Law Advice: Monitor and Track

HB517 Collaborative practice agreements; adds nurse practitioners and physician assistants to list.

Companion Bill: SB565

Chief Patron: Bulova

Summary:
Adds nurse practitioners and physician assistants to the list of health care practitioners who shall not be required to participate in a collaborative agreement with a pharmacist and his designated alternate pharmacists, regardless of whether a professional business entity on behalf of which the person is authorized to act enters into a collaborative agreement with a pharmacist and his designated alternate pharmacists. As introduced, this bill is a recommendation of the Joint Commission on Healthcare. This bill is identical to SB 565.

Law Advice: Change in Requirement

HB520 Trees; DEQ to convene advisory to study planting or preservation, report.

Chief Patron: Bulova

Summary:
Directs the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP). The bill provides that the stakeholder group shall be composed of development and construction industry representatives, environmental technical experts, local government representatives, and others and that technical assistance shall be provided to DEQ by the Department of Forestry and the Department of Conservation and Recreation. The bill directs DEQ to report the findings of the stakeholder group by November 1, 2020, and to include a recommendation as to whether the planting or preservation of trees shall be deemed a creditable land cover type or BMP and, if so, how much credit shall be given for its optional use.

Law Advice: Monitor and Track

HB528 Electric generation facilities; SCC shall determine retirement of facilities.
Chief Patron: Subramanyam

Summary:
Requires the State Corporation Commission to determine the amortization period for recovery of any appropriate costs due to the early retirement of any coal-fired or natural gas-fired electric generation facilities owned or operated by any Phase I or Phase II Utility. The bill requires the Commission, in making such determination, to (i) perform an independent analysis of the remaining undepreciated capital costs; (ii) establish a recovery period that best serves ratepayers; and (iii) allow for the recovery of any carrying costs that the Commission deems appropriate.

Law Advice: Monitor and Track

HB533  Expanded polystyrene food service containers; definitions, prohibition on dispensing, penalty.

Chief Patron: Carr

Summary:
Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. The bill exempts nonprofit organizations from the definition of "food vendor" and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than $50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Finally, the bill directs the Department of Environmental Quality to post to its website information on compliance and the filing of complaints. This bill incorporates HB 1046 and HB 1347 and contains a reenactment clause.

Law Advice: New Requirement

Exempts nonprofit organizations; requires reenactment in 2021. Delayed effective date of July 1, 2023 for certain chain restaurants and July 1, 2025 for other food vendors (excluding nonprofits).

HB534  Disposable plastic bags; local tax.

Companion Bill: SB11

Chief Patron: Carr

Summary:
Authorizes any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents
per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for certain purposes, including environmental cleanup and the provision of reusable bags. The measure authorizes the Tax Commissioner to administer the tax. This bill is identical to SB 11.

Law Advice: Monitor and Track

Effective date of January 21, 2021; city or county decision to impose tax.

**HB535**  **Real estate with delinquent taxes or liens; sales by nonprofit organizations.**

*Chief Patron:* Carr

*Summary:* Provides that a nonprofit organization that acquires real estate with delinquent taxes or liens pursuant to the appointment of a special commissioner may sell to eligible purchasers either (i) both the land and structural improvements on a property or (ii) only the structural improvements of a property, without the land. The bill provides that a sale of only the structural improvements is permissible only if (a) the improvements are subject to a long-term ground lease with a community land trust and (b) the community land trust retains a preemptive option to purchase such improvements at a price determined by a formula that ensures that the improvements remain affordable in perpetuity to low-income and moderate-income families.

Law Advice: Change in Authority

**HB536**  **Virginia Retirement System; accidental death and dismemberment benefits, definitions.**

*Companion Bill:* SB109

*Chief Patron:* Carr

*Summary:* Changes the funding structure for the Virginia Retirement System's obligation to fund a savings trust account for higher education for a qualifying child of a VRS member who dies as a result of an accident caused by a felonious assault committed by other than an immediate family member. The bill requires VRS to contribute to such trust account an amount equal to the current average cost, as published by the State Council of Higher Education for Virginia, of four years of tuition and mandatory fees at baccalaureate public institutions of higher education in the Commonwealth. This requirement replaces VRS's obligation under current law to contribute to such trust account an amount equal to the full cost of a prepaid tuition contract. The bill also narrows use of the trust account to include only qualified higher education expenses to account for changes to § 529 of the Internal Revenue Code. This bill is identical to SB 109.
HB543  **Electric power-assisted bicycles: amends definition.**

*Companion Bill:* SB871

*Chief Patron:* Carr

**Summary:**
Amends the definition of "electric power-assisted bicycle" to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle. The bill also provides that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails. The bill requires manufacturers and distributors of electric power-assisted bicycles to include (i) on each electric power-assisted bicycle, a label indicating certain technical specifications and (ii) on each class three electric power-assisted bicycle, a miles-per-hour speedometer. The bill requires persons operating or riding on a class three electric power-assisted bicycle to wear a helmet. This bill is identical to SB871.

Law Advice: FYI - No Direct Impact

HB544  **DGS: public posting of contract information on central electronic procurement.**

*Companion Bill:* SB563

*Chief Patron:* Carr

**Summary:**
Provides for the Department of General Services to post on its central electronic procurement system awarded contracts and any modifications to such contracts. The bill also requires agencies that use the Department's central procurement website to post the same information and provides that any contract awarded pursuant to an Invitation to Bid or a Request for Proposals on or after July 1, 2021, including any subsequent modifications to the contract by a using agency, shall be posted on the Department's central electronic procurement system. The bill requires a modification made by a using agency on or after July 1, 2021, to any other contract that has two or more years remaining to be posted on the Department's central electronic procurement system, along with the original contract and any previous modifications. This bill is identical to SB563.

Law Advice: FYI - No Direct Impact

HB552  **Birth control; definition.**

*Chief Patron:* Watts
Summary:
Defines "birth control," for the purposes of the regulation of medicine, as contraceptive methods that are approved by the U.S. Food and Drug Administration and provides that birth control shall not be considered abortion for the purposes of Title 18.2 (Crimes and Offenses Generally).

Law Advice: FYI - No Direct Impact

HB554  **Zoning; wireless communications infrastructure.**

*Chief Patron:* VanValkenburg

**Summary:**
Authorizes a locality to disapprove an application submitted for an administrative review-eligible project or for any zoning approval required for a standard process project that proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, on grounds that an applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area.

Law Advice: FYI - No Direct Impact

HB558  **Micro-business; enhancement of participation in local procurement.**

*Chief Patron:* Lindsey

**Summary:**
Allows any locality to enact an ordinance to enhance micro-business participation in local government procurement practices. Such measures may include special designation of local micro-businesses, providing technical support to micro-businesses, setting target goals for micro-business participation in the local procurement process, and other reasonable measures intended to promote micro-business participation in the locality. "Micro-business" is defined as a small, women-owned, or minority-owned business with no more than 25 employees.

Law Advice: FYI - No Direct Impact

HB561  **Project evaluation; primary evacuation routes.**

*Chief Patron:* Brewer

**Summary:**
Requires the Office of Intermodal Planning to include in the results of screening candidate projects in the Six-Year Improvement Program whether such projects are located on a primary evacuation route.
HB572  
**Distributed solar & other renewable energy; sales of electricity under third-party agreements.**

*Companion Bill:* SB710

*Chief Patron:* Keam

**Summary:**
Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) requires the State Corporation Commission to establish by regulation a shared solar program that allows multifamily customers of investor-owned utilities, other than American Electric Power, to purchase electric power through a subscription in a shared solar facility; (ii) raises the cap on the total amount of renewable energy that can be net metered in a utility's service territory from one percent to six percent, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (iii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts; (iv) allows certain localities to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings; (v) increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory; (vi) prohibits standby charges for any residential customer-generator or agricultural customer-generator of an investor-owned utility other than Dominion Energy Virginia; and (vii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. This bill is identical to HB 1184, HB 1647, and SB 710.

Law Advice: FYI - No Direct Impact

Identical to HB1184

HB575  
**Electric utilities; energy efficiency programs, stakeholder process.**

*Chief Patron:* Keam

**Summary:**
Requires the stakeholder process to be used by American Electric Power and Dominion Energy Virginia to provide input and feedback on compliance with the total annual energy savings and how such savings affect utility integrated resource plans, recommended policy reforms by which the General Assembly or the State Corporation Commission can ensure maximum and cost-effective deployment of energy efficiency technology across the Commonwealth, and best practices for evaluation, measurement, and verification for the purposes of assessing compliance with the total annual energy savings. The measure also requires each utility's stakeholder process to include the participation of relevant directors, relevant
deputies, and staff members of the Commission who participate in approval and oversight of utility
energy efficiency savings programs.

**Law Advice: FYI - No Direct Impact**

**HB576**  **Undergrounding electric transmission lines; pilot program.**

**Companion Bill:** SB782

**Chief Patron:** Keam

**Summary:**
Specifies that one of the two projects that may be included in the pilot program for the undergrounding
electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt
overhead line to an underground line. The measure provides that such a project may be approved if the
estimated additional cost of placing the line, in whole or in part, underground does not exceed $40
million or, if greater than $40 million, does not exceed 2.5 times the costs of placing the same line
overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause.
Currently the cost of such a project is ineligible if it exceeds 2.5 times the cost of placing the same line
overhead. The measure provides that such a project may be approved for participation in the pilot
program if its primary need is related to the economic development priorities and the comprehensive
plan of the governing body of the locality in which at least a portion of line will be placed. The measure
exempts a project that satisfies the criteria for participation in the pilot project from the requirement that
the State Corporation Commission find that the transmission line is needed. The measure adds that the
pilot program is created to further understanding of the benefits of undergrounding existing electric
transmission lines to promote economic development. This bill is identical to **SB 782**.

**Law Advice: FYI - No Direct Impact**

**HB581**  **Diversity and cultural competency; DHRM to develop online training module.**

**Chief Patron:** Guzman

**Summary:**
Requires the Department of Human Resource Management to develop an online diversity and cultural
competency training module. The bill requires all state employees commencing or recommencing
employment with the Commonwealth on or after January 1, 2021, to complete such training within 90
days of commencing or recommencing such employment and all persons employed with the
Commonwealth on January 1, 2021, to complete such training no later than April 1, 2021.

**Law Advice: New Requirement**

**HB582**  **Employees of local governments; collective bargaining.**
**Companion Bill:** SB939

**Chief Patron:** Guzman

**Summary:**
Permits counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, except for Constitutional officers and their employees, and including public school employees and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. The bill provides that for any governing body of a county, city, or town that has not adopted an ordinance or resolution providing for collective bargaining, such governing body is required, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, to take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. The bill provides that the prohibition against striking for public employees applies, irrespective of any such local ordinance. The bill has a delayed effective date of May 1, 2021. This bill is identical to SB 939.

**Law Advice:** FYI - No Direct Impact

**HB587**  **Baby changing facilities; DGS to implement in public buildings.**

**Chief Patron:** Guzman

**Summary:**
Directs the Department of General Services to include in its standards for capital outlay construction policies for the construction and installation of physically safe, sanitary, and appropriate baby changing facilities in restrooms. The bill defines "baby changing facility" as a table or other device suitable for changing the diaper of a child age three or younger.

**Law Advice:** Monitor and Track

**HB611**  **Higher educational institutions, public; governing board, educational programs.**

**Companion Bill:** SB897

**Chief Patron:** Miyares

**Summary:**
Requires all members of governing boards of public institutions of higher education to participate in educational programs designed to address the role, duties, and responsibilities of the governing boards at least once within the first two years of membership and at least once within every two years of membership thereafter. Under current law, new members are required to participate in such programs at
least once during their first two years of membership. The bill directs the State Council of Higher Education for Virginia to develop educational materials for board members with more than two years of service on a governing board and develop criteria by which such members shall demonstrate compliance.

Law Advice: Change in Requirement

HB617 Workers' compensation; repetitive motion injuries.

Chief Patron: Guzman

Summary:
Directs the Virginia Workers' Compensation Commission to engage an independent and reputable national research organization to examine the implications of covering workers' injuries caused by repetitive motion through the Virginia workers' compensation system.

Law Advice: FYI - No Direct Impact

HB618 Hate crimes; gender, disability, gender identity, or sexual orientation, penalty, effective clause.

Chief Patron: Plum

Summary:
Adds gender, disability, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds gender, disability, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, gender identity, or sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, disability, gender identity, or sexual orientation. The bill also eliminates the mandatory minimum terms of confinement for such hate crimes. The provisions of the bill are contingent on funding in a general appropriation act. This bill incorporates HB 488.

Law Advice: Change in Requirement

Aligns with current University policy.

HB622 Limiting employees' sharing of wage information; prohibited, exception, civil penalty.
**Chief Patron:** Hurst

**Summary:**
Prohibits an employer from discharging or taking other retaliatory action against an employee because the employee inquired about or discussed with, or disclosed to, another employee any information about either the employee's own wages or other compensation or about any other employee's wages or other compensation. Violations are subject to a civil penalty of $100.

**Law Advice:** Change in Authority

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**HB648**  
*Prescription Monitoring Program; information disclosed to Emergency Department Care Coord. Program.*

**Companion Bill:** SB575

**Chief Patron:** Hurst

**Summary:**
Provides for the mutual exchange of information between the Prescription Monitoring Program and the Emergency Department Care Coordination Program and clarifies that nothing shall prohibit the redisclosure of confidential information from the Prescription Monitoring Program or any data or reports produced by the Prescription Monitoring Program disclosed to the Emergency Department Care Coordination Program to a prescriber in an electronic report generated by the Emergency Department Care Coordination Program so long as the electronic report complies with relevant federal law and regulations governing privacy of health information. This bill is identical to **SB 575.**

**Law Advice:** FYI - No Direct Impact

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**HB655**  
*Solar photovoltaic projects; special exceptions for any project.*

**Companion Bill:** SB870

**Chief Patron:** Heretick

**Summary:**
Authorizes a locality to include reasonable regulations and provisions in its zoning ordinance for a special exception for any solar photovoltaic (electric energy) project. The bill authorizes the governing body of such locality to grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such proffered conditions are reasonably related to the project. This bill is identical to **SB 870.**

**Law Advice:** FYI - No Direct Impact
HB656  **Solar energy projects; national standards.**

*Companion Bill: SB875*

*Chief Patron: Heretick*

*Summary:*
Authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects. This bill is identical to SB 875.

*Law Advice: FYI - No Direct Impact*

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HB661  **Exposure-prone incidents; Secretaries of HHR & PSHS to establish a work group.**

*Chief Patron: Bell*

*Summary:*
Directs the Secretaries of Health and Human Resources and Public Safety and Homeland Security to establish a work group to develop a plan to improve the Commonwealth's response to exposure-prone incidents involving employees of law-enforcement agencies, volunteers and employees of fire departments and companies, and volunteers and employees of emergency medical services agencies and other appropriate entities. The work group shall (i) develop a plan to establish an entity to assist with management of exposure-prone incidents involving employees of law-enforcement agencies, volunteers and employees of fire departments and companies, and volunteers and employees of emergency medical services agencies and other appropriate entities and (ii) study and develop recommendations related to developing the ability to perform postmortem testing for infection with human immunodeficiency (HIV) or hepatitis B or C viruses through the Division of Consolidated Laboratory Services. The work group shall report its findings to the Governor and the General Assembly by December 1, 2020.

*Law Advice: FYI - No Direct Impact*

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HB664  **Exposure to a decedent's body fluids; testing.**

*Chief Patron: Bell*

*Summary:*
Provides that, in cases in which any law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider is directly exposed to body fluids of a deceased person in a manner that may, according to the then-current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the next of kin of the deceased person shall be deemed to have consented to testing of the decedent's blood for infection with human immunodeficiency virus or hepatitis B or C viruses and release of such test results to the person who was exposed. Under current law, whenever a law-enforcement officer, salaried or volunteer
firefighter, or salaried or volunteer emergency medical services provider is directly exposed to body fluids of a deceased person in a manner that may, according to the then-current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, consent for testing and release of the results must be obtained from the next of kin of the deceased person before testing may be initiated.

Law Advice: Eliminates Requirement

HB666 Vital records; expands the definition of 'dead body.'

Chief Patron: Mullin

Summary: Expands the definition of "dead body," for the purposes of the administration of vital records and the prohibition against disposal or concealment, to include human bodies or body parts beyond the recently deceased.

Law Advice: Change in Requirement

HB668 Field investigations permit; definitions, archaeologist qualifications, penalty.

Chief Patron: Mullin

Summary: Establishes standards for education, experience, ability, and other factors for a field supervisor who is identified in an application to the Director of the Department of Conservation and Recreation for a permit to conduct a field investigation, exploration, or recovery operation involving any object of antiquity on state-controlled land or on a state archaeological site or zone. The bill provides that the Director may consider the field supervisor's performance on any prior permitted investigation in determining whether the person meets such standards. The bill provides that conducting an investigation without a permit or willfully misrepresenting information (i) on a permit application or (ii) collected during a permitted field investigation is a crime punishable as a Class 1 misdemeanor.

Law Advice: FYI - No Direct Impact

HB670 USBC & SFPC; proposal for changes to the Codes to address active shooters or hostile threats.

Companion Bill: SB333

Chief Patron: Cole, M.L.

Summary:
Provides that the Department of Housing and Community Development shall convene stakeholders representing entities that enforce the Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code, other law-enforcement organizations, and representatives of local governments throughout the Commonwealth to develop proposals for changes to the USBC and SFPC 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 buildings for active-shooter or hostile threats while maintaining compliance with basic accessibility requirements under the federal Americans with Disabilities Act. This bill is identical to SB 333.

Law Advice: Monitor and Track

HB674  Firearms; removal from persons posing substantial risk of injury to himself, etc., penalties.

Companion Bill: SB240

Chief Patron: Sullivan

Summary:
Creates a procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill. This bill is identical to SB 240.

Law Advice: FYI - No Direct Impact

HB687  State-certified doulas; certification, registry.

Chief Patron: Aird
Summary:
Provides that no person shall use or assume the title "state-certified doula," as defined in the bill, unless such person is a community-based doula who has received training and education as a doula from an entity approved by a body approved by the Board of Health for such purpose and been certified as a doula by a body approved by the Board of Health for such purpose and that no entity shall hold itself out as providing training and education necessary to meet the requirements for certification as a doula unless its curriculum and training program has been approved by a body approved by the Board of Health for such purpose. The bill also directs the Board of Health to adopt regulations setting forth the requirements for (i) use of the title "state-certified doula" and (ii) training and education necessary to satisfy the requirements for certification by the Department of Health as a state-certified doula.

Law Advice: FYI - No Direct Impact

HB688 Certified community health workers; establishes requirements for use of the title.

Chief Patron: Aird

Summary:
Establishes requirements for use of the title "certified community health worker." This bill incorporates HB 474.

Law Advice: FYI - No Direct Impact

HB689 Wage payment statements; statement of earnings.

Chief Patron: Aird

Summary:
Limits the scope of the requirement enacted in 2019 that requires periodic wage payment statements to show the number of hours worked during the pay period. The measure requires the statement (i) to show the number of hours worked if the employee is either (a) paid on the basis of the number of hours worked or (b) paid on the basis of a salary that is less than the standard salary level adopted by the U.S. Department of Labor establishing an exemption from the overtime premium pay requirements of the federal Fair Labor Standards Act and (ii) to include sufficient information to enable the employee to determine how the gross and net pay were calculated. The measure contains an emergency clause.

Law Advice: Change in Requirement

HB704 Environmental justice; definitions, agency regulations, Virginia Environmental Justice Act, policy.
Companion Bill: SB406

Chief Patron: Keam

Summary:
Provides that it is the policy of the Commonwealth to promote environmental justice, defined in the bill, and to ensure that it is carried out throughout the Commonwealth. This bill is identical to SB 406.

Law Advice: FYI - No Direct Impact

HB714  Virginia Energy Plan; climate change pressing challenge.

Companion Bill: SB94

Chief Patron: Reid

Summary:
Adopts findings that climate change is an urgent and pressing challenge for Virginia, that swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and that the Commonwealth will benefit from being a leader in deploying a low-carbon energy economy. The measure states that the Commonwealth recognizes that the following objectives will advance the health, welfare, and safety of Virginians: (i) establishing sufficient supply and delivery infrastructure to enable widespread deployment of distributed energy resources; (ii) maximizing energy efficiency programs in order to produce electricity cost savings and to create jobs and revenue from the energy efficiency service sector; (iii) establishing greenhouse gas emissions reduction goals across Virginia's economy that reach net-zero emissions by 2045; (iv) requiring that pathways to net-zero greenhouse gas emissions be determined; (v) enabling widespread integration of distributed energy resources into the grid; (vi) mitigating the negative impacts of climate change and the energy transition on disadvantaged communities and prioritizing investment in these communities; (vii) developing the carbon-free energy resources required to fully decarbonize the electric power supply of the Commonwealth including deployment of 30 percent renewables by 2030 and realizing 100 percent carbon-free electric power by 2040; and (viii) ensuring that decision-making is transparent and includes opportunities for full participation by the public. The measure also states that it is the policy of the Commonwealth to (a) ensure the adequate supply of natural gas necessary to ensure the reliability of the electricity supply and the needs of businesses during the transition to renewable energy; (b) establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero emissions carbon by 2045; (c) enact mandatory clean energy standards and overall strategies for reaching net-zero carbon in the electric power sector by 2040; (d) equitably incorporate requirements for technical, policy, and economic analyses and assessments that recognize the unique attributes of different energy resources and delivery systems to identify pathways to net-zero carbon that maximize Virginia's energy reliability and resilience, economic development, and jobs; and (e) minimize the negative impacts of climate change and the energy transition on economically disadvantaged or minority communities and prioritize investment in these areas. The measure also requires that the Virginia Energy Plan identify actions consistent with the goals of achieving a net-zero carbon economy by 2045 and include an inventory of all greenhouse gas emissions for the four years preceding the issuance of the Plan. This bill is identical to SB 94.

Law Advice: FYI - No Direct Impact
HB715  Higher educational institutions, public; increases in undergraduate tuition.

Chief Patron: Reid

Summary:
Prohibits the governing board of any public institution of higher education from approving an increase in undergraduate tuition or mandatory fees without providing students and the public notice of the date, time, and location of the meeting at which public comment on such planned increase is permitted on the institution's website and through any other standard means of communication utilized by the institution with students at least 10 days prior to such meeting.

Law Advice: New Requirement

Requires the Board to provide students and the public notice of the date, time, and location of meetings where public comment on planned tuition/fee increases will be held; notice must be provided at least 10 days prior to such meetings.

HB719  Administration of government; state publications to be made available in electronic format.

Chief Patron: Reid

Summary:
Requires state publications provided to (i) the General Assembly or any committee, subcommittee, commission, agency, or other body within the legislative branch or (ii) the chairman or agency head of such entity and publications of any agency, institution, collegial body, or other governmental entity to be made available as read-only and text-searchable Portable Document Format (.pdf) files or some other widely used and accessible read-only and text-searchable electronic document format. All requests for such reports or publications shall be made electronically unless expressly requested otherwise.

Law Advice: New Requirement

HB726  Comprehensive plan; adoption or disapproval by governing body.

Companion Bill: SB746

Chief Patron: Reid

Summary:
Extends the time by which a governing body is required to approve or disapprove a locality-initiated comprehensive plan amendment for more than 25 parcels from 90 to 150 days. This bill is identical to SB 746.
HB727    **PSAP dispatchers; definitions, telecommunicator cardiopulmonary resuscitation, EMD program.**

*Chief Patron:* Hope

*Summary:* Requires each public safety answering point (PSAP) to provide training and equipment for each of its dispatchers in high-quality telecommunicator cardiopulmonary resuscitation (TCPR) instruction, which is defined in the measure as the delivery by trained 911 telecommunicators of high-quality cardiopulmonary resuscitation instruction for acute events requiring cardiopulmonary resuscitation, including out-of-hospital cardiac arrests. The measure (i) requires the State Board of Health to adopt regulations that establish training and equipment standards and (ii) authorizes a PSAP to enter into reciprocal agreements with another PSAP to transfer callers to the other PSAP at times that the initial PSAP does not have a trained dispatcher on duty able to provide TCPR. The measure establishes immunity from civil damages for dispatchers who instruct a caller on TCPR. The measure also requires each operator of a PSAP to implement a requirement that each of its dispatchers complete an Emergency Medical Dispatch education program by July 1, 2024, and to conduct ongoing quality assurance of its TCPR program.

**Law Advice: New Requirement**

HB728    **Residential psychiatric placement and services; SOE, et al., to establish work group.**

*Companion Bill:* SB734

*Chief Patron:* Hope

*Summary:* Directs the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents and requires the work group to report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. This bill is identical to SB 734.

**Law Advice: Monitor and Track**

HB742    **Unmanned aircraft; political subdivision may regulate take-off and landing of system, etc.**
**Summary:**
Authorizes a political subdivision, by ordinance or regulation, to regulate the take-off or landing of certain unmanned aircraft on property owned by the political subdivision in accordance with the rules and regulations adopted by the Department of Aviation. The bill requires the locality to report the ordinance or regulation to the Department and directs the Department to publish a summary on the locality's website. The bill also directs the Department, by January 1, 2021, to develop rules and regulations specific to take-offs and landings in consultation with representatives of the unmanned aircraft system industry, small and medium-sized businesses utilizing unmanned aircraft systems, localities, and other stakeholders. The bill has a delayed effective date of January 1, 2021. This bill incorporates HB 311 and HB 1227.

**Law Advice: FYI - No Direct Impact**
Delayed effective date of January 1, 2021

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**HB743 Higher educational institutions; qualified education loans, providers of private education loans.**

**Chief Patron:** Bulova

**Summary:**
Requires any provider of private education loans to disclose to any student attending an institution of higher education in the Commonwealth, prior to issuing a qualified education loan to such student, the contact information for the Office of the Qualified Education Loan Ombudsman and a summary of the student loan information applicable to private education loans that may be found on the State Council of Higher Education's website. The bill provides that any such disclosure may be made in conjunction with or incorporated into another disclosure to such student prior to issuing the qualified education loan. The bill requires the summary to be developed by the Office of the Qualified Education Loan Ombudsman in consultation with relevant stakeholders. The bill has a delayed effective date of July 1, 2021.

**Law Advice: FYI - No Direct Impact**
Delayed effective date of July 1, 2021

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**HB748 Research and development tax credits; extends sunset date, aggregate caps.**

**Companion Bill:** SB110

**Chief Patron:** Jones

**Summary:**
Extends the sunset date for both the research and development expenses tax credit and the major research and development expenses tax credit from January 1, 2022, to January 1, 2025. Beginning with
taxable year 2021, the bill increases the aggregate cap of the research and development expenses tax credit from $7 million to $7.77 million and increases the aggregate cap of the major research and development expenses tax credit from $20 million to $24 million. For both credits, the bill moves back the annual deadline for applications for the credit from July 1 to September 1. This bill is identical to SB 110.

Law Advice: FYI - No Direct Impact

HB757 Public employment; limitations on inquiries by state agencies and localities regarding arrests.

Chief Patron: Aird

Summary:
Prohibits state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime. The bill prohibits asking a prospective employee if he has ever been arrested or charged with or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee. The prohibition does not apply to applications for employment with law-enforcement agencies or positions related to law-enforcement agencies. The prohibition also does not apply to applications for state agency positions designated as sensitive or to state agencies that are expressly permitted to inquire into an individual's criminal arrests or charges for employment purposes pursuant to any provision of federal or state law. For localities, the prohibition also does not apply to positions for employment by the local school board. This bill incorporates HB 140.

Law Advice: Eliminates Authority

Prohibits state agencies from asking prospective employees about criminal history on employment applications, with certain exceptions for positions in law enforcement or designated as sensitive.

HB763 Hospitals; notification to patient of outpatient physical therapy following discharge.

Chief Patron: Orrock

Summary:
Requires the Board of Health to adopt regulations requiring hospitals to establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital.

Law Advice: Monitor and Track
HB781  **Accrual of cause of action; diagnoses of nonmalignant and malignant asbestos-related injury.**

*Companion Bill:* SB661

*Chief Patron:* Mullin

**Summary:**
Provides that a diagnosis of a nonmalignant asbestos-related injury or disease shall not accrue an action based upon the subsequent diagnosis of a malignant asbestos-related injury or disease and that such subsequent diagnosis shall constitute a separate injury that shall accrue an action when such diagnosis is first communicated to the person or his agent by a physician. The bill is intended to reverse *Kiser v. A.W. Chesteron*, 285 Va. 12 (2013). This bill is identical to SB 661.

Law Advice: FYI - No Direct Impact

HB783  **Workers' compensation; presumption of compensability for certain diseases, conditions before 7/1/20.**

*Companion Bill:* SB9

*Chief Patron:* Askew

**Summary:**
Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters or certain employees develop the cancer. The presumption shall not apply for any individual who was diagnosed with one of the conditions before July 1, 2020. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty. The bill also reduces the number of years of service needed to qualify for the presumption from 12 to five for various types of cancer. For hypertension or heart disease, the bill adds a requirement that an individual complete five years of service in their position in order to qualify. This bill is identical to SB 9.

Law Advice: FYI - No Direct Impact

HB785  **Localities; authority to levy taxes.**

*Companion Bill:* SB588

*Chief Patron:* Watts

**Summary:**
Modifies or eliminates several restrictions that apply to taxes imposed by counties, and establishes a new restriction on cigarette taxes imposed by any locality. The bill authorizes most counties to impose an admissions tax, not to exceed a 10 percent rate. Under current law, only certain counties may impose an admissions tax. The bill eliminates the limit on the rate of transient occupancy tax that a county may
impose. The bill requires that any revenue attributable to a rate over two percent but not exceeding five percent must be dedicated to tourism marketing. The provisions related to the transient occupancy tax have a delayed effective date of May 1, 2021. Under current law, all counties may impose a transient occupancy tax of up to two percent, and certain counties may impose it up to a higher maximum rate. The bill authorizes any county to impose a cigarette tax up to a maximum rate of 40 cents per pack. It also provides that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. The provisions related to the cigarette tax have a delayed effective date of July 1, 2021. Under current law, only certain counties may impose a cigarette tax, and cities and towns may impose such tax with no limit on the rate. The bill authorizes any county to impose a food and beverage tax of up to six percent and eliminates the requirement that a county hold a referendum before imposing such tax. Under current law, all counties may impose the tax after a referendum but the rate may not exceed four percent. This bill is identical to SB 588.

Law Advice: FYI - No Direct Impact

Provisions related to the cigarette tax have a delayed effective date of July 1, 2021.

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**HB791 Comprehensive harm reduction programs; authority to establish and operate.**

*Chief Patron:* Plum

*Summary:* Repeals the sunset on the authority of the Commissioner of Health to establish and operate local or regional comprehensive harm reduction programs that include the distribution of sterile hypodermic needles and syringes and the disposal of used hypodermic needles and syringes; allows a local health department or other organization that promotes scientifically proven methods of mitigating health risks associated with drug use and other high-risk behaviors to establish comprehensive harm reduction programs, if authorized by the Commissioner of Health; and eliminates the requirement that comprehensive harm reduction programs be located in communities for which data indicates an increase in or increased risk of transmission of HIV, viral hepatitis, or other blood-borne disease as a result of injection drug use.

Law Advice: FYI - No Direct Impact

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**HB798 Employment; prohibited retaliatory action.**

*Chief Patron:* Delaney

*Summary:* Prohibits an employer from discharging, disciplining, threatening, discriminating against, penalizing, or taking other retaliatory action against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee (i) reports a violation of any federal or state law or regulation to a supervisor or to any governmental body or law-enforcement official; (ii) is requested by a governmental body or law-enforcement official to participate in an investigation, hearing, or inquiry; (iii) refuses to engage in a criminal act that would subject the employee...
to criminal liability; (iv) refuses an employer's order to perform an action that violates any federal or state law or regulation and the employee informs the employer that the order is being refused for that reason; or (v) provides information to or testifies before any governmental body or law-enforcement official conducting an investigation, hearing, or inquiry into any alleged violation by the employer of federal or state law or regulation. A person who alleges a violation of this chapter may bring a civil action seeking injunctive relief, reinstatement, and compensation for lost wages, benefits, and other remuneration.

Law Advice: FYI - No Direct Impact

Not applicable to state agencies

HB799  Child day programs; lead testing, potable water.

Companion Bill: SB393

Chief Patron: Askew

Summary:
Requires licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority. The bill requires such plan and the results of each such test to be submitted to and reviewed by the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water for review. The bill also provides such programs the option of using bottled water in lieu of testing or remediation. This bill is identical to SB 393.

Law Advice: New Requirement

Requires licensed child day programs to develop and implement a plan to test potable water and to remediate the level of lead should test results indicate a level of lead at or above 15 parts per billion.

HB806  Criminal Injuries Compensation Fund; victims of sexual assault, report.

Companion Bill: SB949

Chief Patron: Delaney

Summary:
Adds to those persons invited to participate in the annual meeting of the group led by the attorney for the Commonwealth to coordinate the multidisciplinary response to criminal sexual assault in each political subdivision (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction; and (iv)
any other local health care providers, or their designees, and authorizes attorneys for the Commonwealth
to conduct the sexual assault response team annual meetings using other methods, such as electronic
communication means, to encourage attendance. The bill also directs the Secretary of Health and Human
Resources to establish a work group to evaluate the feasibility of moving responsibility for the SAFE
program from the Virginia Workers' Compensation Commission to the Department of Medical Assistance
Services and to provide recommendations related to (i) the feasibility and cost of expanding the type of
services for which the Criminal Injuries Compensation Fund will make awards to include claims or
portions of claims based on the claimant's actual expenses incurred for unreimbursed medical costs
resulting from sexual abuse, including the cost of physical evidence recovery kit examinations conducted
on victims of sexual assault, unreimbursed medical expenses or indebtedness reasonably incurred for
medical expenses, expenses attributable to pregnancy resulting from such sexual abuse, and any other
reasonable and necessary expenses and indebtedness associated with or attributable to the sexual abuse
upon which such claim is based and (ii) the feasibility of transferring responsibility from the Virginia
Workers' Compensation Commission to the Department of Medical Assistance Services for the Sexual
Assault Forensic Examination program (the SAFE program) and related claims for medical expenses
related to sexual assault, strangulation, domestic and intimate partner violence, human trafficking, and
adult and child abuse. If the work group finds that it is not feasible to move responsibility for the SAFE
program and related claims from the Virginia Workers' Compensation Commission to the Department of
Medical Assistance Services, the work group shall develop recommendations for creation of an efficient,
seamless electronic medical claim processing system for hospitals and health care providers that
coordinates payments from all available sources, suppresses explanations of benefits, and removes the
patient from the medical billing and reimbursement process. The work group's report shall include
specific legislative, regulatory, and budgetary changes necessary to implement the work group's
recommendations. The work group shall report its findings and recommendations to the Governor and
the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and
Appropriations, and the Joint Commission on Health Care by September 1, 2020. This bill is identical to
SB 949.

Law Advice: Monitor and Track

**HB807**  Health care; explanation of benefits, sensitive health care services.

*Companion Bill:* SB766

*Chief Patron:* Delaney

*Summary:* Authorizes the State Corporation Commission to adopt regulations that establish alternative methods of
delivery of the explanation of benefits, provided that such alternative method is in compliance with the
provisions of federal regulations regarding the right to request privacy protection for protected health
information. This bill is identical to SB 766.

Law Advice: FYI - No Direct Impact

**HB808**  Survivors of sexual assault; definitions, every hospital to provide
treatment or transfer services.
**Chief Patron:** Delaney

**Summary:**
Requires every hospital in the Commonwealth to provide treatment or transfer services, as defined in the bill, to survivors of sexual assault pursuant to a plan approved by the Department of Health; establishes specific requirements for providers of services to pediatric survivors of sexual assault; and establishes the Task Force on Services for Survivors of Sexual Assault to facilitate the development of services for survivors of sexual assault. Certain provisions of the bill have a delayed effective date of July 1, 2023.

**Law Advice: New Requirement**
Requires every hospital in the Commonwealth to provide treatment or transfer services to survivors of sexual assault and establishes specific requirements for providers of services to pediatric survivors of sexual assault; certain provisions have a delayed effective date of July 1, 2023.

**HB810**  
**Virginia housing opportunity tax credit program; VHDA, et al., to develop.**

**Chief Patron:** Bourne

**Summary:**
Directs the Department of Housing and Community Development and the Virginia Housing Development Authority to convene a stakeholder advisory group to develop draft legislation establishing a Virginia housing opportunity tax credit program for the purpose of providing incentives for the utilization of private equity in the development and construction of affordable housing in the Commonwealth and regulations for implementing such program. The stakeholder advisory group shall also conduct financial modeling to determine the fiscal impact to the Commonwealth of various levels of funding for a Virginia housing opportunity tax credit. The stakeholder advisory group shall determine the most effective and efficient way to administer the program in conjunction with the federal Low-Income Housing Tax Credit Program. The stakeholder advisory group shall report its recommendations to the Governor, the Secretary of Commerce and Trade, the Director of the Department of Housing and Community Development, and the commissioners of the Virginia Housing Development Authority by September 1, 2020.

**Law Advice: FYI - No Direct Impact**

**HB812**  
**Handguns; limitation on purchases, penalty.**

**Companion Bill:** SB69

**Chief Patron:** Ward

**Summary:**
Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this
provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. This bill incorporates HB 1502. This bill is identical to SB 69.

Law Advice: FYI - No Direct Impact

HB822 Health insurance; credentialing, health care or professional health-related services.

Chief Patron: Head

Summary:
Requires health insurers and other carriers that credential certain health professionals in their provider networks to establish reasonable protocols and procedures for reimbursing such a professional who has submitted a completed credentialing application to a carrier, within 30 days of being credentialed by the carrier, for services provided to covered persons during the period in which the applicant's completed credentialing application is pending. The bill makes this requirement applicable to a person, corporation, facility, or institution licensed by the Commonwealth under Title 32.1 (Health) or Title 54.1 (Professions and Occupations) to provide health care or professional health-related services on a fee basis. Such a requirement exists in current law for participating physicians and participating mental health professionals but without a time limit for reimbursement. The bill applies the 30-day limit to such participating physicians and participating mental health professionals.

Law Advice: FYI - No Direct Impact

HB826 State plan for medical assistance; payment for services provided by certified doulas.

Chief Patron: Carroll Foy

Summary:
Directs the Department of Medical Assistance Services to convene a work group to (i) evaluate the potential costs and benefits, including potential reductions in maternal and infant mortality rates, of amending the state plan for medical assistance services to include a provision for the payment of medical assistance for antepartum, intrapartum, or postpartum services provided to a pregnant person or to a person who is up to one year postpartum for labor and delivery support by a certified doula and at least four visits during the antenatal period and at least seven visits during the postpartum period with a certified doula and (ii) develop recommendations related to an appropriate reimbursement rate for such services provided by certified doulas. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by December 1, 2020.

Law Advice: FYI - No Direct Impact
HB831 Utility easements; location of broadband and other communications facilities.

Companion Bill: SB794

Chief Patron: Carroll Foy

Summary:
Declares that it is the policy of the Commonwealth that (i) easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services; (ii) the use of easements to provide or expand broadband or other communications services is in the public interest; (iii) the installation, replacement, or use of public utility conduit, including the costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest; (iv) the use of easements to provide or expand broadband or other communications services (a) does not constitute a change in the physical use of the easement; (b) does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate; (c) does not place any additional burden on the servient estate other than a de minimis burden, if any; and (d) has value to the owner or occupant of the servient estate greater that any de minimum impact; and (v) the installation and operation of broadband or other communications services within easements, appurtenant or gross, are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure further provides that (1) absent any express prohibition on the installation and operation of broadband or other communications services in an easement that is contained in a deed or other instrument by which the easement was granted, the installation and operation of broadband or other communications services within any easement shall be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric and communications facilities and (2) subject to compliance with any express prohibitions in a written easement, any incumbent utility or communications provider may use an easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. The measure provides that any incumbent utility or communications provider may use a prescriptive easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. This bill is identical to SB 794.

Law Advice: FYI - No Direct Impact

HB832 Athlete agents; creates registration requirement, penalties.

Chief Patron: Sullivan
Summary:
Creates a registration requirement for athlete agents administered by the Director of the Department of Professional and Occupational Regulation, sets out the requirements for registration and conduct of athlete agents, and provides for administrative, civil, and criminal penalties.

Law Advice: FYI - No Direct Impact

HB833 Virginia Public Procurement Act; public works contracts, prevailing wage rate, penalty.

Companion Bill: SB8

Chief Patron: Carroll Foy

Summary:
Requires contractors and subcontractors under any public contract with a state agency, or with a locality that has adopted an ordinance requiring the payment of prevailing wages, for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The provisions of the bill would not apply to any contract for public works of $250,000 or less. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals. The bill has a delayed effective date of May 1, 2021. This bill is identical to SB 8.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB840 Health insurance; formula and enteral nutrition products, definitions.

Companion Bill: SB605

Chief Patron: Murphy

Summary:
Requires health insurers, health care subscription plans, and health maintenance organizations whose policy, contract, or plan includes coverage for medicines to classify medically necessary formula and enteral nutrition products as medicine and to include coverage for medically necessary formula and enteral nutrition products for covered individuals requiring treatment for an inherited metabolic disorder. Such coverage is required to be provided on the same terms and subject to the same conditions imposed
on other medicines covered under the policy, contract, or plan. The measure provides that the required coverage includes any medical equipment, supplies, and services that are required to administer the covered formula or enteral nutrition products. These requirements apply only to formula and enteral nutrition products that are furnished pursuant to the prescription or order of a physician or other health care professional qualified to make such prescription or order for the management of an inherited metabolic disorder and are used under medical supervision. This bill is identical to SB 605.

Law Advice: New Requirement

Requires health insurers and health care subscription plans to to include coverage for medically necessary formula and enteral nutrition products for covered individuals requiring treatment for an inherited metabolic disorder.

HB852  **VITA; required information security training program for state employees.**

*Chief Patron:* Ayala

**Summary:**
Requires the Chief Information Officer of the Virginia Information Technologies Agency (the CIO) to develop by November 30, 2020, and annually update a curriculum and materials for training all state employees in information security awareness and in proper procedures for detecting, assessing, reporting, and addressing information security threats. The bill requires the Commonwealth's executive, legislative, and judicial branches and independent agencies, beginning January 1, 2021, to provide annual information security training for each of its employees using the curriculum and materials developed by the CIO.

Law Advice: Monitor and Track

HB854  **Affordable housing; VHDA, et al., to study ways to develop.**

*Chief Patron:* Murphy

**Summary:**
Requests the Department of Housing and Community Development and the Virginia Housing and Development Authority to convene a stakeholder advisory group to (i) determine the quantity and quality of affordable housing across the Commonwealth, (ii) conduct a review of current programs and policies to determine the effectiveness of current housing policy efforts, (iii) develop an informed projection of future housing needs in the Commonwealth and determine the order of priority of those needs, and (iv) make recommendations for the improvement of housing policy in the Commonwealth.

Law Advice: FYI - No Direct Impact

HB860  **Inhaled asthma medications; school nurse, etc., may administer to a**
Chief Patron: Bell

Summary:
Provides that, pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, employee of a local health department, employee of a school for students with disabilities, or employee of an accredited private school who is authorized by a prescriber and trained in the administration of albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis. The bill also provides that a school nurse, employee of a school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of albuterol inhalers or nebulized albuterol who provides, administers, or assists in the administration of an albuterol inhaler or nebulized albuterol for a student believed in good faith to be in need of such medication, or is the prescriber of such medication, is not liable for civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. This bill is identical to HB1174.

Law Advice: FYI - No Direct Impact

Identical to HB1174

HB868  Electric utilities; right to shop.

Chief Patron: Bourne

Summary:
Authorizes individual retail customers of electric energy to purchase electric energy provided 100 percent from renewable energy from any licensed competitive supplier of electric energy, including any incumbent electric utility. Currently, such customers may purchase electric power from such suppliers, other than an incumbent electric utility that is not the incumbent electric utility serving the exclusive territory in which the customer is located, only if their incumbent electric utility does not offer an approved tariff for electric energy provided 100 percent from renewable energy. The measure also provides that a cooperative utility customer eligible to take service under a tariff for electric energy provided 100 percent from renewable energy is prohibited from purchasing electric energy provided 100 percent from renewable energy from a licensed supplier, except such customer is authorized to continue purchasing renewable energy pursuant to the terms of a power purchase agreement in effect on the date the cooperative serving it filed with the Commission such tariff for electric energy provided 100 percent from renewable energy for the duration of such agreement. The provisions of the bill will not become effective unless reenacted by the 2021 Session of the General Assembly.

Law Advice: FYI - No Direct Impact

Requires reenactment in 2021.
HB874  Handheld personal communications devices; holding devices while driving a motor vehicle, penalty.

Companion Bill: SB160

Chief Patron: Bourne

Summary:
Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. The bill has a delayed effective date of January 1, 2021. This bill incorporates HB 377, HB 387, HB 512, and HB 1672 and is identical to SB 160.

Law Advice: Change in Requirement
Delayed effective date of January 1, 2021

HB882  Stormwater management; use of a proprietary best management practice.

Chief Patron: Bulova

Summary:
Directs the State Water Control Board to adopt regulations providing for the use of a proprietary best management practice (BMP) only if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. The bill requires any proprietary BMP that is included on the Virginia Stormwater BMP Clearinghouse website prior to July 1, 2020, to provide documentation to the Department of Environmental Quality showing that its effectiveness has been verified by another state, regional, or national certification program and prohibits any such proprietary BMP that fails to provide such documentation from being used in any stormwater management plan submitted on or after January 1, 2022.

Law Advice: FYI - No Direct Impact

HB887  ABLE savings trust agreement; Medicaid clawback prohibition.

Chief Patron: Filler-Corn

Summary:
Provides that the beneficiary of an ABLE savings trust account may appoint a survivor. In the event of the beneficiary's death, the survivor becomes the new beneficiary of the account if he is eligible under federal law to be a beneficiary of an ABLE savings trust account. The bill provides that if the survivor is
ineligible, then any proceeds remaining in the account are distributed to the survivor and the account is closed. Under current law, if the beneficiary of an ABLE savings trust account dies, his state of residence becomes a creditor of the account and may seek payment under federal law for Medicaid benefits provided to the beneficiary while he was alive. The bill prohibits the Commonwealth from seeking estate recovery or payment from the proceeds of the deceased beneficiary's account for benefits provided to him.

Law Advice: FYI - No Direct Impact

HB890  **Construction management or design-build contracts; use by local public bodies.**

*Companion Bill:* SB341

*Chief Patron:* Sickles

*Summary:* Removes the provision limiting the use of construction management contracts by local public bodies to projects with a cost expected to exceed $10 million and provides that construction management may be utilized on projects where the project cost is expected to be less than the project threshold established in the procedures adopted by the Secretary of Administration for using construction management contracts. This bill is identical to SB 341.

Law Advice: FYI - No Direct Impact

HB894  **Education preparation programs; teacher licensure, certain instruction or training.**

*Chief Patron:* Levine

*Summary:* Requires education preparation programs offered by public institutions of higher education and private institutions of higher education to ensure that, as a condition of degree completion, each student enrolled in the education preparation program receives instruction on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion. The bill requires every person seeking initial licensure as a teacher who has not received such instruction to receive instruction or training on such topics. The bill requires the Board of Education to adopt regulations to implement the foregoing requirements.

Law Advice: New Requirement

Requires education preparation programs to ensure that, as a condition of degree completion, each student enrolled in the program receives instruction on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with
regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion.

**HB896**  **Virginia Lottery: powers and duties of Board, sports betting, etc.**

**Companion Bill:** SB384

**Chief Patron:** Sickles

**Summary:**
Directs the Virginia Lottery (the Lottery) to regulate sports betting. The bill prohibits the Lottery from issuing any permits to conduct sports betting until it has developed and published a consumer protection bill of rights.

Before administering a sports betting operation, an entity is required to apply for a three-year permit and pay a nonrefundable application fee of $250,000 as well as an additional $250,000 fee if its application is approved. Permit holders must apply for renewal of a permit every three years, which includes a nonrefundable renewal fee of $200,000. The Director of the Virginia Lottery may issue from four to 12 permits at one time and is directed to issue a number of permits that will maximize tax revenue collected pursuant to the bill. In issuing permits, the Director is required to give preferred consideration to applicants that are (i) certain major league sports franchises and (ii) certain casino operators.

The bill prohibits betting on Virginia college sports and youth sports and prohibits proposition bets on all college sports. The bill prohibits betting by Lottery employees, permit holders and certain related persons, athletes and coaches with respect to events in their league, and persons under age 21. The penalty for engaging in prohibited betting is a Class 1 misdemeanor.

The bill prohibits betting on the biometric data of an athlete without his consent and includes provisions for the Lottery to investigate prohibited conduct, such as attempting to influence an athlete or the outcome of an athletic event.

The bill directs the Lottery to establish a voluntary exclusion program, which allows individuals to request that the Lottery exclude them from engaging in various kinds of betting activity.

The bill allows the governing body of a sports league to request that the Lottery (a) limit or prohibit people from betting on events of the league that it governs and (b) restrict the information sources used to resolve bets that are placed after a sports event has begun.

The bill imposes a 15 percent tax on a permit holder's adjusted gross revenue, defined in the bill. The bill authorizes permit holders to carry over and deduct net losses for up to 12 months.

The bill creates the Problem Gambling Treatment and Support Fund, administered by the Department of Behavioral Health and Developmental Services. The Fund is established to provide counseling to compulsive gamblers, implement problem gambling treatment and prevention programs, and provide grants to organizations that assist problem gamblers. The Fund is funded by 2.5 percent of the revenue generated from sports betting, with the remaining 97.5 percent accruing to the general fund.

This bill is identical to SB 384.
Law Advice: FYI - No Direct Impact

Prohibits betting on Virginia college sports.

HB907  **Sickle cell anemia; treatment.**

*Chief Patron:* Hayes

*Summary:* Specifies that children be included in the voluntary program established by the Commissioner of Health, in cooperation with local health directors, for the screening of individuals for the disease of sickle cell anemia or the sickle cell trait and for other genetically related diseases and genetic traits and inborn errors of metabolism. The bill directs the Board of Health to adopt regulations to implement an adult and pediatric comprehensive sickle cell clinic network.

Law Advice: FYI - No Direct Impact

HB908  **Naloxone; possession and administration by employee or person acting on behalf of a public place.**

*Companion Bill:* SB836

*Chief Patron:* Hayes

*Summary:* Authorizes an employee or other person acting on behalf of a public place, as defined in the bill, who has completed a training program on the administration of naloxone or other opioid antagonist to possess and administer naloxone or other opioid antagonist, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill also provides that a person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. The bill provides immunity from civil liability for a person who, in good faith, administers naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose, unless such act or omission was the result of gross negligence or willful and wanton misconduct. This bill incorporates HB 650, HB 1465, and HB 1466.

Law Advice: New Authority

HB913  **Higher educational institutions; sexual violence policies, immunity from disciplinary action.**

*Chief Patron:* Helmer
Summary:
Requires the governing board of each nonprofit private institution of higher education and each public institution of higher education except the Virginia Military Institute to include as part of its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action based on personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of sexual violence.

Law Advice: New Requirement

Requires inclusion in institutional policy or codes a provision for immunity from disciplinary action based on personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of sexual violence; University policy currently contains a provision covering reports of any type of prohibited conduct, which would include sexual violence.

HB923  Alcoholic beverage control; interdiction of intoxicated driver, etc.

Chief Patron: Carroll Foy

Summary:
Repeals the provision allowing a court to enter an order of interdiction prohibiting the sale of alcoholic beverages to any person who has shown himself to be a habitual drunkard. The bill also repeals the provision that disqualifies habitual drunkards from being able to obtain a concealed handgun permit.

Law Advice: FYI - No Direct Impact

HB925  DMAS; steps to facilitate transition between two programs.

Chief Patron: Coyner

Summary:
Directs the Department of Medical Assistance Services (DMAS) to establish a process for (i) conducting a comprehensive needs assessment of a person who chooses to participate in the Medicaid Works program to determine the services such person may need to live and fully participate in his community and (ii) developing a plan of support for such person to guide the person in selection of the best waiver program for his needs. The bill also requires DMAS to develop processes to (a) enable a person who transitions from a Home and Community-Based Services waiver service to the Medicaid Works waiver program to retain his Home and Community-Based Services waiver slot for up to 180 days following the date of such transition and (b) give priority to individuals previously receiving services through the Home and Community-Based Services waiver program who transitioned to the Medicaid Works program and who subsequently seek to resume services through the Home and Community-Based Services waiver program.

Law Advice: FYI - No Direct Impact
HB932  **Natural gas automobile mechanics and technicians; removal of certification requirement.**

*Chief Patron:* Simonds

*Summary:* Removes the certification requirement for, and associated regulatory authority over, the occupation of natural gas automobile mechanics and technicians by the Department of Professional and Occupational Regulation.

*Law Advice: FYI - No Direct Impact*

HB935  **Economic development programs; reporting requirements.**

*Chief Patron:* Willett

*Summary:* Clarifies the due dates for plans and reports to be prepared and submitted by the Virginia Economic Development Partnership Authority to various individuals and repeals the requirement that the Secretary of Commerce and Trade provide an annual report on the effectiveness of economic development programs in the Commonwealth. The bill contains technical amendments.

*Law Advice: FYI - No Direct Impact*

HB942  **Industrial hemp; federal regulations, adoption in Virginia.**

*Chief Patron:* Marshall

*Summary:* Directs the Board of Agriculture and Consumer Services to conform the regulations of the Department of Agriculture and Consumer Services to any federal regulation adopted by the U.S. Department of Agriculture, immediately upon publication in the Federal Register, that materially expands opportunities for growing, producing, or dealing in industrial hemp in the Commonwealth. The bill exempts such regulatory amendments by the Board from the Administrative Process Act. The bill contains an emergency clause.

*Law Advice: FYI - No Direct Impact*

HB962  **Hemp; products intended for smoking.**

*Chief Patron:* Marshall

*Summary:*
Prohibits the sale to persons under age 21 of hemp products intended for smoking.

Law Advice: FYI - No Direct Impact

HB972  **Marijuana; definitions, possession and consumption, civil penalties, report.**

**Companion Bill:** SB2

**Chief Patron:** Herring

**Summary:**
Decriminalizes simple marijuana possession and provides a civil penalty of no more than $25. Current law imposes a maximum fine of $500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that any violation of simple possession of marijuana shall be charged by a summons in form the same as the uniform summons for motor vehicle law violations and that no court costs shall be assessed for such violations. The bill also provides that a person's criminal history record information shall not include records of any charges or judgments for such violations and records of such charges or judgements shall not be reported to the Central Criminal Records Exchange. However, the bill states that if a violation occurs while an individual is operating a commercial motor vehicle, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record. Also, the bill states that the procedure for appeal and trial of any violation of simple possession of marijuana shall be the same as provided by law for misdemeanors. The bill also provides that if requested by either party on appeal to the circuit court, trial by jury shall be provided and the Commonwealth shall be required to prove its case beyond a reasonable doubt. Additionally, the bill provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations. The bill defines "marijuana" to include hashish oil and creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use. The bill also (i) makes records relating to the arrest, criminal charge, or conviction of possession of marijuana not open to public inspection and disclosure, except in certain circumstances; (ii) prohibits employers and educational institutions from requiring an applicant for employment or admission to disclose information related to such arrest, criminal charge, or conviction; and (iii) prohibits agencies, officials, and employees of the state and local governments from requiring an applicant for a license, permit, registration, or governmental service to disclose information concerning such arrest, criminal charge, or conviction. Also, the bill allows a person charged with a civil offense who is acquitted, a nolle prosequi is taken, or the charge is otherwise dismissed to file a petition requesting expungement of the police records and court records related to the charge. Finally, the bill requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and report the recommendations of the work group to the General Assembly and the Governor by November 30, 2020. This bill incorporates HB 265, HB 301, and HB 481 and is identical to SB 2.

Law Advice: Change in Authority

Office of State Governmental Relations  Thursday, July 16, 2020
HB973  **Elementary and secondary schools, etc.; repealing several Acts relating to racial segregation.**

**Companion Bill:** SB600

**Chief Patron:** VanValkenburg

**Summary:**
Repeals several Acts of Assembly from 1901 to 1960 that contain provisions relating to the racial segregation of students in elementary and secondary schools and institutions of higher education in the Commonwealth. This bill is identical to SB 600.

**Law Advice:** FYI - No Direct Impact

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HB980  **Abortion; expands who can perform in first trimester, informed consent required.**

**Companion Bill:** SB733

**Chief Patron:** Herring

**Summary:**
Expands who can perform first trimester abortions to include any person jointly licensed by the Board of Medicine and Nursing as a nurse practitioner acting within such person's scope of practice. The bill eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a pregnant person's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a pregnant person's informed written consent first be obtained. The bill removes language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals. This bill incorporates HB 1060 and is identical to SB 733.

**Law Advice:** Change in Authority

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HB981  **Clean Energy and Community Flood Preparedness Act; definitions, funds, report.**

**Companion Bill:** SB1027

**Chief Patron:** Herring

**Summary:**
Directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of the Office of State Governmental Relations Thursday, July 16, 2020

73 of 220
Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The bill requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Community Flood Preparedness Fund; (ii) to the Department of Housing and Community Development for low-income energy efficiency programs; (iii) for administrative expenses; and (iv) to the Department of Housing and Community Development in partnership with the Department of Mines, Minerals and Energy to administer and implement low-income energy efficiency programs. The bill continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent or repetitive flooding. The bill authorizes the Authority to pledge the assets of the Fund as security for any bonds issued to finance flood prevention or protection projects and directs the Authority to manage the Fund in accordance with a memorandum of agreement with the Department. The bill also authorizes any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area to forgive the principal of such loan, with the obligation of the locality to repay the loan remaining in effect. The bill provides that if the Governor seeks to include the Commonwealth as a full participant in the Regional Greenhouse Gas Initiative, the regulations shall require that certain purchasers be responsible for obtaining allowances under certain agreements. The measure authorizes the costs of allowances to be recovered by Phase I and Phase II Utilities from ratepayers. This bill incorporates HB 20 and HB 1152 and is identical to SB 1027.

Law Advice: FYI - No Direct Impact

HB990  Military Affairs, Department of; change of secretariat.

Chief Patron: Reid

Summary:
Moves the responsibility of the Department of Military Affairs from the Public Safety and Homeland Security secretariat to the Veterans and Defense Affairs secretariat.

Law Advice: FYI - No Direct Impact

HB1000  Prescription drugs; expedited partner therapy, labels.

Chief Patron: Hope

Summary:
Eliminates the requirement that a bona fide practitioner-patient relationship exist with a contact patient for a practitioner to prescribe expedited partner therapy consistent with the recommendations of the Centers for Disease Control and Prevention. A pharmacist dispensing a Schedule III through VI drug to a contact patient whose name and address are unavailable shall affix "Expedited Partner Therapy" or "EPT" to the written prescription and the label. The bill repeals the July 1, 2020, sunset on the provision that allows practitioners employed by the Department of Health to prescribe antibiotic therapy to the sexual partner of a patient diagnosed with a sexually transmitted disease without the physical examination normally required.
HB1003  **Virginia Geographic Information Network; transfer of responsibilities.**

**Chief Patron:** Subramanyam

**Summary:**
Transfers the support and administration of the 9-1-1 Services Board and Virginia Geographic Information Network Advisory Board from the Virginia Information Technologies Agency to the Virginia Department of Emergency Management. The bill also adds the State Coordinator of Emergency Management to the Virginia Geographic Information Network Advisory Board.

Law Advice: FYI - No Direct Impact

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HB1012  **Early childhood care and education; establishment of system, definitions, licensure.**

**Companion Bill:** SB578

**Chief Patron:** Bulova

**Summary:**
Requires the Board of Education to establish a statewide unified public-private system for early childhood care and education in the Commonwealth to be administered by the Board of Education, the Superintendent of Public Instruction, and the Department of Education. The bill transfers the authority to license and regulate child day programs and other early child care agencies from the Board of Social Services and Department of Social Services to the Board of Education and Department of Education. The bill maintains current licensure, background check, and other requirements of such programs. Such provisions of the bill have a delayed effective date of July 1, 2021. The bill requires the Superintendent of Public Instruction to establish a plan for implementing the statewide unified early childhood care and education system and requires the Department of Social Services and the Department of Education to enter into a cooperative agreement to coordinate the transition. The bill also requires the Board of Education to establish, no later than July 1, 2021, a uniform quality rating and improvement system designed to provide parents and families with information about the quality and availability of certain publicly funded early childhood care and education providers and to publish the initial quality ratings under such system in the fall of 2023. This bill is identical to SB 578.

Law Advice: FYI - No Direct Impact

Certain provisions have a delayed effective date of July 1, 2021.

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HB1013  **Prescription requirements; treatment of sexually transmitted diseases, repeals sunset date.**

Office of State Governmental Relations Thursday, July 16, 2020
Chief Patron: Herring

Summary:
Repeals the sunset of July 1, 2020, on the provision that allows practitioners employed by the Department of Health to prescribe antibiotic therapy to the sexual partner of a patient diagnosed with a sexually transmitted disease without the physical examination normally required.

Law Advice: FYI - No Direct Impact

HB1015  Virginia Sexual and Domestic Violence Prevention Fund; created, report.

Companion Bill: SB297

Chief Patron: Herring

Summary:
Creates the Virginia Sexual and Domestic Violence Prevention Fund, which shall be administered by the Department of Social Services, in coordination with the Department of Health and the Virginia Sexual and Domestic Violence Action Alliance, and used to develop, support, and evaluate programs that prevent sexual and domestic violence through strategies that (i) promote healthy practices related to relationships, sexuality, and social-emotional development and (ii) counteract the factors associated with the initial perpetration of sexual and domestic violence. This bill is identical to SB 297.

Law Advice: FYI - No Direct Impact

HB1017  Commonwealth of Virginia Innovation Partnership Authority; created.

Companion Bill: SB576

Chief Patron: Sickles

Summary:
Creates the Commonwealth of Virginia Innovation Partnership Authority (the Authority) to oversee and support research, development, and commercialization, as well as related investment and seed-stage funding, in the Commonwealth. The Authority is governed by an 11-member Board, consisting of the Secretary of Commerce and Trade, six nonlegislative citizen members appointed by the Governor, and four nonlegislative citizen members appointed by the Joint Rules Committee. Existing grant, loan, and investment funds currently administered by the Innovation and Entrepreneurship Investment Authority and the Virginia Research Investment Committee, repealed under the bill, would be consolidated under the Authority, and the Authority would be responsible for developing an Innovation Index for the Commonwealth. The bill contains technical amendments. This bill is identical to SB 576.

Law Advice: FYI - No Direct Impact
**HB1025  Law-enforcement officers w/disability, former: vocational rehabilitation and employment services.**

*Chief Patron:* Adams, L.R.

**Summary:**
Requires the Department for Aging and Rehabilitative Services to make available to law-enforcement agencies in the Commonwealth information regarding vocational rehabilitation programs and employment services available to assist former law-enforcement officers who have a disability as a result of their service with preparing for, obtaining, and maintaining suitable employment, including information on the types of programs available and the process by which former law-enforcement officers who have a disability as a result of their service can access such programs and services, and provides that every law-enforcement agency in the Commonwealth shall provide to every law-enforcement officer who separates from the agency due to a disability resulting from his service information regarding vocational rehabilitation programs and employment services available to assist former law-enforcement officers who have a disability as a result of their service with preparing for, obtaining, and maintaining suitable employment, including information on the types of programs available and the process by which such law-enforcement officers may access such programs and services.

**Law Advice:** FYI - No Direct Impact

**HB1037  Health insurance; short-term limited-duration medical plans, definitions, effective date.**

*Companion Bill:* SB404

*Chief Patron:* Rasoul

**Summary:**
Prohibits carriers from issuing in the Commonwealth, on or after July 1, 2021, any short-term limited-duration medical plan with a duration that exceeds three months or that can be renewed or extended beyond six months, or if the plan's issuance would result in a covered person being covered by a short-term limited-duration medical plan for more than six months in any 12-month period. The bill prohibits a carrier from issuing a short-term limited-duration medical plan during an annual open enrollment period. The bill has a delayed effective date of July 1, 2021. This bill is identical to SB 404.

**Law Advice:** FYI - No Direct Impact

Delayed effective date of July 1, 2021

**HB1042  Environmental Justice, Virginia Council on; established.**

*Companion Bill:* SB883
Chief Patron: Herring

Summary:
Establishes the Virginia Council on Environmental Justice, consisting of 27 members, to advise the Governor and provide recommendations intended to protect vulnerable communities from disproportionate impacts of pollution and provide such communities meaningful involvement in the decision-making process. The bill provides that 21 members of the Council are appointed by the Governor and six are specified Cabinet Secretaries. This bill is identical to SB 883.

Law Advice: FYI - No Direct Impact

HB1047  Fingerprint and photographs by police authorities; reports to Central Criminal Records Exchange.

Companion Bill: SB926

Chief Patron: Krizek

Summary:
Provides that all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of persons who plead guilty or are found guilty for driving while intoxicated when charged by summons. The bill also provides that such summons information may be entered into the Virginia Criminal Information Network. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to SB 926.

Law Advice: New Authority

HB1048  Fingerprint and photographs; authority of police.

Companion Bill: SB925

Chief Patron: Krizek

Summary:
Provides that all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of any person found in contempt or in violation of the terms or conditions of a suspended sentence or probation for a felony offense. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to SB 925.

Law Advice: New Authority

HB1049  Discrimination; sexual orientation and gender identity.

Chief Patron: Levine
Summary:
Prohibits discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill also adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. The bill contains technical amendments.

Law Advice: New Requirement
Prohibits discrimination on the basis of sexual orientation or gender identity; consistent with current University policy.

HB1056  Wellness and Opportunity, Commission on: established, report.

Chief Patron: Adams, D.M.

Summary:
Creates the 23-member Commission on Wellness and Opportunity in the legislative branch to study and make recommendations relating to establishing the mission and vision of what health and wellness means for Virginia by examining various dimensions of health and wellness, including but not limited to physical, intellectual, emotional, spiritual, environmental, and social wellness, and utilizing the comprehensive theoretical framework of "the social determinants of health"; identifying and defining measurable opportunities and outcomes that build community competence around well-being; and making policy recommendations for improving the quality of life for the people of the Commonwealth. The Commission shall meet at least quarterly. The bill provides that the Commission will sunset on July 1, 2025.

Law Advice: FYI - No Direct Impact

HB1059  Certified registered nurse anesthetists: prescriptive authority.

Companion Bill: SB264

Chief Patron: Adams, D.M.

Summary:
Authorizes certified registered nurse anesthetists to prescribe Schedule II through Schedule VI controlled substances and devices to a patient requiring anesthesia as part of the periprocedural care of the patient, provided that such prescribing is in accordance with requirements for practice by certified registered nurse anesthetists and is done under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry. This bill is identical to SB 264.

Law Advice: New Authority

HB1078  Virginia Public Procurement Act; process for competitive negotiation, etc.
**Chief Patron:** Hope

**Summary:**
Provides that, except with regard to contracts for architectural, professional engineering, transportation construction, or transportation-related construction services, a public body may include a proposer's employment of persons with disabilities to perform the specifications of the contract as a factor in evaluating a proposal.

**Law Advice:** FYI - No Direct Impact
Exempt under Restructuring

**HB1082  Emergency Services and Disaster Law; definition of disaster, incidents involving cyber systems.**

**Chief Patron:** Hayes

**Summary:**
Defines "cyber incident" for purposes of the Emergency Services and Disaster Law as an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon. The bill provides that a cyber incident may include a vulnerability in information systems, system security procedures, internal controls, or implementations that could be exploited by a threat source. The bill contains technical amendments.

**Law Advice:** Change in Authority
Includes cyber incidents in the list of situations under which local emergency directors may declare a state of local "emergency" and activate the local Emergency Operations Plan.

**HB1084  Surgical assistants; definition, licensure.**

**Chief Patron:** Hayes

**Summary:**
Defines "surgical assistant" and "practice of surgical assisting" and directs the Board of Medicine to establish criteria for the licensure of surgical assistants. Currently, the Board may issue a registration as a surgical assistant to eligible individuals. The bill clarifies that requiring the licensure of surgical assistants shall not be construed as prohibiting any professional licensed, certified, or registered by a health regulatory board from acting within the scope of his practice. The bill also establishes the Advisory Board on Surgical Assisting to assist the Board of Medicine regarding the establishment of qualifications for and regulation of licensed surgical assistants.

**Law Advice:** FYI - No Direct Impact
HB1090  **Immunizations: regulations by State Board of Health.**

*Chief Patron:* Hope

*Summary:*
Amends the minimum vaccination requirements for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home, or developmental center. The bill amends the dosage for the human papillomavirus (HPV) vaccine to two, rather than three doses. The bill also requires the State Board of Health to amend the State Board of Health Regulations for the Immunization of School Children as necessary from time to time to maintain conformity with evidence-based, routinely recommended vaccinations for children and to provide for a 60-day public comment period prior to the adoption of the regulations. In addition, the Department of Health and the Department of Education are directed to jointly review immunization requirements in the Code of Virginia and report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on the effectiveness of the required vaccination program in promoting public health by December 1, 2021. The bill has a delayed effective date of July 1, 2021.

*Law Advice: Change in Requirement*

Delayed effective date of July 1, 2021

HB1098  **Administration, Secretary of; policy of Commonwealth regarding employment of certain individuals.**

*Chief Patron:* Carr

*Summary:*
Changes the date by which the Secretary of Administration is required to submit the annual report regarding state employment of individuals with disabilities to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations from July 1 to September 1.

*Law Advice: FYI - No Direct Impact*

HB1100  **State Inspector General; powers and duties.**

*Chief Patron:* Carr

*Summary:*
Provides that in order for the State Inspector General to refer a complaint alleging fraud, waste, abuse, or corruption by a public institution of higher education to the internal audit department of that institution, such institution must be (i) a covered institution as defined by the Restructured Higher Education Financial and Administrative Operations Act and (ii) classified as a Level 3 institution by the State Council of Higher Education for Virginia. A public institution of higher education that receives a
complaint from the State Inspector General shall provide periodic updates on the status of investigations, whether they originated internally or were referred by the State Inspector General, and report annually to the State Inspector General on the results of all such investigations. The bill requires the State Inspector General to establish procedures governing the intake and investigation of complaints alleging fraud, waste, abuse, or corruption by a state agency or nonstate agency or by any officer or employee of a state agency or nonstate agency. At a minimum, the procedures must (a) provide for the State Inspector General, or his designee, to review each decision to dismiss an allegation reported to the State Fraud, Waste, and Abuse Hotline at the initial intake stage without further investigation; (b) require investigators designated by the State Inspector General to directly investigate allegations of serious administrative violations and provide for other agency internal audit divisions to investigate allegations meeting certain specified criteria, only if the internal audit division has demonstrated the ability to conduct investigations in an independent, effective, and timely manner; (c) require oversight by the Office of the State Inspector General of all investigations referred to other agencies to ensure quality, timeliness, and independence; and (d) develop a process for the regular review of the status of recommendations made by the Office of the State Inspector General. The bill also clarifies the duty of the State Inspector General to provide oversight of the Department of Behavioral Health and Developmental Services and community-based providers to identify system-level issues and conditions affecting quality of care and safety and provide recommendations to alleviate such issues and conditions. As introduced, this bill was a recommendation of the Joint Legislative Audit and Review Commission.

Law Advice: FYI - No Direct Impact

Exempt as a Level 3 institution under Restructuring

**HB1101** Affordable housing; certain localities allowed to adopt dwelling unit ordinances.

**Companion Bill:** SB834

**Chief Patron:** Carr

**Summary:** Allows certain localities to adopt affordable housing dwelling unit ordinances. The governing body of any locality, other than localities to which certain current affordable housing provisions apply, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant's voluntarily electing to provide such affordable housing. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waiver of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing.

The bill provides that any zoning ordinance establishing an affordable housing dwelling unit program may include reasonable regulations and provisions as to any or all of the following: (a) for application of the requirements of an affordable housing dwelling unit program to any site, as defined by the locality, or
a portion thereof at one location that is the subject of an application for rezoning or special exception or
site plan or subdivision plat that yields, as submitted by the applicant, at an equivalent density greater
than one unit per acre and that is located within an approved sewer area; (b) the waiver of any fees
associated with the construction, renovation, or rehabilitation of a structure, including building permit
fees, application review fees, and water and sewer connection fees; (c) for standards of compliance with
the provisions of an affordable housing dwelling unit program and for the authority of the local
governing body or its designee to enforce compliance with such standards and impose reasonable
penalties for noncompliance, provided that such local zoning ordinance provide for an appeal process for
any party aggrieved by a decision of the local governing body; and (d) various other provisions set out in
the bill.

Any zoning ordinance establishing such affordable housing dwelling unit program shall adopt the
regulations and provisions set out in the bill to establish an affordable housing density bonus and
development standards relief program. This bill is identical to SB 834.

Law Advice: FYI - No Direct Impact

HB1105 Affordable housing; adds City of Charlottesville to list of localities with
authority to provide.

Chief Patron: Hudson

Summary:
Adds the City of Charlottesville to the list of localities with authority to provide for an affordable
housing dwelling unit program.

Law Advice: FYI - No Direct Impact

HB1107 Charlottesville, City of; amending charter, city organization.

Companion Bill: SB284

Chief Patron: Hudson

Summary:
Modernizes and reorganizes aspects of the charter of the City of Charlottesville. The bill updates and
repeals various provisions to conform to state and federal law as well as current city organization. This
bill is identical to SB 284.

Law Advice: FYI - No Direct Impact

HB1133 Solar and wind energy; projects on previously developed project sites.

Chief Patron: Jones
Summary:
Declares that the construction or purchase by a public utility prior to January 1, 2024, of one or more solar or wind generation facilities located on a previously developed project site in the Commonwealth having in the aggregate a rated capacity that does not exceed 200 megawatts, or the purchase by a public utility of energy, capacity, and environmental attributes from such solar facilities owned by persons other than a public utility, is in the public interest.

Law Advice: FYI - No Direct Impact

HB1136  Hazardous Waste Site Inventory; DEQ to publish, update annually.

Chief Patron: Lopez

Summary:
Directs the Department of Environmental Quality to compile and maintain a Hazardous Waste Site Inventory, consisting of a list of sites permitted by or in corrective action under the Department at which the disposal of hazardous waste has occurred. The bill requires the Inventory to be published by July 1, 2021, and updated annually.

Law Advice: FYI - No Direct Impact

HB1141  Health benefit plans; renewal of plans, special exception.

Chief Patron: Tran

Summary:
Eliminates provisions of the Code of Virginia authorizing health carriers to sell, issue, or offer for sale any health benefit plan that would otherwise not be permitted to be sold, issued, or offered for sale due to conflict with the requirements of the federal Patient Protection and Affordable Care Act (PPACA), to the extent that the requirements of the PPACA are amended by any federal law.

Law Advice: Change in Authority

HB1147  Epinephrine; every public place may make available for administration.

Chief Patron: Keam

Summary:
Allows public places to make epinephrine available for administration. The bill allows employees of such public places who are authorized by a prescriber and trained in the administration of epinephrine to possess and administer epinephrine to a person present in such public place believed in good faith to be having an anaphylactic reaction. The bill also provides that an employee of such public place who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists
in the administration of epinephrine to a person present in the public place believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. The bill directs the Department of Health, in conjunction with the Department of Health Professions, to develop policies and guidelines for the recognition and treatment of anaphylaxis in public places. Such policies and guidelines shall be provided to the Commissioner of Health no later than July 1, 2021.

Law Advice: New Authority

HB1148 Aging and Rehabilitative Services, Department of; reorganizes provisions.

Chief Patron: Keam

Summary:
Reorganizes provisions of the Code related to the Department for Aging and Rehabilitative Services. The State Long-Term Care Ombudsman Program is relocated in the Code and the Respite Care Grant Program is eliminated. The bill also calls for additional education services to be provided by the Department with respect to Alzheimer's disease and related disorders.

Law Advice: FYI - No Direct Impact

HB1149 Virginia Stock Corporation Act; clarifying and technical changes.

Chief Patron: Keam

Summary:
Makes clarifying and technical changes to the Virginia Stock Corporation Act. Many of the measure's provisions revise the legislation enacted in the 2019 Session that comprehensively updated the Act in accordance with the Model Business Corporation Act. Several of the measure's provisions address the documentation required to be filed when a corporation converts to another type of business entity. The measure also repeals a section that provides that a foreign corporation authorized to transact business in the Commonwealth that domesticates to a domestic corporation is deemed to have withdrawn its certificate of authority when the certificate of domestication becomes effective, as it is duplicative of provisions addressed in this measure. The provisions of the measure updating the Virginia Stock Corporation Act, become effective July 1, 2021. Additionally, the measure delays the effective date the 2019 Virginia Stock Corporation Act legislation and legislation enacted in the 2019 Session authorizing the creation of one or more protected series by a limited liability company that were scheduled to become effective on July 1, 2020, to July 1, 2021.

Law Advice: FYI - No Direct Impact

HB1162 Environmental Quality, Department of; definition of environmental justice.
HB1164  Environmental Quality, Department of; policy statement.

Chief Patron: Lopez

Summary:
Provides that one of the purposes of the Department of Environmental Quality is to further environmental justice, as defined in the bill.

Law Advice: FYI - No Direct Impact

HB1176  Sexual assault nurse examiners; place of practice.

Chief Patron: Poindexter

Summary:
Requires every hospital to report quarterly to the Department of Health information regarding the number of certified sexual assault nurse examiners employed by the hospital and the location, including street address, and contact information for the location at which each certified sexual assault nurse examiner provides services. The bill also requires the Department of Health to make information regarding the availability of certified sexual assault nurse examiners in the Commonwealth, including the name of each hospital at which a certified sexual assault nurse examiner is employed, the location, including street address, of such hospital, and the contact information for such hospital, available on the Department's website.

Law Advice: New Requirement

Requires quarterly reporting related to certified sexual assault nurse examiners employed by the Medical Center.

HB1179  Higher educational institutions, public; in-state tuition, refugees.

Chief Patron: Tran
Summary:
Provides that an individual is eligible for in-state tuition charges regardless of domicile if he is admitted to the United States as a refugee under 8 U.S.C. § 1157 within the previous two calendar years or received a Special Immigrant Visa that has been granted a status under P.L. 110-181 § 1244, P.L. 109-163 § 1059, or P.L. 111-8 § 602 within the previous two calendar years, and upon entering the United States, the individual resided in the Commonwealth and continues to reside in the Commonwealth as a refugee or pursuant to such Special Immigrant Visa.

Law Advice: New Requirement

HB1183 Bulk energy storage resources; State Corporation Commission.

Chief Patron: Lopez

Summary:
Requires the State Corporation Commission to establish a task force to evaluate and analyze the potential for bulk energy storage resources to, among other things, help integrate renewable energy into the electrical grid. The measure requires the Commission to submit the results of task force's evaluation and analysis to the General Assembly by October 1, 2021.

Law Advice: FYI - No Direct Impact

HB1184 Distributed solar & other renewable energy; sales of electricity under third-party agreements.

Chief Patron: Lopez

Summary:
Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) requires the State Corporation Commission to establish by regulation a shared solar program that allows multifamily customers of investor-owned utilities, other than American Electric Power, to purchase electric power through a subscription in a shared solar facility; (ii) raises the cap on the total amount of renewable energy that can be net metered in a utility's service territory from one percent to six percent, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (iii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts; (iv) allows certain localities to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings; (v) increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory; (vi) prohibits standby charges for any residential customer-generator or agricultural customer-generator of an investor-owned utility other than Dominion Energy Virginia; and (vii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. This bill is identical to HB 572.
HB 1647, and SB 710.

Law Advice: FYI - No Direct Impact

Identical to HB572

HB1198 Workforce Development, Virginia Board of; membership, updates as a response to federal law.

Chief Patron: Tran

Summary:
Amends current provisions regarding the Virginia Board of Workforce Development to align with federal law and gives the Board autonomy in making decisions on staffing needs and committee structures.

Law Advice: FYI - No Direct Impact

HB1199 Employee misclassification; retaliatory actions prohibited, civil penalty.

Companion Bill: SB662

Chief Patron: Tran

Summary:
Prohibits an employer from discharging, disciplining, threatening, discriminating against, or penalizing an employee or independent contractor because the employee or independent contractor reported or plans to report that an employer or any officer or agent has failed to properly classify an individual as an employee and failed to pay required benefits or other contributions. The measure also prohibits such actions against an employee or independent contractor who is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action. These prohibitions apply only if an employee or independent contractor acts in good faith and upon a reasonable belief that the information is accurate. The measure authorizes the Commissioner of Labor and Industry to institute proceedings against an employer who has taken such prohibited retaliatory action. Available remedies include reinstatement of the employee and recovery of lost wages. An employer that violates these provisions is subject to a civil penalty equal to the employee's lost wages. This bill is identical to SB 662.

Law Advice: FYI - No Direct Impact

Exempt as a state agency

HB1201 Virginia Public Procurement Act; determination of nonresponsibility, local option.
**Companion Bill:** SB380

**Chief Patron:** Tran

**Summary:**
Allows any locality to include in the Invitation to Bid criteria that may be used in determining whether a bidder who is not prequalified by the Virginia Department of Transportation is a responsible bidder. Such criteria may include a history or good faith assurances of (i) completion by the bidder and any potential subcontractors of specified safety training programs established by the U.S. Department of Labor, Occupational Safety and Health Administration; (ii) participation by the bidder and any potential subcontractors in apprenticeship training programs approved by state agencies or the U.S. Department of Labor; or (iii) maintenance by the bidder and any potential subcontractors of records of compliance with applicable local, state, and federal laws. This bill is identical to SB 380.

**Law Advice:** FYI - No Direct Impact

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**HB1205**  **Discharge deleterious substance in state waters; notice to citizens if detrimental to public health.**

**Chief Patron:** Tran

**Summary:**
Requires the Department of Environmental Quality (DEQ) to give certain information about an unlawful discharge of a deleterious substance into state waters to the Virginia Department of Health (VDH) and local newspapers, television stations, and radio stations, and to disseminate such information via official social media accounts and email notification lists when DEQ determines that the discharge may impair state waters or VDH determines that it may be detrimental to public health. The bill requires DEQ to report to the General Assembly (i) a protocol for determining whether a discharge would have a de minimis impact on state waters and (ii) a proposed implementation procedure if the law were amended to require public dissemination of all discharges reported except for those determined to have a de minimis impact. This bill incorporates HB 1128.

**Law Advice:** FYI - No Direct Impact

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**HB1209**  **New Americans, Office of; created within Department of Social Services.**

**Companion Bill:** SB991

**Chief Patron:** Tran

**Summary:**
Establishes the Office of New Americans within the Department of Social Services and the Office of New Americans Advisory Board to assist with immigrant integration within the Commonwealth on an economic, social, and cultural level. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with securing employment, housing, and services for which such persons may be eligible; (iii) information to localities and immigration service organizations about
state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigration service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. The Advisory Board shall report annually to the Governor and the General Assembly on the activities of the Office of New Americans and provide recommendations for improving state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth. This bill is identical to SB 991.

Law Advice: FYI - No Direct Impact

HB1211  **Driver privilege cards; definitions, effective date, report.**

*Companion Bill:* SB34

*Chief Patron:* Tran

*Summary:* Authors the issuance of new driver privilege cards by the Department of Motor Vehicles to an applicant who (i) has reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements for the registration of an uninsured motor vehicle. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill limits the release of certain information stored by the Department. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources or was claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021. This bill is identical to SB 34.

Law Advice: FYI - No Direct Impact

HB1221  **One-stop small business; permitting program, written guidance.**

*Chief Patron:* Tran

*Summary:* Requires the Department of Small Business and Supplier Diversity to develop and provide guidance to
businesses with newly approved permits regarding responsibilities and requirements for maintaining the business. The bill also requires regulatory agencies, by November 30 of each year, to provide the Department with information outlining any changes to the agency's policies and regulations. The bill has a delayed effective date of July 1, 2021.

Law Advice: FYI - No Direct Impact

**HB1223**  Higher educational institutions, public; foundations, annual reporting requirements, VCCS exempt.

*Companion Bill:* SB398

*Chief Patron:* Miyares

*Summary:* Requires each public institution of higher education to release an annual report regarding foundations associated with the institution setting forth foundation expenses. The annual report shall include the total annual expenditures by each foundation; the percentage of expenditures used for scholarships or financial aid by each foundation; the percentage of expenditures used for faculty compensation by each foundation; the percentage of expenditures used for program costs by each foundation; the percentage of expenditures used for equipment and technology by each foundation; the percentage of expenditures used for administrative support by each foundation; and the percentage of expenditures used for executive compensation by each foundation.

Law Advice: New Requirement

Requires annual reporting on expenditures by University-Associated Organizations.

**HB1226**  Higher educational institutions, public; collection of debts by hospitals affiliated w/institutions.

*Chief Patron:* Tran

*Summary:* Prohibits the Virginia Commonwealth University Health System Authority and the University of Virginia Medical Center from participating in debt collection efforts pursuant to the Virginia Debt Collection Act or the Setoff Debt Collection Act unless all reasonable efforts have been made to determine if the individual with delinquent debt is eligible for financial assistance. The bill requires both hospitals to develop debt collection policies that adhere, at a minimum, to Internal Revenue Service policies regarding financial assistance by tax-exempt hospitals as they were in effect on January 1, 2020.

Law Advice: Change in Authority

**HB1228**  Fair Employment Contracting Act; annual training on sexual harassment
Summary:
Requires contracting agencies that employ more than five employees and that enter into government contracts of over $10,000 to include a provision in the contract requiring the contractor (i) to provide annual training on the contractor's sexual harassment policy to all supervisors and employees providing services in the Commonwealth, except such supervisors or employees that are required to complete sexual harassment training provided by the Department of Human Resource Management, and (ii) to post the contractor's sexual harassment policy in a conspicuous public place in each building located in the Commonwealth owned or leased by the contractor for business purposes and in the contractor's employee handbook.

Law Advice: FYI - No Direct Impact

HB1231  Criminal Justice Services, Department of; crisis intervention team training.

Companion Bill: SB494

Chief Patron: Wilt

Summary:
Adds the Department for Aging and Rehabilitative Services and brain injury stakeholders to the list of entities with whom the Department of Criminal Justice Services is required to consult in developing a training program for all persons involved in the crisis intervention team programs and requires the curriculum for such training program to include a module on brain injury as part of the four hours of mandatory training in legal issues. This bill is identical to SB 494.

Law Advice: FYI - No Direct Impact

HB1248  Capital outlay bill; timing of required submission.

Companion Bill: SB60

Chief Patron: Torian

Summary:
Requires the Governor to submit, in each legislative session, a prefiled bill with amendments to the current six-year capital outlay plan enacted into law. Under current law, the Governor is required to submit amendments by December 20. This bill is identical to SB 60.

Law Advice: FYI - No Direct Impact
HB1250 Virginia Community Policing Act; data collection and reporting requirement.

Chief Patron: Torian

Summary:
Prohibits law-enforcement officers and State Police officers from engaging in bias-based profiling, defined in the bill, in the performance of their official duties. The bill directs the Department of State Police (the Department) to create the Community Policing Reporting Database into which sheriffs, police forces, and State Police officers report certain data pertaining to motor vehicle or investigatory stops. The Department is directed to provide access to the database to the Department of Criminal Justice Services (DCJS) for the purpose of analyzing motor vehicle and investigatory stops and records of complaints alleging the use of excessive force. The data analysis shall be used to determine the existence and prevalence of the practice of bias-based profiling and the prevalence of complaints alleging the use of excessive force. The bill requires that each time a local law-enforcement officer or State Police officer stops a driver of a motor vehicle the officer collect the following data based on the officer's observation or information provided to the officer by the driver: (i) the race, ethnicity, age, and gender of the person stopped; (ii) the reason for the stop; (iii) the location of the stop; (iv) whether a warning, written citation, or summons was issued or whether any persons were arrested; (v) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; and (vi) whether the vehicle or any person was searched. The bill requires each state and local law-enforcement agency to also collect and report to the State Police the number of complaints the agency receives alleging the use of excessive force. The bill also requires the Director of DCJS to annually report the findings and recommendations resulting from the collection, analysis, and interpretation of the data from the Database to the Governor, the General Assembly, and the Attorney General beginning July 1, 2021. The report shall include information regarding any state or local law-enforcement agency that has failed or refused to report the required data. A copy of the report shall be provided to each attorney for the Commonwealth of the county or city in which a reporting law-enforcement agency is located.

Law Advice: New Requirement
Prohibits law-enforcement officers from engaging in bias-based profiling and requires collection and reporting of data related to each stop by law enforcement of a driver of a motor vehicle; additionally requires reporting of number of complaints alleging use of excessive force.

HB1251 Health insurance; definitions, payment to out-of-network providers, emergency services.

Companion Bill: SB172

Chief Patron: Torian

Summary:
Provides that when an enrollee receives emergency services from an out-of-network health care provider or receives out-of-network surgical or ancillary services at an in-network facility, the enrollee is not required to pay the out-of-network provider any amount other than the applicable cost-sharing
requirement and such cost-sharing requirement cannot exceed the cost-sharing requirement that would apply if the services were provided in-network. The measure also provides that the health carrier's required payment to the out-of-network provider of the services is a commercially reasonable amount based on payments for the same or similar services provided in a similar geographic area. If such provider disputes the amount to be paid by the health carrier, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the amount of the reimbursement. If the health carrier and the provider do not agree to a commercially reasonable payment and either party wants to take further action to resolve the dispute, then the measure requires the dispute will be resolved by arbitration. The measure establishes a framework for arbitration of such disputes that includes (i) a timeline for the proceedings, (ii) a method for choosing an arbitrator, (iii) required and optional factors for the arbitrator to consider, (iv) non-disclosure agreements, (v) reporting requirements, and (vi) an appeals process for appeals on certain procedural grounds. The measure requires the State Corporation Commission to contract with Virginia Health Information (VHI) to establish a data set and business protocols to provide health carriers, providers, and arbitrators with data to assist in determining commercially reasonable payments and resolving disputes. The measure requires the Commission, in consultation with health carriers, providers, and consumers, to develop standard language for a notice of consumer rights regarding balance billing. The measure authorizes the Commission, the Board of Medicine, and the Commissioner of Health to levy fines and take action against a health carrier, health care practitioner, or medical care facility, respectively, for a pattern of violations of the prohibition against balance billing. Additionally, the measure prohibits a carrier or provider from initiating arbitration with such frequency as to indicate a general business practice. The measure provides that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject such provisions. The measure authorizes the Commission to adopt rules and regulations governing the arbitration process. The measure has a delayed effective date of January 1, 2021. This bill incorporates HB 58, HB 189, HB 901, HB 1494, and HB 1546 and is identical to SB 172.

Law Advice: Change in Authority

Prohibits health insurance carriers from requiring enrollees to pay out-of-network provider costs beyond the cost-sharing requirements for in-network services.

HB1252  Registered apprenticeship programs; prohibited discrimination.

Chief Patron: Scott

Summary:
Prohibits a sponsor of a registered apprenticeship program from discriminating against an apprentice or applicant for apprenticeship on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, age, genetic information, or disability. The measure conforms Virginia's apprenticeship nondiscrimination requirements to those required for state apprenticeship agencies pursuant to federal Office of Apprenticeship regulations adopted in 2016.

Law Advice: FYI - No Direct Impact

Exempt as a state agency
HB1260  **Athletic Training, Advisory Board on; membership.**

*Chief Patron:* Hodges

*Summary:*
Provides that the one member of the Advisory Board on Athletic Training required to be an athletic trainer who is currently licensed by the Board on Athletic Training and who has practiced in the Commonwealth for not less than three years may be employed in the public or private sector. Currently, the law requires that the member be employed in the private sector.

*Law Advice: FYI - No Direct Impact*

HB1261  **Athletic trainers; naloxone or other opioid antagonist.**

*Chief Patron:* Hodges

*Summary:*
Authorizes licensed athletic trainers to possess and administer naloxone or other opioid antagonist for overdose reversal pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice.

*Law Advice: FYI - No Direct Impact*

HB1263  **Drug Control Act; adds certain chemicals to Schedule I of Act.**

*Companion Bill:* SB538

*Chief Patron:* Hodges

*Summary:*
Adds certain chemicals to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. This bill is identical to SB 538.

*Law Advice: FYI - No Direct Impact*

HB1273  **Organ, eye, or tissue transplantation; discrimination prohibited.**

*Companion Bill:* SB846

*Chief Patron:* O'Quinn

*Summary:*
Provides that an individual who is a candidate to receive an anatomical gift for organ, eye, or tissue transplantation and who is otherwise eligible to receive such gift shall not be deemed ineligible to receive an anatomical gift or denied services related to organ, eye, or tissue transplantation solely because of his physical, intellectual, developmental, or other disability.

The bill also prohibits each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services, whose policy, contract, or plan, including any certificate or evidence of coverage issued in connection with such policy, contract, or plan, includes coverage for services related to organ, eye, or tissue transplantation, including referral to a transplant center or specialist, inclusion on an organ, eye, or tissue transplantation waiting list, evaluation, surgery and related health care services, counseling, and post-transplantation treatment and services, from (i) denying coverage to a covered person solely on the basis of the person's disability; (ii) denying a person eligibility or continued eligibility to enroll or to renew coverage under the policy, contract, or plan for the purpose of avoiding the requirements of the bill; (iii) penalizing a health care provider, reducing or limiting the reimbursement of a health care provider, or providing monetary or nonmonetary incentives to a health care provider to induce such health care provider to act in a manner inconsistent with the requirements of the bill; or (iv) reducing or limiting coverage for services related to organ, eye, or tissue transplantation, including referral to a transplant center or specialist, inclusion on an organ, eye, or tissue transplantation waiting list, evaluation, surgery and related health care services, counseling, and post-transplantation treatment and services. The bill applies to any such policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2021. This bill is identical to SB 846.

**Law Advice: New Requirement**

Prohibits discrimination in the selection of anatomical gifts for transplantation solely on the basis of a physical, intellectual, developmental, or other disability.

**HB1275  Veteran Student Transition Grant Fund and Program; established.**

**Chief Patron:** O'Quinn

**Summary:**
Establishes the Veteran Student Transition Grant Fund as a special nonreverting fund in the state treasury and requires the State Council of Higher Education for Virginia to establish the Veteran Student Transition Grant Program for the purpose of providing grants from the Fund on a competitive basis to a public institution of higher education, private institution of higher education, or group of such institutions that proposes a new and innovative program or research project relating to improving the transition of veteran students from military to higher education or from higher education to the civilian workforce.

**Law Advice: FYI - No Direct Impact**

**HB1290  Pharmacy benefits managers; licensure and regulation definitions.**
Companion Bill: SB251

Chief Patron: Hodges

Summary:
Provides that no person is authorized to provide pharmacy benefits management services or otherwise act as a pharmacy benefits manager without first obtaining a license from the State Corporation Commission. The measure prohibits a carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager from (i) causing or knowingly permitting the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue; (ii) charging a pharmacist or pharmacy a fee related to the adjudication of a claim other than a reasonable fee for an initial claim submission; (iii) reimbursing a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same generic product identifier or generic code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration; or (iv) penalizing or retaliating against a pharmacist or pharmacy for exercising rights provided by this measure. The measure also prohibits a carrier from (a) imposing provider accreditation standards or certification requirements inconsistent with, more stringent than, or in addition to requirements of the Virginia Board of Pharmacy or other state or federal entity; (b) including any mail order pharmacy or pharmacy benefits manager affiliate in calculating or determining network adequacy; or (c) conducting spread pricing in the Commonwealth. The measure also imposes recordkeeping and reporting requirements. The bill has a delayed effective date of October 1, 2020. This bill incorporates HB 1292, HB 1459, HB 1479, and HB 1659 and is identical to SB 251.

Law Advice: FYI - No Direct Impact

HB1291  Medical assistance services; managed care organization contracts with pharmacy benefits managers.

Companion Bill: SB568

Chief Patron: Hodges

Summary:
Requires the Department of Medical Assistance Services to require a managed care organization with which the Department enters into an agreement for the delivery of medical assistance services to include in any agreement between the managed care organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from conducting spread pricing with regard to the managed care organization's managed care plans. The bill defines "spread pricing" as the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services. The bill applies to agreements entered into, amended, extended, or renewed on or after July 1, 2020. This bill is identical to SB 568.

Law Advice: FYI - No Direct Impact
HB1300  Virginia Public Procurement Act; statute of limitations on actions on construction contracts.

_Companion Bill:_ SB607

_Chief Patron:_ Hurst

_Summary:_
Provides that an action against the surety on a performance bond shall be brought within five years after the completion of the contract. The bill further provides that the statute of limitations on construction contracts and architectural and engineering contracts is 15 years after completion of the contract. The bill specifies that completion of the contract is the final payment to the contractor pursuant to the terms of the contract, but that if a final certificate of occupancy or written final acceptance of the project is issued prior to final payment, the period to bring an action shall commence no later than 12 months from the date of the certificate of occupancy or written final acceptance of the project. This bill incorporates HB 847 and is identical to SB 607.

_Law Advice:_ FYI - No Direct Impact

HB1303  Nuclear energy; strategic plan for overall goal of carbon-free energy.

_Companion Bill:_ SB549

_Chief Patron:_ Hurst

_Summary:_
Directs the Department of Mines, Minerals and Energy, the Secretary of Commerce and Trade, and the Secretary of Education to work in coordination with the Virginia Nuclear Energy Consortium Authority and the Virginia Economic Development Partnership Authority to develop a strategic plan for the role of nuclear energy in the Commonwealth's overall strategy for moving toward renewable and carbon-free energy. The plan shall be completed by October 1, 2020, and updated every four years thereafter. This bill is identical to SB 549.

_Law Advice:_ FYI - No Direct Impact

HB1304  Pharmacy technicians and pharmacy technician trainees; registration.

_Companion Bill:_ SB830

_Chief Patron:_ Hodges

_Summary:_
Amends eligibility criteria for registration as a pharmacy technician to include a requirement that the individual has (i) successfully completed or was enrolled in a Board of Pharmacy-approved pharmacy technician training program or (ii) passed a national certification examination required by the Board of
Pharmacy but did not complete a Board-approved pharmacy technician training program. The bill also directs the Board to establish requirements for the issuance of a registration as a pharmacy technician to a person who (a) has previously practiced as a pharmacy technician in another U.S. jurisdiction and (b) has passed a national certification examination required by the Board. The bill defines "pharmacy technician trainee" and sets out requirements for registration as a pharmacy technician trainee. The bill also directs the Board to convene a workgroup composed of stakeholders deemed appropriate by the Board to develop recommendations related to the addition of duties that a pharmacy technician registered by the Board may perform. This bill is identical to SB 830.

Law Advice: FYI - No Direct Impact

**HB1310**  Environmental Quality, Department of; notice of disposal of certain fill materials.

*Chief Patron:* Webert

*Summary:* Requires the Department of Environmental Quality to establish a process whereby any person that receives coverage under the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities and that will be transporting fill from a project site for disposal shall disclose certain information about the disposal to the Department. The bill provides that the Department shall disclose such information to every locality where such fill will be disposed of.

Law Advice: FYI - No Direct Impact

**HB1313**  Chief Resilience Officer; Governor to designate.

*Chief Patron:* Hodges

*Summary:* Directs the Governor to designate a Chief Resilience Officer to serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding. The bill directs the Chief Resilience Officer, in consultation with the Special Assistant to the Governor for Coastal Adaptation and Protection, to identify and monitor areas at the greatest risk from recurrent flooding; review and comment on plans for the construction or substantial reinforcement of a substantial flood defense or catchment area, at the request of the locality containing such defense or area; and initiate and assist with the pursuit of funding for resilience initiatives. The bill also expands the list of programs with which localities and the Commonwealth are required to coordinate as part of their flood control efforts.

Law Advice: FYI - No Direct Impact

**HB1315**  Higher educational institutions, public; students, determination of
Chief Patron: Kory

Summary: Prohibits any student at a public institution of higher education from being deemed ineligible to establish domicile and receive in-state tuition charges solely on the basis of the immigration status of his parent.

Law Advice: Change in Requirement

HB1328 Offender medical & mental health information & records; exchange of information to facility, etc.

Companion Bill: SB656

Chief Patron: Watts

Summary: Provides that a health care provider who has been notified that a person to whom he has provided services within the last two years is committed to a local or regional correctional facility shall, upon request by the local or regional correctional facility, disclose to the local or regional correctional facility where the person is committed any information necessary to ensure the continuity of care of the person committed. The bill also provides protection from civil liability for such health care provider, absent bad faith or malicious intent. This bill is identical to SB 656.

Law Advice: New Requirement

The law is consistent with current Medical Center practice.

HB1332 Telehealth services; definitions, report.

Chief Patron: Kilgore

Summary: Directs the Board of Health to develop and implement, by January 1, 2021, and thereafter maintain as a component of the State Health Plan a Statewide Telehealth Plan (the Plan) to promote an integrated approach to the introduction and use of telehealth services and telemedicine services, as those terms are defined in the bill. The bill requires the Plan to include, among other provisions, provisions for (i) the use of remote patient monitoring services and store-and-forward technologies, including in cases involving patients with chronic illness; (ii) the promotion of the inclusion of telehealth services in hospitals, schools, and state agencies; and (iii) a strategy for the collection of data regarding the use of telehealth services.

Law Advice: Monitor and Track
HB1334   Insurance data security; required programs and notifications.

Chief Patron: Keam

Summary:
Establishes standards for insurance data security and for the investigation of a cybersecurity event and the notification to the Commissioner of Insurance and affected consumers of a cybersecurity event. The bill requires insurers to develop, implement, and maintain a comprehensive written information security program based on an assessment of its risk and that contains administrative, technical, and physical safeguards for the protection of nonpublic information and its information system. The bill requires investigation of potential cybersecurity events and prescribes standards for such investigations. The bill requires that the notification of the occurrence of a cybersecurity event provided by an insurer or other entity to the Commissioner and affected consumers to include certain information prescribed by the bill. The bill requires the Commissioner to adopt rules and regulations regarding data security and authorizes the Commissioner to investigate potential violations.

Law Advice: FYI - No Direct Impact

HB1335   SCHEV; Director of Council to appoint student advisory committee.

Chief Patron: Keam

Summary:
Changes the appointing authority for the State Council of Higher Education for Virginia's student advisory committee from the Council to the Director of the Council. The bill also directs the student advisory committee to report to the Director rather than to the Council.

Law Advice: FYI - No Direct Impact

HB1353   Federal acts; meat and poultry.

Chief Patron: Gooditis

Summary:
Updates existing Code references to the Federal Meat Inspection Act and the federal Poultry Products Inspection Act.

Law Advice: FYI - No Direct Impact

HB1354   Plastic Waste Prevention Advisory Council; established.

Chief Patron: Plum
Establishes in the executive branch of state government the Plastic Waste Prevention Advisory Council to study and make recommendations regarding plastic pollution problems in the Commonwealth, with the mission of eliminating plastic waste and contributing to the achievement of plastics packaging circular economy industry standards. The bill sunsets on June 30, 2023.

Law Advice: FYI - No Direct Impact

**HB1355  Community schools; establishment, community programs, etc.**

*Chief Patron:* Rasoul

**Summary:**
Requires the Department of Education to establish an interagency task force composed of state and local agencies and entities in the areas of early childhood development, health, social services, community engagement, family engagement, higher education, communities in schools, and workforce development for the purpose of developing a program for the establishment of community schools whereby public elementary and secondary schools serve as centers for the provision of such community programs and services to students and their families as may be necessary on the basis of the unique needs of the student population to be served. The bill requires such program to include a process by which school boards and community partnerships may apply to the Department of Education to designate an elementary or secondary school in the local school division as a community school.

Law Advice: FYI - No Direct Impact

**HB1375  Living shorelines; resiliency.**

*Chief Patron:* Hodges

**Summary:**
Includes a shoreline practice that may enhance coastal resilience and attenuation of wave energy and storm surge in the definition of "living shoreline" for purposes of establishing and implementing a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines.

Law Advice: FYI - No Direct Impact

**HB1376  Virginia Wireless Service Authority Act; appointments to board.**

*Companion Bill:* SB953

*Chief Patron:* Austin

**Summary:**
Provides that a board established under the Virginia Wireless Service Authority Act may contain either five or seven members, rather than five members as required under current law. This bill is identical to SB 953.

Law Advice: FYI - No Direct Impact

HB1413  Commonwealth's tax system; conformity with the Internal Revenue Code.

Companion Bill: SB582

Chief Patron: Watts

Summary:
Advances the date by which Virginia conforms to the Internal Revenue Code from December 31, 2018, to December 31, 2019. However, the bill deforms from a provision of federal law that temporarily reduces the medical expense deduction floor from 10 percent to 7.5 percent. The bill includes an emergency clause and applies to taxable years beginning on and after January 1, 2018. This bill is identical to SB 582.

Law Advice: FYI - No Direct Impact

HB1414  Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc.

Companion Bill: SB890

Chief Patron: Filler-Corn

Summary:
Amends numerous laws related to transportation funds, revenue sources, construction, and safety programs.

The bill adopts numerous structural changes to the transportation funding system in the Commonwealth. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on codified formulas, to subfunds established to meet the varying transportation needs of different modes of transportation.

The existing gas tax based on a percentage of the wholesale price of gasoline and diesel fuel is converted to a cents-per-gallon tax. A rate of $0.262 per gallon of gasoline will be phased in over two years, and then indexed every year thereafter. The regional gas tax will be converted to a rate of $0.076 per gallon of gasoline and will be imposed everywhere in the Commonwealth that a regional gas tax is not already imposed.

Registration fees for motor vehicles will be lowered. The Department of Motor Vehicles will implement a Highway Use Fee for alternative fuel and fuel-efficient vehicles. Alternatively, a person whose vehicles would be subject to this new fee may elect to instead enroll in a mileage-based user fee program to be
developed by the Department. The bill also eliminates the $5 walk-in fee for conducting certain transactions in person at the Department of Motor Vehicles, and prohibits a person from being issued a citation for both an expired motor vehicle inspection sticker and faulty equipment.

In Northern Virginia, the regional transportation improvement fee, used to support the Washington Metropolitan Area Transit Authority (WMATA), is lowered to $0.10 per $100 for the recordation of conveyance of a deed. A new regional congestion fee is imposed at a rate of $0.10 per $100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from two percent to three percent.

The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System, and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors.

The bill establishes a new Virginia Passenger Rail Authority.

The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Statewide Special Structures Program, and a Transit Incentive Program. This bill incorporates HB 16 and HB 1538 and is identical to SB 890.

Law Advice: FYI - No Direct Impact

HB1428  Virginia Health Benefit Exchange; created.

Companion Bill: SB732

Chief Patron: Sickles

Summary:
Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by an assessment on health insurers, which is limited to three percent of total monthly premiums, except the SCC may, after a public hearing, adjust the rate as necessary to ensure the Exchange is fully funded. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth's small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-
The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange.

The measure requires the Department of Taxation to include on the appropriate individual tax return forms a checkoff box or similar mechanism for indicating whether the individual, or spouse in the case of a married taxpayer filing jointly, or any dependent of the individual (i) is an uninsured individual at the time the return is filed and (ii) voluntarily consents to the Department of Taxation providing the individual's tax information to the Department of Medical Assistance Services for purposes of affirming that the individual, the individual's spouse, or any dependent of the individual meets the income eligibility for medical assistance. Finally, the measure requires the Secretary of Health and Human Resources to convene a work group that includes representatives from the SCC, the Department of Medical Assistance Services, the Department of Social Services, and the Department of Taxation and a consumer advocate to develop systems, policies, and practices to leverage state income tax returns to facilitate the enrollment of eligible individuals in insurance affordability programs through the Virginia Health Benefit Exchange established in this measure. The Secretary shall report the work group's recommendations to the Governor and the General Assembly by September 15, 2020. This measure is identical to SB 732.

Law Advice: FYI - No Direct Impact

HB1429 Health insurance; nondiscrimination, gender identity or transgender status.

Chief Patron: Roem

Summary:
Prohibits a health carrier from denying or limiting coverage or imposing additional cost sharing or other limitations or restrictions on coverage, under a health benefit plan for health care services that are ordinarily or exclusively available to covered individuals of one sex, to a transgender individual on the basis of the fact that the individual's sex assigned at birth, gender identity, or gender otherwise recorded is different from the one to which such health services are ordinarily or exclusively available. The measure also prohibits a health carrier from (i) subjecting an individual to discrimination under a health benefit plan on the basis of gender identity or being a transgender individual or (ii) requiring that an individual, as a condition of enrollment or continued enrollment under a health benefit plan, pay a premium that is greater than the premium for a similarly situated covered person enrolled in the plan on the basis of the covered person's gender identity or being a transgender individual. The measure requires health carriers to assess medical necessity according to nondiscriminatory criteria that are consistent with current medical standards.

Law Advice: Eliminates Authority

Prohibits a health carrier from denying or limiting coverage or imposing additional cost sharing or other limitations or restrictions on coverage on the basis of sex assignment at birth; University policy is currently consistent with the law.

HB1430 Industrial hemp extract; approval as food or ingredient, regulations.
Companion Bill: SB918

Chief Patron: Gooditis

Summary:
Provides that an industrial hemp extract, as defined in the bill, is a food and is subject to applicable laws and regulations. The bill establishes (i) requirements for the production of an industrial hemp extract or a food containing an extract and (ii) conditions under which a manufacturer of such extract or food shall be considered an approved source. The bill authorizes the Board of Agriculture and Consumer Services to adopt regulations establishing contaminant tolerances, labeling requirements, and batch testing requirements, and it provides that moneys collected under the chapter shall be deposited in the Virginia Industrial Hemp Fund, created by the bill. The bill directs the Secretary of Agriculture and Forestry to report by November 1, 2020, a plan for the long-term sustainability of funding for the industrial hemp program. The bill contains an emergency clause and is identical to SB 918.

Law Advice: Monitor and Track

HB1431  Art and Architectural Review Board; changes number of citizen members, staggered terms of members.

Chief Patron: Mugler

Summary:
Increases from six to seven the number of members of the Art and Architectural Review Board by adding one citizen member appointed by the Governor from the Commonwealth at large and clarifies that all members appointed to the Board have voting privileges. The bill contains a technical amendment.

Law Advice: FYI - No Direct Impact

HB1436  Virginia Spirits Board and Virginia Spirits Promotion Fund; established, report.

Companion Bill: SB583

Chief Patron: Jones

Summary:
Establishes the Virginia Spirits Board, within the Department of Agriculture and Consumer Services, and the Virginia Spirits Promotion Fund. The Board is composed of the Commissioner of Agriculture and Consumer Services, the Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority, and nine gubernatorial-appointed nonlegislative citizens who represent coopers or maltsters and owners or operators of distilleries. Among its powers and duties, the Board is authorized to contract for research services to improve farming practices related to the growing of ingredients necessary for alcohol distillation in Virginia; enter into contracts with private and public entities to market, advertise, and promote the industry; and engage in revenue-producing activities. The Fund consists of general fund
appropriations, fees from services rendered, and payments received for products, equipment, or goods supplied. The bill exempts contracts for advertising, marketing, or publishing that are entered into by the Board from certain provisions of the Virginia Public Procurement Act. This bill is identical to SB 583.

Law Advice: FYI - No Direct Impact

**HB1442  Photo speed monitoring devices; civil penalty.**

*Chief Patron:* Jones

*Summary:*
Authorizes state and local law-enforcement agencies to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such zone is indicated by conspicuously placed signs displaying the maximum speed limit and that such photo speed monitoring devices are used in the area. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed $100, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail, the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred if the summons is issued by a local law-enforcement officer and paid to the Literary Fund if the summons is issued by a law-enforcement officer employed by the Department of State Police. This bill incorporates HB 621 and HB 1721.

Law Advice: New Authority

**HB1452  Temporary detention; observation, testing, or treatment.**

*Companion Bill:* SB738

*Chief Patron:* Hope

*Summary:* Clarifies that a person can be subject to a temporary detention order for observation and treatment related to intoxication where the person is located, upon a finding that (i) probable cause exists to believe the person is incapable of making or communicating an informed decision regarding treatment due to intoxication and (ii) the medical standard of care calls for observation, testing, or treatment within the next 24 hours to prevent injury, disability, death, or other harm to the individual resulting from such intoxication. The bill limits the duration of such temporary detention to 24 hours. The bill provides that a person subject to emergency custody due to a mental illness shall remain in custody until (a) a temporary detention order is issued in accordance with § 37.2-809; (b) an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law-enforcement custody; (c) the person is released; or (d) the emergency custody order expires. The bill directs the
Department of Behavioral Health and Developmental Services to convene a work group to develop standard policies and procedures regarding medical temporary detention orders. This bill is identical to SB 738.

Law Advice: New Authority

HB1453  **Acute psychiatric bed registry: DBHDS shall establish work group to evaluate, etc.**

*Companion Bill:* SB739

*Chief Patron:* Hope

*Summary:* Directs the Department of Behavioral Health and Developmental Services to establish a work group to evaluate the role of, and make recommendations related to improving the structure and effectiveness of, the psychiatric bed registry in collecting and disseminating information about the availability of acute psychiatric beds in the Commonwealth. The work group shall report its findings, conclusions, and recommendations to the Governor and the Chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by November 1, 2020. This bill is identical to SB 739.

Law Advice: Monitor and Track

HB1460  **Cannabidiol oil and THC-A oil; certification for use of oil.**

*Chief Patron:* O'Quinn

*Summary:* Provides that in addition to a patient or a patient's legal guardian who is a Virginia resident, a pharmaceutical processor may dispense in person to a patient or a patient's legal guardian who temporarily resides in Virginia as made evident to the Board of Medicine with a certification for cannabidiol oil and THC-A oil from a Virginia practitioner. The bill also makes clear that a practitioner who issues a written certification for cannabidiol oil must use his professional judgment to determine the manner and frequency of patient care and evaluation and authorizes such practitioner to utilize telemedicine, consistent with federal requirements for the prescribing of Schedule II through V controlled substances.

Law Advice: New Authority

HB1490  **Same-sex marriages; civil unions.**

*Companion Bill:* SB17
**Chief Patron:** Guy

**Summary:**
Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. These prohibitions are no longer valid due to the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. ____ (June 26, 2015). This bill is identical to SB 17.

Law Advice: FYI - No Direct Impact

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**HB1495**  **Virginia Retirement System; retired law-enforcement officers employed as school security officers.**

**Companion Bill:** SB54

**Chief Patron:** Torian

**Summary:**
Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer, so long as he has a break in service of at least 12 calendar months between retirement and reemployment, did not retire under an early retirement program, and did not retire under the Workforce Transition Act of 1995. The bill incorporates HB 986, HB 1368, and HB 1493 and is identical to SB 54.

Law Advice: FYI - No Direct Impact

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**HB1499**  **Virginia Gun Violence Intervention and Prevention Fund; created.**

**Chief Patron:** Bourne

**Summary:**
Establishes the Virginia Gun Violence Intervention and Prevention Fund to be administered by the Department of Criminal Justice Services for the purpose of supporting gun violence intervention and prevention programs, including street outreach, hospital-based violence intervention, and group violence intervention programs.

Law Advice: FYI - No Direct Impact

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**HB1503**  **Health insurance; coverage for autism spectrum disorder, individual and small group markets, etc.**

**Companion Bill:** SB1031
**Chief Patron:** Ward

**Summary:**
Requires health insurers, corporations providing health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder under insurance policies, subscription contracts, or health care plans issued in the individual market or small group markets. The existing requirement that such coverage be provided for policies, contracts, or plans issued in the large group market is not affected. 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, 2021. This bill incorporates HB 1043 and is identical to SB 1031.

**Law Advice:** FYI - No Direct Impact

New requirement for health insurance carriers and plans in individual and small group markets.

**HB1505**  
**Small Business and Supplier Diversity, Department of; small business grant funds.**

**Chief Patron:** Jenkins

**Summary:**
Repeals the Small Business Jobs Grant Fund Program. Under the bill, any cash balances in the Small Business Jobs Grant Fund will be transferred to the Small Business Investment Grant Fund. The bill decreases the amount of an eligible grant under the Small Business Investment Grant Fund from the lesser of 50 percent of the qualified investment or $50,000 to the lesser of 25 percent of the qualified investment or $50,000. The bill also allows the Virginia Small Business Financing Authority to utilize the any cash balances transferred from the Small Business Jobs Grant Fund to the Small Business Investment Grant Fund to implement a grant program for certain small businesses affected by the novel coronavirus (COVID-19) pandemic public health crisis during the period for which the Governor has declared a state of emergency. The bill contains an emergency clause.

**Law Advice:** FYI - No Direct Impact

**HB1506**  
**Pharmacists; initiating of treatment with and dispensing and administering of controlled substances.**

**Chief Patron:** Sickles

**Summary:**
Allows a pharmacist to initiate treatment with and dispense and administer certain drugs and devices to persons 18 years of age or older in accordance with a statewide protocol developed by the Board of Pharmacy in collaboration with the Board of Medicine and the Department of Health. The bill directs the Board of Pharmacy to establish such protocols by November 1, 2020, to promulgate emergency regulations to implement the provisions of the bill, and to convene a work group to provide recommendations regarding the development of protocols for the initiating of treatment with and dispensing and administering of additional drugs and devices for persons 18 years of age and older. The
bill also clarifies that an accident and sickness insurance policy that provides reimbursement for a service that may be legally performed by a licensed pharmacist shall provide reimbursement for the initiating of treatment with and dispensing and administration of controlled substances by a pharmacist when such initiating of treatment with or dispensing or administration is in accordance with regulations of the Board of Pharmacy.

Law Advice: New Authority

HB1514  **Virginia Human Rights Act; racial discrimination, hair.**

*Companion Bill:* SB50

*Chief Patron:* McQuinn

*Summary:* Provides that the terms "because of race" and "on the basis of race," and terms of similar import, when used in reference to discrimination in the Code of Virginia and acts of the General Assembly, include traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists. This bill is identical to **SB 50**.

Law Advice: New Requirement

HB1523  **Historical African American Cemeteries and Graves Fund; created.**

*Companion Bill:* SB881

*Chief Patron:* McQuinn

*Summary:* Creates the Historical African American Cemeteries and Graves Fund and provides that any funds that are appropriated to the Department of Historic Resources but not used for the maintenance of graves, in particular the listed historical African American cemeteries, shall be deposited in the Fund. The bill authorizes the Director of the Department to manage and administer the Fund and to disburse moneys in the Fund to maintain additional graves that have been certified by the Department and documented in the Department's cultural resources database.

The bill also adds six cemeteries to the list of cemeteries for which qualified organizations may receive funds from the Department. The cemeteries are Cuffeytown Cemetery in the City of Chesapeake, with 52 eligible graves; Newtown Cemetery in the City of Harrisonburg, with 400 eligible graves; Stanton Family Cemetery in Buckingham County, with 36 eligible graves; and three cemeteries in Arlington County: Calloway Cemetery, with 29 eligible graves, Lomax Cemetery, with 66 eligible graves, and Mount Salvation Cemetery, with 29 eligible graves. This bill incorporates **HB 379, HB 905, HB 1234,** and **HB 1593** and is identical to **SB 881**.

Law Advice: FYI - No Direct Impact
HB1526  Electric utility regulation; environmental goals.

Companion Bill: SB851

Chief Patron: Sullivan

Summary:
Establishes a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the Commonwealth that emit carbon as a by-product of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind. The measure replaces the existing voluntary renewable energy portfolio standard program (RPS Program) with a mandatory RPS Program. Under the mandatory RPS Program, Dominion Energy Virginia and American Electric Power are required to produce their electricity from 100 percent renewable sources by 2045 and 2050, respectively. A utility that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically economically disadvantaged communities, energy efficiency measures, and administrative costs. The measure requires the State Air Pollution Control Board to adopt regulations to reduce the carbon dioxide emissions from certain electricity generating units in the Commonwealth and authorizes the Board to establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations and to utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities. Among other things, the measure also (i) requires, by 2035, American Electric Power and Dominion Energy Virginia to construct or acquire 400 and 2,700 megawatts of energy storage capacity, respectively; (ii) establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2022 at 0.5 percent for American Electric Power and 1.25 percent for Dominion Energy Virginia of the average annual energy retail sales by that utility in 2019 and increase those savings annually; (iii) exempts large general service customers from energy savings requirements; (iv) revises the incentive for electric utility energy efficiency programs; (v) provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions; (vi) establishes requirements regarding the development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034, and provides that in constructing any such facility, the utility shall (a) identify options for utilizing local workers; (b) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) give priority to the hiring, apprenticeship, and training of
veterans, local workers, and workers from historically economically disadvantaged communities; (vii) requires each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate; (viii) removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between five and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) increases the limit from 5,000 megawatts to 16,100 megawatts on those solar and onshore wind generation facilities that are declared to be in the public interest and increases the limit from 16 megawatts to 3,000 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amends the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory, increases each utility's systemwide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to six percent of such amount, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (xii) establishes the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent, or, if the participant's home uses electric heat, 10 percent, of the participant's household income, requires the Commission to issue its final order regarding the PIPP by December 31, 2020, and requires the Department of Housing and Community Development and the Department of Social Services to convene a stakeholder group to develop recommendations for implementing the PIPP and to submit the stakeholder recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020; (xiii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power; (xiv) requires each investor-owned utility to consult with the Clean Energy Advisory Board in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy; (xv) requires the Department of Mines, Minerals and Energy, in consultation with the Council on Environmental Justice, to prepare a report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor that determines if the implementation of the measure imposes a disproportionate burden on historically economically disadvantaged communities; (xvi) requires the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, to report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon-free electric energy generation by 2045 at least cost for ratepayers; and (xvii) provides that it is the policy of the Commonwealth that the State Corporation Commission, Department of Environmental Quality, Department of Mines, Minerals and Energy, Virginia Council on Environmental Justice, and other applicable state agencies, in the development of energy programs, job training programs, and placement of renewable energy facilities, shall consider those facilities and programs being to the benefit of low-income geographic areas and historically economically disadvantaged communities that are located near previously and presently permitted fossil fuel facilities or coal mines. This bill is identical to SB 851.

Law Advice: FYI - No Direct Impact
HB1529  **Higher educational institutions, public; governing board to establish policy, donations, gifts, etc.**

*Chief Patron:* Bulova

**Summary:**
Requires the governing board of each public institution of higher education to establish a policy for the acceptance of terms and conditions associated with any donation, gift, or other private philanthropic support. The bill requires each such policy to include an administrative process for reviewing, accepting, and documenting terms and conditions associated with (i) gifts that direct academic decision-making and (ii) gifts of $1 million or more that impose a new obligation on the institution of higher education, excluding gifts for scholarships or other financial aid. The bill requires each public institution of higher education to retain documentation of such terms and conditions in compliance with the Virginia Public Records Act and provides that such documentation shall be subject to the provisions of the Virginia Freedom of Information Act.

**Law Advice: New Requirement**
Requires public institutions of higher education to establish a policy for the acceptance of terms and conditions associated with private philanthropic gifts that direct academic decision-making and gifts of $1 million or more that impose a new obligation on the institution (excluding gifts for financial aid); also requires that the institution retain documentation of such terms and conditions, which shall be subject to FOIA.

HB1531  **Drug disposal; Bd. of Pharmacy to develop public awareness of proper methods.**

*Chief Patron:* Jenkins

**Summary:**
Directs the Board of Pharmacy to enhance public awareness of proper drug disposal methods by assembling a group of stakeholders to develop strategies to increase the number of permissible drug disposal sites and options for the legal disposal of drugs, including requirements that pharmacies, or in-house pharmacies of hospitals or clinics, provide such information to customers. The bill directs the Board to report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health no later than November 15, 2020.

**Law Advice: FYI - No Direct Impact**

HB1537  **War memorials for veterans; removal, relocation, etc.**

*Companion Bill:* SB183
Chief Patron: McQuinn

Summary:
Provides that a locality may remove, relocate, contextualize, or cover any monument or memorial for war veterans on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, and removes certain criminal and civil penalties. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial. If the governing body votes to remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial. The bill authorizes the local governing body to call for an advisory referendum prior to voting on such motion. The bill repeals an 1890 act of assembly related to the placement of a statue in the City of Alexandria and does not apply to a monument or memorial located on the property of a public institution of higher education within the City of Lexington. The bill also provides that the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized. This bill incorporates HB1625 and is identical to SB 183.

Law Advice: FYI - No Direct Impact

HB1547  Higher educational institutions, public; eligibility for in-state tuition.

Companion Bill: SB935

Chief Patron: Lopez

Summary:
Provides that any student is eligible for in-state tuition who (i) attended high school for at least two years in the Commonwealth and either (a) graduated on or after July 1, 2008, from a public or private high school or program of home instruction in the Commonwealth or (b) passed, on or after July 1, 2008, a high school equivalency examination approved by the Secretary of Education; (ii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least two years prior to the date of registration or enrollment; and (iii) registers as an entering student or is enrolled in a public institution of higher education in the Commonwealth. The bill states that students who meet these criteria shall be eligible for in-state tuition regardless of their citizenship or immigration status, except students with currently valid visas issued under 8 U.S.C. § 1101(a)(15)(F), 1101(a)(15)(H)(iii), 1101(a) (15)(J) (including only students or trainees), or 1101(a)(15)(M). Information obtained in the implementation of the provisions of the bill shall only be used or disclosed to individuals other than the student for purposes of determining in-state tuition eligibility. This bill incorporates HB 1138 and is identical to SB 935.
HB1549  **Certificate of public need; criteria for determining need.**

*Companion Bill:* SB279

*Chief Patron:* Hayes

**Summary:**
Makes clear that in determining whether a public need for a proposed project has been demonstrated the State Health Commissioner shall consider the impact of the proposed project on all people to whom services may be provided and not only residents of the service area. This bill is identical to SB 279.

Law Advice: FYI - No Direct Impact

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HB1558  **Workers' compensation; Ombudsman program created.**

*Chief Patron:* Kilgore

**Summary:**
Authorizes the Virginia Workers' Compensation Commission to create an Ombudsman program and appoint an ombudsman to administer such program. The program's purpose is to provide neutral educational information and assistance to persons who are not represented by an attorney, including those persons who have claims pending or docketed before the Commission.

Law Advice: FYI - No Direct Impact

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HB1560  **Transportation, Department of; primary evacuation routes.**

*Chief Patron:* Brewer

**Summary:**
Directs the Virginia Department of Transportation (the Department), in consultation with the Department of Emergency Management, to develop, maintain, and make publicly available a map of primary evacuation routes in the Commonwealth. The bill requires the Department to review the transportation infrastructure along such routes and submit a report with such findings and any recommended improvements to the General Assembly at least once every five years.

Law Advice: FYI - No Direct Impact

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HB1570  **Tobacco products, etc.; possession by persons under 21 years of age.**
**Chief Patron:** VanValkenburg

**Summary:**
Provides an exception to the law prohibiting possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 21 years of age when such possession is part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee.

Law Advice: New Authority

**HB1576  Electric utility regulation; energy efficiency programs.**

**Chief Patron:** Kilgore

**Summary:**
Revises the definition of "large general service customer" from a customer with a verifiable history of demand from 500 kilowatts from a single meter of delivery to one with one megawatt at a single site. Large general service customers are exempt from the costs of certain energy efficiency programs if the State Corporation Commission finds that such customer has implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria. The measure requires the Commission to adopt regulations (i) establishing the process for large general service customers to apply for such an exemption, (ii) establishing the administrative procedures by which eligible customers will notify the utility, and (iii) defining the standard criteria that is required to be satisfied by an applicant in order to notify the utility, including means of evaluation measurement and verification and confidentiality requirements. The bill requires such rules and regulations to require that each exempted large general service customer certify to the utility and Commission that its implemented energy efficiency programs have delivered measured and verified savings within the prior five years.

Law Advice: FYI - No Direct Impact

**HB1587  Investment of public funds; ratings agencies.**

**Chief Patron:** Hope

**Summary:**
Allows ratings by Fitch Ratings to be used for determining whether certain investments are permissible for public funds. Under current law, only ratings by Standard & Poor's or Moody's Investors Service may be used. The bill contains technical amendments, including the removal of obsolete references to ratings by Duff & Phelps.

Law Advice: Change in Authority
HB1597  **GO Virginia grants; matching funds.**

**Chief Patron:** Wampler

**Summary:**
Allows a locality to use funds awarded from the Tobacco Region Revitalization Commission as matching funds for a GO Virginia grant award. No other state funds are authorized to be used as a source of matching funds. The provisions of the bill sunset on July 1, 2021.

Law Advice: FYI - No Direct Impact

HB1609  **Nutrient and sediment credit generation and transfer; limits certain transfers to private sector.**

**Companion Bill:** SB747

**Chief Patron:** Mugler

**Summary:**
Limits certain transfers of nonpoint nutrient credits to those credits generated by the private sector. The bill provides that while any locality may, without the involvement of a third party, generate its own nutrient or sediment credits and request that such credits be certified by the Department of Environmental Quality, such certifications shall only be used for the purpose of determining whether the project complies with certain credit generation requirements. The bill authorizes any publicly owned water treatment works that is constructing or expanding a treatment facility to permanently retire a portion of its wasteload allocation under certain circumstances. This bill is identical to SB 747.

Law Advice: FYI - No Direct Impact

HB1623  **Open-space preservation; increases fee for every writing document and instrument admitted to record.**

**Chief Patron:** Plum

**Summary:**
Increases from $1 to $3 the fee for open-space preservation charged for every deed, deed of trust, contract, or other instrument admitted to record in those jurisdictions in which open-space easements are held by the Virginia Outdoors Foundation. The bill also clarifies that the fee applies to any "deed, deed of trust, contract, or other instrument" admitted to record, replacing the term "deed."

Law Advice: FYI - No Direct Impact

HB1638  **Institutional racial segregation and discrimination; repeals several Acts.**
Companion Bill: SB722

Chief Patron: Askew

Summary:
Repeals several Acts of Assembly from 1901 to 1960 that contain provisions that implemented and enforced racial segregation and discrimination in public facilities and common carriers, on public documents, and within the office of the State Registrar. This bill is identical to SB 722.

Law Advice: FYI - No Direct Impact

HB1639  Rural lands; DEQ shall convene work group to discuss issue of disposal of debris on lands.

Chief Patron: Guzman

Summary:
Directs the Department of Environmental Quality (DEQ) to convene a work group to research the practice of rural landowners allowing, or allowing for compensation, the use of their lands as disposal sites for construction fill and debris from road construction and development projects. The work group shall consider recommending regulations for possible adoption by DEQ, including a regulation containing a model ordinance relating to the practice for adoption by localities, and statutory changes, including changes to the practice related to agricultural engineering operations and construction of terraces.

Law Advice: Monitor and Track

HB1646  Contractors, Board for; misclassification of worker prohibited.

Chief Patron: Krizek

Summary:
Provides that the Board for Contractors (the Board) shall require a contractor to appropriately classify all workers as employees or independent contractors, pursuant to law. Any contractor who is found to have intentionally misclassified any worker is subject to sanction by the Board.

Law Advice: FYI - No Direct Impact

HB1647  Distributed solar & other renewable energy; sales of electricity under third-party agreements.

Chief Patron: Jones

Summary:
Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) requires the State Corporation Commission to establish by regulation a shared solar program that allows multifamily customers of investor-owned utilities, other than American Electric Power, to purchase electric power through a subscription in a shared solar facility; (ii) raises the cap on the total amount of renewable energy that can be net metered in a utility's service territory from one percent to six percent, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (iii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts; (iv) allows certain localities to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings; (v) increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory; (vi) prohibits standby charges for any residential customer-generator or agricultural customer-generator of an investor-owned utility other than Dominion Energy Virginia; and (vii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. This bill is identical to HB 572, HB 1184, and SB 710.

Law Advice: Change in Authority

Increases the cap on the amount of solar energy non-residential generation facilities may produce.

**HB1654** [Schedule VI controlled substances and hypodermic syringes and needles: limited-use license.](#)

*Companion Bill:* SB1074

*Chief Patron:* Helmer

*Summary:* Allows the Board of Pharmacy to issue a limited-use license for the purpose of dispensing Schedule VI controlled substances, excluding the combination of misoprostol and methotrexate, and hypodermic syringes and needles for the administration of prescribed controlled substances to a doctor of medicine, osteopathic medicine, or podiatry, a nurse practitioner, or a physician assistant, provided that such limited-use licensee is practicing at a nonprofit facility. The bill requires such nonprofit facilities to obtain a limited-use permit from the Board and comply with regulations for such a permit. This bill directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill. This bill is identical to SB 1074.

Law Advice: FYI - No Direct Impact

**HB1660** [Online Virginia Network Authority; adds President of James Madison University as member, etc.](#)
Companion Bill: SB1041

Chief Patron: Carr

Summary:
Adds the President of James Madison University or his designee and one nonlegislative citizen member appointed by James Madison University to the members of the board of trustees of the Online Virginia Network Authority. The bill also adds James Madison University to the institutions of higher education for which the Online Virginia Network, established by the Authority, will facilitate the completion of degrees. This bill is identical to SB 1041.

Law Advice: FYI - No Direct Impact

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HB1670  Pharmaceutical processors; cannabidiol oil, permit to operate processor.

Chief Patron: O'Quinn

Summary:
Allows pharmaceutical processors to acquire industrial hemp grown and processed in Virginia from a registered industrial hemp dealer or processor and allows a pharmaceutical processor to process and formulate industrial hemp with cannabis plant extract into an allowable dosage.

Law Advice: FYI - No Direct Impact

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HB1699  Temporary detention; DBHDS shall study who may evaluate.

Companion Bill: SB768

Chief Patron: Aird

Summary:
Directs the Commissioner of the Department of Behavioral Health and Developmental Services to establish a work group to (i) review the current process for conducting evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention, including any challenges or barriers to timely completion of such evaluations and factors giving rise to delays in completion of such evaluations, and (ii) develop a comprehensive plan to expand the individuals who may conduct effective evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention. The work group shall report its findings and conclusions and the comprehensive plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions, Senate Committee on Education and Health, and Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. This bill is identical to SB 768.

Law Advice: FYI - No Direct Impact
HB1701  Medical Excellence Zone Program; VDH to determine feasibility of establishment.

Companion Bill: SB757

Chief Patron: Tran

Summary:
Directs the Department of Health to determine the feasibility of establishing a Medical Excellence Zone Program to allow citizens of the Commonwealth living in rural underserved areas to receive medical treatment via telemedicine services from providers licensed or registered in a state that is contiguous with the Commonwealth and directs the Department of Health Professions to pursue reciprocal agreements with such states for licensure for certain primary care practitioners licensed by the Board of Medicine. The bill requires the Department of Health to set out the criteria that would be required for a locality or group of localities in the Commonwealth to be eligible for the designation as a medical excellence zone and report its findings to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020.

The bill states that reciprocal agreements with states that are contiguous with the Commonwealth for the licensure of doctors of medicine, doctors of osteopathic medicine, physician assistants, and nurse practitioners shall only require that a person hold a current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on the acts of unprofessional conduct. The Department of Health Professions is required to report on its progress in establishing such agreements to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020. The bill requires the Board of Medicine to prioritize applications for licensure by endorsement as a doctor of medicine or osteopathic medicine, a physician assistant, or a nurse practitioner from such states through a streamlined process with a final determination regarding qualification to be made within 20 days of the receipt of a completed application. This bill is identical to SB 757.

Law Advice: Monitor and Track

HB1707  Clean Energy Advisory Board; increases membership.

Chief Patron: Aird

Summary:
Expands the membership of the Clean Energy Advisory Board (the Board) from 15 to 17 members. The measure specifies that one of the new members shall be an expert with experience implementing low-income and middle-income incentive and loan programs for distributed renewable energy resources and that the other new member shall be an attorney who maintains a legal practice dedicated to rural development, rural electrification, and energy policy. The measure also repeals the sunset provision for the Board, which is scheduled to expire on July 1, 2022, and directs the Department of Mines, Minerals and Energy, in consultation with the Board, to develop guidelines to administer any public power renewable grant program established by the general appropriation act.

Law Advice: FYI - No Direct Impact
HB1719  Prescribed pediatric extended care centers; plan for licensure.

Chief Patron: McQuinn

Summary:
Directs the Commissioner of Social Services to establish a work group to develop a plan for the licensure of prescribed pediatric extended care centers in the Commonwealth. The work group shall report the plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2020.

Law Advice: Monitor and Track

HJ1  United States Constitution; ratifies and affirms Equal Rights Amendment.

Chief Patron: Carroll Foy

Summary:
Ratifies the Equal Rights Amendment to the Constitution of the United States that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.

Law Advice: FYI - No Direct Impact

HJ4  Celebrating the life of Alan Arnold Diamonstein.

Chief Patron: Mullin

Summary:

Law Advice: FYI - No Direct Impact

HJ10  Gun Violence Awareness Day; designating as June 1, 2020, and each succeeding year thereafter.

Chief Patron: Kory

Summary:
Designates June 1, in 2020 and in each succeeding year, as Gun Violence Awareness Day in Virginia.

Law Advice: FYI - No Direct Impact
HJ21  Women's Equality Day; designating as August 26, 2020, and each succeeding year thereafter.

Chief Patron: Kory

Summary:
Designates August 26, in 2020 and in each succeeding year, as Women's Equality Day in Virginia.

Law Advice: FYI - No Direct Impact

HJ25  Coal dust blown from moving trains; report.

Chief Patron: Lindsey

Summary:
Requests certain railroad companies to make available to the General Assembly, at least annually, information on actions and activities likely to have an impact on coal dust blown from moving trains in the Commonwealth.

Law Advice: FYI - No Direct Impact

HJ47  Coastal areas; study on economic consequences of weather-related events.

Companion Bill: SJ38

Chief Patron: Sickles

Summary:
Directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. This resolution is identical to SJ 38.

Law Advice: FYI - No Direct Impact

HJ50  Radiologic Technology Week; designating week of November 8, 2020, and
each year thereafter.

**Chief Patron:** Hope

**Summary:**
Designates the week of November 8, in 2020 and in each succeeding year, as Radiologic Technology Week in Virginia.

**Law Advice:** FYI - No Direct Impact

**HJ51 Early childhood mental health consultation program; DBHDS, DOE, and DSS to study developing.**

**Chief Patron:** Sickles

**Summary:**
Directs the Departments of Education, Behavioral Health and Developmental Services, and Social Services to jointly study the feasibility of developing an early childhood mental health consultation program available to all early care and education programs serving children from birth to five years of age. The Departments shall complete their meetings by November 30, 2020, and shall submit to the Governor and the General Assembly an executive summary and a report of their findings and recommendations for publication as a House or Senate document by the first day of the 2021 Regular Session of the General Assembly.

**Law Advice:** FYI - No Direct Impact

**HJ52 Prescription drugs; SHHR to convene work group to address cost to Virginians, etc.**

**Chief Patron:** Guzman

**Summary:**
Requests the Secretary of Health and Human Resources to convene a work group to examine the pharmaceutical distribution payment system in the Commonwealth and innovative solutions to address the cost of prescription drugs to Virginians at the point of sale.

**Law Advice:** FYI - No Direct Impact

**HJ64 Ransomware attack preparedness; Virginia Information Technologies Agency (VITA) to study.**

**Chief Patron:** Reid
Summary:
Requests the Virginia Information Technologies Agency (VITA) to study the Commonwealth's susceptibility, preparedness, and ability to respond to ransomware attacks. In conducting its study, the Agency shall (i) assess the Commonwealth's susceptibility to ransomware attacks at the state and local levels of government; (ii) develop guidelines and best practices to prevent ransomware attacks; (iii) evaluate current data encryption and backup strategies; (iv) evaluate the availability of tools to monitor unusual access requests, viruses, and network traffic; (v) develop guidance for state agencies and localities on responding in the event of a ransomware attack; (vi) develop a coordinated law-enforcement response strategy that utilizes forensic investigative techniques to identify the source of ransomware attacks; and (vii) provide recommendations on legislative or regulatory changes to better protect state and local government entities from ransomware. The bill requires VITA to report its findings to the Governor and the General Assembly no later than the first day of the 2021 Regular Session.

Law Advice: FYI - No Direct Impact

HJ85   Transgender Day of Remembrance; designating as November 20, 2020, & each succeeding year thereafter.

Chief Patron: Roem

Summary:
Designates November 20, in 2020 and in each succeeding year, as Transgender Day of Remembrance in Virginia.

Law Advice: FYI - No Direct Impact

HJ88   Virginia's Mental Health Region; designating as Roanoke and New River Valleys.

Chief Patron: Rasoul

Summary:
Designates the Roanoke and New River Valleys as Virginia's Mental Health Region.

Law Advice: FYI - No Direct Impact

HJ91   Civil rights and dignity of all Virginians; affirming the Commonwealth's commitment to diversity.

Chief Patron: Lopez

Summary:
Affirms the state's commitment to diversity and safeguarding the civil rights and dignity of all Virginians.
HJ99  General Assembly: 2020 Session schedule.

Chief Patron: Herring

Summary:
Law Advice: FYI - No Direct Impact

HJ108  Year of the Eye Exam; designating 2020 as The Year of the Eye Exam.

Chief Patron: Robinson

Summary:
Designates 2020 as the Year of the Eye Exam in Virginia.

Law Advice: FYI - No Direct Impact

HJ111  Maternal Health Awareness Month; designating July, 2020, and annually thereafter.

Chief Patron: Price

Summary:
Designates July, in 2020 and in each succeeding year, as Maternal Health Awareness Month in Virginia. This bill incorporates HJ 74.

Law Advice: FYI - No Direct Impact

HJ121  Commending the University of Virginia men's basketball team.

Companion Bill: SJ103

Chief Patron: Bell

Summary:
Law Advice: FYI - No Direct Impact
HJ130  **Marijuana; JLARC to study legalization, regulation, etc.**

*Companion Bill:* SJ66

*Chief Patron:* Heretick

*Summary:* 
Directs the Joint Legislative Audit and Review Commission to study and make recommendations for how Virginia should go about legalizing and regulating the growth, sale, and possession of marijuana by July 1, 2022, and address the impacts of marijuana prohibition.

*Law Advice:* Monitor and Track

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HJ133  **Postural Orthostatic Tachycardia Syndrome Awareness Month; designating as October in 2020, etc.**

*Chief Patron:* Keam

*Summary:* 
Designating October, in 2020 and in each succeeding year, as Postural Orthostatic Tachycardia Syndrome Awareness Month in Virginia.

*Law Advice:* FYI - No Direct Impact

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HJ175  **Commending the University of Virginia's College at Wise cornhole team.**

*Chief Patron:* Kilgore

*Summary:* 

*Law Advice:* FYI - No Direct Impact

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HJ188  **Commending the recipients of the 2020 Virginia Outstanding Faculty Awards.**

*Chief Patron:* Tyler

*Summary:* 

*Law Advice:* FYI - No Direct Impact

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HJ199  **Commending William H. Goodwin, Jr.**
Chief Patron: McGuire

Summary:
Law Advice: FYI - No Direct Impact

HJ308  Commending Zyahna Bryant.
Chief Patron: McQuinn

Summary:
Law Advice: FYI - No Direct Impact

HJ311  Celebrating the life of the Honorable Gerald L. Baliles.
Companion Bill: SJ88
Chief Patron: McQuinn

Summary:
Law Advice: FYI - No Direct Impact

HJ356  Celebrating the life of Sidney Buford Scott.
Chief Patron: Carr

Summary:
Law Advice: FYI - No Direct Impact

HJ414  Commending Jillian Anne Ellis.
Chief Patron: Filler-Corn

Summary:
Law Advice: FYI - No Direct Impact
HJ415  Celebrating the life of Dr. Reginald Dennin Butler.

Chief Patron: Hudson

Summary:
Law Advice: FYI - No Direct Impact

HJ416  Celebrating the life of Mortimer Caplin.

Chief Patron: Hudson

Summary:
Law Advice: FYI - No Direct Impact

HJ417  Celebrating the life of Annie Mae Dorns Merritt.

Chief Patron: Hudson

Summary:
Law Advice: FYI - No Direct Impact

HJ418  Celebrating the life of Mark Harril Saunders.

Chief Patron: Hudson

Summary:
Law Advice: FYI - No Direct Impact

HJ420  Celebrating the life of Karenne Wood.

Chief Patron: Hudson

Summary:
Law Advice: FYI - No Direct Impact
HR17  House of Delegates; establishing Rules for the 2020-2021 Sessions of the General Assembly.

Chief Patron: Herring

Summary:

Law Advice: FYI - No Direct Impact

HR118  Celebrating the life of Emma Carrington Edmunds.

Chief Patron: Edmunds

Summary:

Law Advice: FYI - No Direct Impact

SB2  Marijuana: definitions, possession and consumption, civil penalties, report.

Companion Bill: HB972

Chief Patron: Ebbin

Summary:
Decriminalizes simple marijuana possession and provides a civil penalty of no more than $25. Current law imposes a maximum fine of $500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that any violation of simple possession of marijuana shall be charged by a summons in form the same as the uniform summons for motor vehicle law violations and that no court costs shall be assessed for such violations. The bill also provides that a person's criminal history record information shall not include records of any charges or judgments for such violations and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. However, the bill states that if a violation occurs while an individual is operating a commercial motor vehicle, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record. Also, the bill states that the procedure for appeal and trial of any violation of simple possession of marijuana shall be the same as provided by law for misdemeanors. The bill also provides that if requested by either party on appeal to the circuit court, trial by jury shall be provided and the Commonwealth shall be required to prove its case beyond a reasonable doubt. Additionally, the bill provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations. The bill defines "marijuana" to include hashish oil and creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use. The bill also (i) makes records relating to the arrest, criminal charge, or conviction of possession of marijuana not open to public inspection and disclosure, except in certain circumstances; (ii) prohibits employers and educational institutions from requiring an applicant for employment or admission to disclose information related to such arrest, criminal charge, or conviction; and (iii) prohibits
agencies, officials, and employees of the state and local governments from requiring an applicant for a license, permit, registration, or governmental service to disclose information concerning such arrest, criminal charge, or conviction. Also, the bill allows a person charged with a civil offense who is acquitted, a nolle prosequi is taken, or the charge is otherwise dismissed to file a petition requesting expungement of the police records and court records related to the charge. Finally, the bill requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and report the recommendations of the work group to the General Assembly and the Governor by November 30, 2020. This bill incorporates SB 815 and is identical to HB 972.

Law Advice: Change in Authority

SB7 Minimum wage; increases to $9.50 per hour effective May 1, 2021.

Companion Bill: HB395

Chief Patron: Saslaw

Summary:
Increases the minimum wage from its current federally mandated level of $7.25 per hour to $9.50 per hour effective May 1, 2021; to $11.00 per hour effective January 1, 2022; to $12.00 per hour effective January 1, 2023; to $13.50 per hour effective January 1, 2025; and to $15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure provides that the increases scheduled for 2025 and 2026 will not become effective unless reenacted by the General Assembly prior to July 1, 2024. If such provisions are not reenacted prior to July 1, 2024, then the annual minimum wage will be adjusted to reflect increases in the consumer price index beginning January 1, 2025. The measure creates a training wage at 75 percent of the minimum wage for employees in on-the-job training programs lasting less than 90 days. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the Fair Labor Standards Act; persons employed in domestic service or in or about a private home; persons who normally work and are paid on the amount of work done; persons with intellectual or physical disabilities except those whose employment is covered by a special certificate issued by the U.S. Secretary of Labor; persons employed by an employer who does not employ four or more persons at any one time; and persons who are less than 18 years of age and who are under the jurisdiction of a juvenile and domestic relations district court. The measure provides that the Virginia minimum wage does not apply to persons participating in the U.S. Department of State's au pair program, persons employed as temporary foreign workers, and persons employed by certain amusement or recreational establishments, organized camps, or religious or nonprofit educational conference centers. This bill is identical to HB 395.

Law Advice: New Requirement

Delayed effective date of January 1, 2021; increases scheduled for 2025 and 2026 require reenactment prior to July 1, 2024.
SB8 Virginia Public Procurement Act; public works contracts, prevailing wage rate, penalty.

Companion Bill: HB833

Chief Patron: Saslaw

Summary:
Requires contractors and subcontractors under any public contract with a state agency, or with a locality that has adopted an ordinance requiring the payment of prevailing wages, for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The provisions of the bill would not apply to any contract for public works of $250,000 or less. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals. The bill has a delayed effective date of May 1, 2021. This bill is identical to HB 833.

Law Advice: FYI - No Direct Impact
Exempt under Restructuring

SB9 Workers' compensation; presumption of compensability for certain diseases, conditions before 7/1/20.

Companion Bill: HB783

Chief Patron: Saslaw

Summary:
Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters or certain employees develop the cancer. The presumption shall not apply for any individual who was diagnosed with one of the conditions before July 1, 2020. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty. The bill also reduces the number of years of service needed to qualify for the presumption from 12 to five for various types of cancer. For hypertension or heart disease, the bill adds a requirement that an individual complete five years of service in his position in order to qualify. This bill incorporates SB 58, SB 381, and SB 531 and is identical to HB 783.

Law Advice: FYI - No Direct Impact
SB11  Disposable plastic bags; local tax.

Companion Bill: HB534

Chief Patron: Ebbin

Summary:
Authorizes any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for certain purposes including environmental cleanup and the provision of reusable bags. The measure authorizes the Tax Commissioner to administer the tax. This bill incorporates SB 26 and SB 198 and is identical to HB 534.

Law Advice: Monitor and Track

Effective date of January 21, 2021; city or county decision to impose tax.

SB17  Same-sex marriages; civil unions.

Companion Bill: HB1490

Chief Patron: Ebbin

Summary:
Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. These prohibitions are no longer valid due to the United States Supreme Court decision in Obergefell v. Hodges, 576 U.S. ___ (June 26, 2015). This bill incorporates SB 39 and is identical to HB 1490.

Law Advice: FYI - No Direct Impact

SB31  Eminent domain; costs for petition for distribution of funds, interest rate.

Chief Patron: Petersen

Summary:
Provides that the costs of filing a petition with the court for the distribution of the funds due pursuant to an eminent domain proceeding shall be taxed against the condemnor. The bill also provides that the interest rate on the funds represented by a certificate of deposit from the date of filing of the certificate until the funds are paid into the court shall not be less than the judgment rate of interest. Finally, the bill reorganizes for clarity the provisions governing what happens upon recordation of a certificate by the Commissioner of Highways in a condemnation proceeding. The bill provides that its provisions apply only to condemnation actions filed on or after July 1, 2020.
SB34  **Driver privilege cards; definitions, effective date, report.**

**Companion Bill:** HB1211

**Chief Patron:** Surovell

**Summary:**
Authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an applicant who (i) has reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements for the registration of an uninsured motor vehicle. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill limits the release of certain information stored by the Department. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources or was claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021. This bill incorporates SB 643 and is identical to HB 1211.

Law Advice: FYI - No Direct Impact

SB35  **Firearms, ammunition, etc.; control by localities by governing possession, etc., within locality.**

**Chief Patron:** Surovell

**Summary:**
Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. The bill also provides that any firearm received by the locality pursuant to a gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests
in writing that such surrendered firearm be sold. The provisions of the bill do not apply to the activities of a Senior Reserve Officers’ Training Corps program operated at a public or private institution of higher education or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. The bill contains technical amendments. This bill incorporates SB 450, SB 505, SB 506, and SB 615. This bill is identical to HB 421.

Law Advice: FYI - No Direct Impact

SB36     Lottery Board; regulation and control of casino gaming, definitions.

Companion Bill: HB4

Chief Patron: Lucas

Summary:
Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill specifies the requirements for licensure of casino gaming operators and the conduct of casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. The location of casino gaming establishments shall be limited to eligible host cities that meet specified criteria: the Cities of Portsmouth, Richmond, Norfolk, Danville, and Bristol. The bill requires each eligible host city to hold a referendum on the question of whether to allow casino gaming in the city and, with the exception of the City of Richmond, to hold such referendum at the November 2020 general election. The bill imposes a tax ranging from 18 to 30 percent of the adjusted gross receipts of licensees, based upon a licensee's annual adjusted gross receipts, and provides for disbursement of the tax revenues. The bill requires the Board to establish a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill establishes the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services, and the Virginia Indigenous People's Trust Fund, both of which are funded by proceeds from the casino gaming tax revenues. The bill also establishes the Regional Improvement Commission, consisting of a representative of each jurisdiction composing the transportation district in which the City of Bristol is located, to receive disbursements of gaming tax revenues and to prioritize and fund improvements in those jurisdictions. The bill requires the Virginia Racing Commission to authorize an additional 600 historical horse racing terminals each time a local referendum held by an eligible host city is approved, provided that the total number of additional machines does not exceed 2,000 statewide, and includes other provisions relating to the placement of historical horse racing terminals in the Commonwealth. The bill incorporates SB 102, SB 374, SB 609, SB 743, and SB 1083 and is identical to HB 4.

Law Advice: FYI - No Direct Impact

Requires each eligible host city to hold a referendum on the question of whether to allow casino gaming in the city; prohibits casino betting on Virginia college athletic events but does not prohibit proposition bets.
SB40  **Line of Duty Act; eligible dependents.**

*Companion Bill:* HB51

*Chief Patron:* DeSteph

**Summary:**
Provides that children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance coverage if their birth or adoption occurred after the time of the employee's death or disability, but prior to July 1, 2017. Under current law, such children are not eligible unless they were adopted pursuant to a preadoptive agreement entered into prior to the death or disability. This bill is identical to HB 51.

**Law Advice:** Change in Requirement

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SB50  **Virginia Human Rights Act; racial discrimination, hair.**

*Companion Bill:* HB1514

*Chief Patron:* Spruill

**Summary:**
Provides that the terms "because of race" and "on the basis of race," and terms of similar import, when used in reference to discrimination in the Code of Virginia and acts of the General Assembly, include traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists. This bill is identical to HB 1514.

**Law Advice:** New Requirement

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SB53  **Social workers; licensure by endorsement.**

*Chief Patron:* Stanley

**Summary:**
Directs the Board of Social Work to pursue the establishment of reciprocal agreements with jurisdictions that are contiguous with the Commonwealth for the licensure of baccalaureate social workers, master's social workers, and clinical social workers. The bill provides that reciprocal agreements shall require that a person hold a comparable, current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on the Code of Virginia and regulations of the Board.

**Law Advice:** FYI - No Direct Impact

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SB54  **Virginia Retirement System; retired law-enforcement officers employed as school security officers.**
**Companion Bill:** HB1495

**Chief Patron:** Cosgrove

**Summary:**
Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer, so long as he has a break in service of at least 12 calendar months between retirement and reemployment, did not retire under an early retirement program, and did not retire under the Workforce Transition Act of 1995. The bill is identical to [HB 1495](#).

Law Advice: FYI - No Direct Impact

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**SB60**  
**Capital outlay bill; timing of required submission.**

**Companion Bill:** HB1248

**Chief Patron:** Hanger

**Summary:**
Requires the Governor to submit, in each legislative session, a prefilled bill with amendments to the current six-year capital outlay plan enacted into law. Under current law, the Governor is required to submit amendments by December 20. This bill is identical to [HB 1248](#).

Law Advice: FYI - No Direct Impact

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**SB64**  
**Paramilitary activities; penalty.**

**Chief Patron:** Lucas

**Summary:**
Provides that a person is guilty of unlawful paramilitary activity if such person brandishes a firearm or any air-operated or gas-operated weapon or any object similar in appearance while assembled with one or more persons for the purpose of and with the intent to intimidate any person or group of persons. Such unlawful paramilitary activity is punishable as a Class 5 felony.

Law Advice: New Authority

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**SB69**  
**Handguns; limitation on purchases, penalty.**

**Companion Bill:** HB812

**Chief Patron:** Locke
**Summary:**
Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. This bill incorporates SB 22. This bill is identical to HB 812.

Law Advice: FYI - No Direct Impact

**SB71  Firearms: possession on school property.**

**Chief Patron:** Lucas

**Summary:**
Adds public, private, or religious preschools and licensed child day centers that are not operated at the residence of the provider or of any of the children to the list of schools where possessing a firearm on school property or on a school bus is prohibited. The provisions of the bill regarding child day centers and preschools only apply during the regular operating hours of such child day center or preschool and shall not apply to any person (i) whose residence is on the property of a child day center or a private or religious preschool and (ii) who possesses a firearm or other prohibited weapon while in his residence. Under current law, the list of such schools only includes public, private, or religious elementary, middle, or high schools. The bill also provides that a licensed child day center or religious or private preschool may hire an armed security officer to provide security services.

Law Advice: New Authority

**SB77  Student loans; licensing of qualified education loan servicers, civil penalties, report.**

**Companion Bill:** HB10

**Chief Patron:** Howell

**Summary:**
Prohibits any person from acting as a qualified education loan servicer except in accordance with provisions established by this bill. The bill requires a loan servicer to obtain a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks, savings institutions, credit unions, nonprofit institutions of higher education, and farm credit systems are exempt from the licensing provisions. The servicing of a qualified education loan encompasses (i) receiving any scheduled periodic payments from a qualified education loan borrower or notification of such payments; (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; (iii) during a period when no payment is required on a qualified education loan,
maintaining account records and communicating with the qualified education loan borrower; and (iv)
interacting with a student loan borrower, including conducting activities to help prevent default.
Qualified education loan servicers are prohibited from, among other things, (a) misrepresenting the
amount, nature, or terms of any fee or payment due or claimed to be due on a qualified education loan,
the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b)
misapplying loan payments to the outstanding balance of a qualified education loan; and (c) failing to
report both the favorable and unfavorable payment history of the borrower to a nationally recognized
consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit
bureau. Violations are subject to a civil penalty not exceeding $2,500 and are prohibited practices under
the Virginia Consumer Protection Act. The bill has a delayed effective date of July 1, 2021, but provides
that applications shall be accepted, and investigations commenced, by the SCC beginning March 1,
2021. This bill is identical to HB 10.

Law Advice: FYI - No Direct Impact

SB78 Minimum wage; pay based on work done.

Chief Patron: Howell

Summary: Eliminates the exemption to Virginia's minimum wage requirements for persons who normally work and
are paid based on the amount of work done.

Law Advice: New Requirement

SB94 Virginia Energy Plan; climate change pressing challenge.

Companion Bill: HB714

Chief Patron: Favola

Summary: Adopts findings that climate change is an urgent and pressing challenge for Virginia, that swift
decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and
that the Commonwealth will benefit from being a leader in deploying a low-carbon energy economy. The
measure states that the Commonwealth recognizes that the following objectives will advance the health,
welfare, and safety of Virginians: (i) establishing sufficient supply and delivery infrastructure to enable
widespread deployment of distributed energy resources; (ii) maximizing energy efficiency programs in
order to produce electricity cost savings and to create jobs and revenue from the energy efficiency
service sector; (iii) establishing greenhouse gas emissions reduction goals across Virginia's economy that
reach net-zero emissions by 2045; (iv) requiring that pathways to net-zero greenhouse gas emissions be
determined; (v) enabling widespread integration of distributed energy resources into the grid; (vi)
mitigating the negative impacts of climate change and the energy transition on disadvantaged
communities and prioritizing investment in these communities; (vii) developing the carbon-free energy
resources required to fully decarbonize the electric power supply of the Commonwealth including
deployment of 30 percent renewables by 2030 and realizing 100 percent carbon-free electric power by
2040; and (viii) ensuring that decision-making is transparent and includes opportunities for full participation by the public. The measure also states that it is the policy of the Commonwealth to (a) ensure the adequate supply of natural gas necessary to ensure the reliability of the electricity supply and the needs of businesses during the transition to renewable energy; (b) establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero emissions carbon by 2045; (c) enact mandatory clean energy standards and overall strategies for reaching net-zero carbon in the electric power sector by 2040; (d) equitably incorporate requirements for technical, policy, and economic analyses and assessments that recognize the unique attributes of different energy resources and delivery systems to identify pathways to net-zero carbon that maximize Virginia's energy reliability and resilience, economic development, and jobs; and (e) minimize the negative impacts of climate change and the energy transition on economically disadvantaged or minority communities and prioritize investment in these areas. The measure also requires that the Virginia Energy Plan identify actions consistent with the goals of achieving a net-zero carbon economy by 2045 and include an inventory of all greenhouse gas emissions for the four years preceding the issuance of the Plan. This bill is identical to HB 714.

Law Advice: FYI - No Direct Impact

SB95  
**Health insurance; coverage for essential health benefits, preventive services.**

*Chief Patron:* Favola

*Summary:*
Requires a health carrier offering or providing a health benefit plan, including (i) catastrophic health insurance policies and policies that pay on a cost-incurred basis; (ii) association health plans; and (iii) plans provided by a multiple-employer welfare arrangement, to provide, as an essential health benefit, coverage that includes preventive care. The bill defines essential health benefits as those general categories and those items and services within such categories that are covered in accordance with regulations issued pursuant to the Patient Protection and Affordable Care Act in effect as of January 1, 2019.

Law Advice: New Requirement

SB101  
**Driver's license; scanning information.**

*Chief Patron:* Marsden

*Summary:*
Allows a merchant to scan the machine-readable zone of an individual's Department of Motor Vehicles-issued identification card or driver's license in order to verify authenticity of the identification card or driver's license or to verify the identity of the individual when the individual requests a service pursuant to a membership or a service agreement. Currently, a merchant is allowed to conduct such a scan for identity verification purposes if the individual pays for goods or services with a method other than cash, returns an item, or requests a refund or an exchange. The measure also allows a merchant to retain information obtained from the machine-readable zone of the identification card or driver's license for
such a verification purpose. However, the merchant must destroy the retained information when the purpose for which it was provided and retained has been satisfied.

Law Advice: Change in Authority

SB109  **Virginia Retirement System; accidental death and dismemberment benefits, definitions.**

*Companion Bill:* HB536

*Chief Patron:* Ruff

**Summary:**
Changes the funding structure for the Virginia Retirement System's (VRS) obligation to fund a savings trust account for higher education for a qualifying child of a VRS member who dies as a result of an accident caused by a felonious assault committed by other than an immediate family member. The bill requires VRS to contribute to such trust account an amount equal to the current average cost, as published by the State Council of Higher Education for Virginia, of four years of tuition and mandatory fees at baccalaureate public institutions of higher education in the Commonwealth. This requirement replaces VRS's obligation under current law to contribute to such trust account an amount equal to the full cost of a prepaid tuition contract. The bill also narrows use of the trust account to include only qualified higher education expenses to account for changes to § 529 of the Internal Revenue Code. This bill is identical to HB 536.

Law Advice: FYI - No Direct Impact

SB110  **Research and development tax credits; extends sunset date, aggregate caps.**

*Companion Bill:* HB748

*Chief Patron:* Howell

**Summary:**
Extends the sunset date for both the research and development expenses tax credit and the major research and development expenses tax credit from January 1, 2022, to January 1, 2025. Beginning with taxable year 2021, the bill increases the aggregate cap of the research and development expenses tax credit from $7 million to $7.77 million and increases the aggregate cap of the major research and development expenses tax credit from $20 million to $24 million. For both credits, the bill moves back the annual deadline for applications for the credit from July 1 to September 1. This bill is identical to HB 748.

Law Advice: FYI - No Direct Impact

SB111  **Absentee voting; no excuse required, voting by absentee ballot.**
**Chief Patron:** Howell

**Summary:**
Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. This bill incorporates SB 45, SB 137, SB 696, and SB 879.

**Law Advice:** FYI - No Direct Impact

May require revisions to information shared with students regarding voting procedures.

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**SB112**  **High school graduation; standard diploma requirements, etc.**

**Companion Bill:** HB516

**Chief Patron:** Suetterlein

**Summary:**
Requires the Board of Education to include in its graduation requirements the options for students to complete a dual enrollment course or high-quality work-based learning experience. This bill is identical to HB 516.

**Law Advice:** Monitor and Track

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**SB120**  **Health care providers, certain; program to address career fatigue and wellness, civil immunity.**

**Chief Patron:** Barker

**Summary:**
Expands civil immunity for health care professionals serving as members of or consultants to entities that function primarily to review, evaluate, or make recommendations related to health care services to include health care professionals serving as members of or consultants to entities that function primarily to address issues related to career fatigue and wellness in health care professionals licensed to practice medicine or osteopathic medicine or licensed as a physician assistant. The bill also clarifies that, absent evidence indicating a reasonable probability that a health care professional who is a participant in a professional program to address issues related to career fatigue or wellness is not competent to continue in practice or is a danger to himself, his patients, or the public, participation in such a professional program does not trigger the requirement that the health care professional be reported to the Department of Health Professions. The bill contains an emergency clause.

**Law Advice:** FYI - No Direct Impact
SB122  **Teledentistry; definitions, establishes requirements for practice, digital scans, etc.**

*Companion Bill:* HB165

*Chief Patron:* Barker

**Summary:**
Defines "teledentistry," establishes requirements for the practice of teledentistry and the taking of dental scans for use in teledentistry by dental scan technicians, and clarifies requirements related to the use of digital work orders for dental appliances in the practice of teledentistry. This bill incorporates SB 210 and SB 884 and is identical to HB 165.

**Law Advice: FYI - No Direct Impact**

Teledentistry is currently not practiced in the UVA Health System.

SB130  **Electric Utility Regulation, Commission on; extends sunset provision.**

*Chief Patron:* Norment

**Summary:**
Postpones the scheduled expiration of the Commission on Electric Utility Regulation from July 1, 2020, to July 1, 2022.

**Law Advice: FYI - No Direct Impact**

SB138  **Virginia Freedom of Information Act; FOIA officers, training and reporting requirements.**

*Chief Patron:* Stuart

**Summary:**
Adds regional public bodies to the types of public bodies that must designate a FOIA officer. The bill also changes the frequency for required FOIA officer training from annually to once during each consecutive period of two calendar years and provides that the name and contact information of a FOIA officer trained by legal counsel of a public body only needs to be submitted by July 1 of the initial year of training and updated if there are changes to that information. Current law requires this information to be submitted by July 1 of each year. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

**Law Advice: Change in Requirement**
SB139  **Freedom of Information Advisory Act; training requirements.**

*Chief Patron:* Stuart

**Summary:**
Adds the option for in-person training sessions in addition to the current requirement of online training sessions for local elected officials provided by the Virginia Freedom of Information Advisory Council or a local government attorney. The bill also clarifies that "local elected officials" includes constitutional officers. As introduced, this bill was a recommendation of the Virginia Freedom of Information Advisory Council.

**Law Advice:** FYI - No Direct Impact

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SB140  **FOIA; public higher educational institutions, information related to pledges and donations.**

*Companion Bill:* HB510

*Chief Patron:* Stuart

**Summary:**
Provides that no discretionary exclusion in FOIA shall apply to protect information relating to the amount, date, purpose, and terms of a pledge or donation made to a public institution of higher education. The bill provides that the identity of the donor shall be protected only if (i) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (ii) the pledge or donation does not impose terms or conditions directing academic decision-making. As introduced, the bill was a recommendation of the Virginia Freedom of Information Advisory Council. This bill is identical to HB 510.

**Law Advice:** Change in Authority

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SB153  **Virginia Freedom of Information Act; cost estimates, response time.**

*Chief Patron:* Stuart

**Summary:**
Provides that if a requester asks for a cost estimate in advance of a Virginia Freedom of Information Act request, the time to respond is tolled for the amount of time that elapses between notice of the cost estimate and the response from the requester, and that if the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. The bill clarifies that if a cost estimate exceeds $200 and the public body requires an advance deposit, the public body may require the requester to pay the advance deposit before the public body is required to process the request. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

**Law Advice:** Change in Authority
SB160  **Handheld personal communications devices; holding devices while driving a motor vehicle, penalty.**

**Companion Bill:** HB874

**Chief Patron:** Surovell

**Summary:**
Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. The bill has a delayed effective date of January 1, 2021. This bill incorporates SB 136 and SB 944 and is identical to HB 874.

**Law Advice: Change in Requirement**

Delayed effective date of January 1, 2021

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SB172  **Health insurance; definitions, payment to out-of-network providers, emergency services.**

**Companion Bill:** HB1251

**Chief Patron:** Favola

**Summary:**
Provides that when an enrollee receives emergency services from an out-of-network health care provider or receives out-of-network surgical or ancillary services at an in-network facility, the enrollee is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement and such cost-sharing requirement cannot exceed the cost-sharing requirement that would apply if the services were provided in-network. The measure also provides that the health carrier's required payment to the out-of-network provider of the services is a commercially reasonable amount based on payments for the same or similar services provided in a similar geographic area. If such provider disputes the amount to be paid by the health carrier, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the amount of the reimbursement. If the health carrier and the provider do not agree to a commercially reasonable payment and either party wants to take further action to resolve the dispute, then the measure requires the dispute will be resolved by arbitration. The measure establishes a framework for arbitration of such disputes which includes (i) a timeline for the proceedings, (ii) a method for choosing an arbitrator, (iii) required and optional factors for the arbitrator to consider, (iv) non-disclosure agreements, (v) reporting requirements, and (vi) an appeals process for appeals on certain procedural grounds. The measure requires the State Corporation Commission to contract with Virginia Health Information (VHI) to establish a data set and business
protocols to provide health carriers, providers, and arbitrators with data to assist in determining commercially reasonable payments and resolving disputes. The measure requires the Commission, in consultation health carriers, providers, and consumers, to develop standard language for a notice of consumer rights regarding balance billing. The measure authorizes the Commission, the Board of Medicine, and the Commissioner of Health to levy fines and take action against a health carrier, health care practitioner, or medical care facility, respectively, for a pattern of violations of the prohibition against balance billing. Additionally, the measure prohibits a carrier or provider from initiating arbitration with such frequency as to indicate a general business practice. The measure provides that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject to such provisions. The measure authorizes the Commission to adopt rules and regulations governing the arbitration process. The measure has a delayed effective date of January 1, 2021. This bill incorporates SB 522 and is identical to HB 1251.

Law Advice: Change in Authority

Prohibits health insurance carriers from requiring enrollees to pay out-of-network provider costs beyond the cost-sharing requirements for in-network services.

SB177 Autism Advisory Council; extends sunset provision.

Chief Patron: Hanger

Summary:
Extends the sunset provision of the Autism Advisory Council from July 1, 2020, to July 1, 2022.

Law Advice: FYI - No Direct Impact

SB179 Hate crimes; adds gender, disability, gender identity, or sexual orientation, penalty.

Chief Patron: Favola

Summary:
Adds gender, disability, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds gender, disability, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, gender identity, or sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, disability, gender identity, or sexual orientation. The bill also eliminates the mandatory minimum terms of confinement for such hate crimes.
Law Advice: New Requirement

Includes additional categories of victims whose intentional selection for a hate crime involving assault, battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty and requires reporting the commission of hate crimes against such victims to the State Police. New categories align with existing University policy.

SB182  **Public works contracts: definitions, authorization of project labor agreements.**

*Chief Patron:* Saslaw

*Summary:* Authorizes any public body, including any state or local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. The bill has a delayed effective date of May 1, 2021. The bill is identical to HB 358.

Law Advice: FYI - No Direct Impact

SB183  **War memorials for veterans; removal, relocation, etc.**

*Companion Bill:* HB1537

*Chief Patron:* Locke

*Summary:* Provides that a locality may remove, relocate, contextualize, or cover any monument or memorial for war veterans on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, and removes certain criminal and civil penalties. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial. If the governing body votes to remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial. The bill authorizes the local governing body to call for an advisory referendum prior to voting on such motion. The bill repeals an 1890 act of assembly related to the placement of a statue in the City of Alexandria and does not apply to a monument or memorial located on the property.
of a public institution of higher education within the City of Lexington. The bill also provides that the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized. This bill incorporates SB 560 and SB 620 and is identical to HB 1537.

Law Advice: FYI - No Direct Impact

SB208 Mechanics' liens; right to withhold payment.

Chief Patron: Petersen

Summary:
Specifies that the use of funds paid to a general contractor or subcontractor and used by such contractor or subcontractor before paying all amounts due for labor performed or material furnished gives rise to a civil cause of action for a party who is owed such funds. The bill further specifies that such cause of action does not affect a contractor's or subcontractor's right to withhold payment for failure to properly perform labor or furnish materials and that any contractual provision that allows a party to withhold funds due on one contract for alleged claims or damages due on another contract is void as against public policy.

Law Advice: FYI - No Direct Impact

SB213 Personal Maintenance Allowance; DMAS to establish work group to evaluate current amount.

Chief Patron: Favola

Summary:
Directs the Department of Medical Assistance Services to establish a work group to evaluate the current Personal Maintenance Allowance amount for individuals receiving Medicaid-funded waiver services and the impact of the current Personal Maintenance Allowance amount and other income limits on the ability of Medicaid waiver service recipients to engage in meaningful work and establish and maintain independence. The work group shall report its findings and conclusions to the Governor, the General Assembly, and the Chairman of the Joint Commission on Health Care by November 1, 2020.

Law Advice: FYI - No Direct Impact

SB219 Voter registration; automatic voter registration.

Companion Bill: HB235

Chief Patron: Marsden

Summary:
Provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license; (ii) apply for, replace, or renew a special identification card; or (iii) change an address on an existing driver's license or special identification card if the person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction is punishable under Virginia law as a felony. Upon receipt of the information collected to ensure that the person meets all voter registration eligibility requirements, the Department of Elections is required to determine whether the person is already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. This bill incorporates SB 278 and is identical to HB 235.

Law Advice: FYI - No Direct Impact

SB225  **Removal of dangerous roadside vegetation; local option.**

**Companion Bill:** HB284

**Chief Patron:** Stuart

**Summary:**
Authorizes any locality, by ordinance, to require the owner of any property located adjacent to a right-of-way maintained by the Virginia Department of Transportation to remove any and all trees, tree limbs, shrubs, high grass, or other substance that might dangerously obstruct the line of sight of a driver, be involved in a collision with a vehicle, or interfere with the safe operation of a vehicle. This bill is identical to HB 284.

Law Advice: FYI - No Direct Impact

SB239  **Fluoride varnish; possession and administration by medical assistants, etc.**

**Companion Bill:** HB299

**Chief Patron:** Barker

**Summary:**
Allows an authorized agent of a doctor of medicine, osteopathic medicine, or dentistry to possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry. This bill is identical to HB 299.
SB240  **Firearms; removal from persons posing substantial risk of injury to himself, etc., penalties.**

_Companion Bill:_ HB674

_Chief Patron:_ Barker

**Summary:**
Creates a procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill. This bill is identical to HB 674.

Law Advice: FYI - No Direct Impact

SB245  **Conversion therapy; prohibited by certain health care providers.**

_Companion Bill:_ HB386

_Chief Patron:_ Surovell

**Summary:**
Prohibits any health care provider or person who performs counseling as part of his training for any profession licensed by a regulatory board of the Department of Health Professions from engaging in conversion therapy, as defined in the bill, with any person under 18 years of age and provides that such counseling constitutes unprofessional conduct and is grounds for disciplinary action. The bill provides that no state funds shall be expended for the purpose of conducting conversion therapy with a person.
under 18 years of age, referring a person under 18 years of age for conversion therapy, or extending health benefits coverage for conversion therapy with a person under 18 years of age. This bill is identical to HB 386.

Law Advice: Eliminates Authority

SB250    Medicare: supplement policies for certain individuals under age 65.

Chief Patron: Edwards

Summary:
Requires each insurer issuing Medicare supplement policies or certificates in the Commonwealth to offer the opportunity of enrolling in at least one of its issued Medicare supplement policies or certificates to any individual under age 65 who resides in the Commonwealth, is enrolled in Medicare Part A and B, and is eligible for Medicare by reason of disability. The provisions of the measure are applicable to health plans and health maintenance organizations.

Law Advice: FYI - No Direct Impact

SB251    Pharmacy benefits managers; licensure and regulation definitions.

Companion Bill: HB1290

Chief Patron: Edwards

Summary:
Provides that no person is authorized to provide pharmacy benefits management services or otherwise act as a pharmacy benefits manager without first obtaining a license from the State Corporation Commission. The measure prohibits a carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager from (i) causing or knowingly permitting the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue; (ii) charging a pharmacist or pharmacy a fee related to the adjudication of a claim other than a reasonable fee for an initial claim submission; (iii) reimbursing a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same generic product identifier or generic code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration; or (iv) penalizing or retaliating against a pharmacist or pharmacy for exercising rights provided by this measure. The measure also prohibits a carrier from (a) imposing provider accreditation standards or certification requirements inconsistent with, more stringent than, or in addition to requirements of the Virginia Board of Pharmacy or other state or federal entity; (b) including any mail order pharmacy or pharmacy benefits manager affiliate in calculating or determining network adequacy; or (c) conducting spread pricing in the Commonwealth. The measure also imposes recordkeeping and reporting requirements. The bill has a delayed effective date of October 1, 2020. This bill incorporates SB 252 and SB 862 and is identical to HB 1290.

Law Advice: FYI - No Direct Impact
SB256  Alzheimer's Disease and Related Disorders Commission; extends sunset provision.

Companion Bill: HB310

Chief Patron: Ruff

Summary:
Extends the sunset provision of the Alzheimer's Disease and Related Disorders Commission from July 1, 2020, to July 1, 2023. This bill is identical to HB 310.

Law Advice: FYI - No Direct Impact

SB259  Virginia Freedom of Information Act; excludes library records.

Companion Bill: HB313

Chief Patron: Bell

Summary:
Clarifies that information contained in library records that can be used to identify any library patron who has borrowed or accessed material or resources from a library as well as the material or resources such patron borrowed or accessed is exempt from disclosure under the Virginia Freedom of Information Act. This bill is identical to HB 313.

Law Advice: New Authority

SB264  Certified registered nurse anesthetists; prescriptive authority.

Companion Bill: HB1059

Chief Patron: Bell

Summary:
Authorizes certified registered nurse anesthetists to prescribe Schedule II through Schedule VI controlled substances and devices to a patient requiring anesthesia, as part of the periprocedural care of the patient, provided that such prescribing is in accordance with requirements for practice by certified registered nurse anesthetists and is done under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry. This bill is identical to HB 1059.

Law Advice: New Authority
SB270  Pharmacy; practice, regulation by Board of Pharmacy, report.

Chief Patron: Bell

Summary:
Provides that compounding of drugs provided to the Department of Corrections for the purpose of carrying out an execution by lethal injection shall constitute the practice of pharmacy and be subject to the requirements of the Drug Control Act and the jurisdiction of the Board of Pharmacy. The bill provides that only outsourcing facilities may compound such drugs; currently, both pharmacies and outsourcing facilities may compound such drugs. The bill requires the Board of Pharmacy to report annually by December 1 to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on (i) the number of outsourcing facilities permitted or registered by the Board that have entered into a contract with the Department of Corrections for the compounding of drugs necessary to carry out an execution by lethal injection and (ii) the name of any such outsourcing facility that received disciplinary action for a violation of law or regulation related to compounding.

Law Advice: FYI - No Direct Impact

SB271  Higher educational institutions, public; public-private partnerships, wind and solar power.

Chief Patron: Bell

Summary:
Permits each public institution of higher education to enter into a public-private partnership with any private entity whereby such entity is permitted to use at no cost property owned or controlled by such public institution of higher education for the generation of wind or solar power in exchange for offering educational immersion programs for high school students and students at public institutions of higher education that provide hands-on education and training in the construction, operations, and maintenance of its wind or solar power generators. The bill requires any energy produced by such solar or wind power generators to be (i) used to provide power for the partner public institution of higher education or (ii) introduced to applicable power grids and sold at market rates, with profits split as agreed upon by the private entity and the partner public institution of higher education. The bill requires any such profits gained by the partner public institution of higher education to be used to further research, expand clean energy education programs, or lower student tuition rates.

Law Advice: New Authority

SB279  Certificate of public need; criteria for determining need.

Companion Bill: HB1549

Chief Patron: Barker

Summary:
Makes clear that in determining whether a public need for a proposed project has been demonstrated the State Health Commissioner shall consider the impact of the proposed project on all people to whom services may be provided and not only residents of the service area. This bill is identical to HB 1549.

Law Advice: FYI - No Direct Impact

SB280    Health insurance; mental health parity, required report.

Chief Patron: Barker

Summary:
Codifies an existing requirement that the State Corporation Commission's Bureau of Insurance make an annual report regarding claims information for mental health and substance use disorder benefits. The bill adds information regarding network adequacy to such report and requires the Bureau to submit the report to the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by September 1 of each year. The bill directs the Joint Legislative Audit and Review Commission (JLARC) to conduct a third-party review of the Bureau's report. The bill requires JLARC, in conducting its review, to examine the information compiled by the Bureau from 2017 through 2020 and any other information it deems relevant and to report (i) its findings regarding mental health and substance abuse disorder benefits parity with medical and surgical benefits and access to mental health and substance abuse disorder services and (ii) its recommendations, if any, to the House Committee on Labor and Commerce, the Senate Committee on Commerce and Labor, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century by December 1, 2020.

Law Advice: FYI - No Direct Impact

SB284   Charlottesville, City of; amending charter, city organization.

Companion Bill: HB1107

Chief Patron: Deeds

Summary:
Modernizes and reorganizes aspects of the charter of the City of Charlottesville. The bill updates and repeals various provisions to conform to state and federal law as well as current city organization. This bill is identical to HB 1107.

Law Advice: FYI - No Direct Impact

SB289    Driver's license designation; traumatic brain injury.

Chief Patron: Deeds

Summary:
Requires the Department of Motor Vehicles, upon the request of the applicant and presentation of a form completed by a licensed physician confirming the applicant's condition, to designate a traumatic brain injury on the applicant's driver's license.

**Law Advice: FYI - No Direct Impact**

**SB290**  
**Commercial driver's licenses; entry-level driver training.**

**Chief Patron:** Deeds

**Summary:**
Makes changes to Chapter 750 of the Acts of Assembly of 2019 necessitated by federal regulatory action delaying the compliance date for certain provisions of that act.

**Law Advice: FYI - No Direct Impact**

**SB297**  
**Virginia Sexual and Domestic Violence Prevention Fund; created, report.**

**Companion Bill:** HB1015

**Chief Patron:** Favola

**Summary:**
Creates the Virginia Sexual and Domestic Violence Prevention Fund, which shall be administered by the Department of Social Services, in coordination with the Department of Health and the Virginia Sexual and Domestic Violence Action Alliance, and used to develop, support, and evaluate programs that prevent sexual and domestic violence through strategies that (i) promote healthy practices related to relationships, sexuality, and social-emotional development and (ii) counteract the factors associated with the initial perpetration of sexual and domestic violence. This bill is identical to **HB 1015**.

**Law Advice: FYI - No Direct Impact**

**SB301**  
**Medically underserved areas; transporting patients to 24-hour urgent care facilities.**

**Chief Patron:** Stanley

**Summary:**
Requires the Board of Health to develop regulations for when emergency medical services agencies in medically underserved areas as defined by the Board may transport patients to 24-hour urgent care facilities or appropriate medical care facilities other than hospitals. The regulations shall include provisions for what constitutes a medically underserved area, cases appropriate for transferring a patient to a medical facility other than a hospital, and other information deemed relevant by the Board.
SB323  **High school graduation requirements; advanced diploma, standard units of credit.**

*Chief Patron:* Barker

**Summary:**
Requires the Board of Education, in establishing high school graduation requirements, to permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. The bill provides that for any student electing to substitute a credit in computer science for credit in world language, his school counselor shall provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

Law Advice: FYI - No Direct Impact

SB333  **USBC & SFPC; proposal for changes to the Codes to address active shooters or hostile threats.**

*Companion Bill:* HB670

*Chief Patron:* Stuart

**Summary:**
Provides that the Department of Housing and Community Development shall convene stakeholders representing entities that enforce the Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code, other law-enforcement organizations, and representatives of local governments throughout the Commonwealth to develop proposals for changes to the USBC and SFPC 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 buildings for active-shooter or hostile threats while maintaining compliance with basic accessibility requirements under the federal Americans with Disabilities Act. This bill is identical to HB 670.

Law Advice: Monitor and Track

SB341  **Construction management contracts; use by local public bodies.**

*Companion Bill:* HB890

*Chief Patron:* Locke

**Summary:**
Removes the provision limiting the use of construction management contracts by local public bodies to
projects with a cost expected to exceed $10 million and provides that construction management may be utilized on projects where the project cost is expected to be less than the project threshold established in the procedures adopted by the Secretary of Administration for using construction management contracts. This bill is identical to HB 890.

Law Advice: FYI - No Direct Impact

SB350   Emergency Shelters Upgrade Assistance Grant Fund; established.

Chief Patron: Lucas

Summary:
Establishes the Emergency Shelters Upgrade Assistance Grant Fund administered by the Department of Emergency Management to provide matching funds to localities to install, maintain, or repair infrastructure for backup energy generation for emergency shelters, including solar energy generators, and improve the hazard-specific structural integrity of shelter facilities owned by the locality.

Law Advice: FYI - No Direct Impact

SB356   Aircraft; no aircraft shall be required to be registered if brought into Commonwealth for repairs.

Chief Patron: Cosgrove

Summary:
Requires that an aircraft be registered in the Commonwealth if it is based in the Commonwealth for more than 90 days during a calendar year. Current law requires registration if the aircraft is based in the Commonwealth for more than 60 days during a 12-month period. The bill creates an exception to registration for aircraft that are in the Commonwealth solely for major repairs or maintenance. This bill incorporates SB 865.

Law Advice: Change in Requirement

SB365   Health care provider; SHHR to convene a work group related to credentialing.

Chief Patron: Dunnavant

Summary:
Directs the Secretary of Health and Human Resources to convene a work group of stakeholders to gather information and make recommendations on how the Commonwealth could develop or procure a statewide centralized primary source verification system that can be relied upon by the Commonwealth and its health carriers, health care providers, hospitals, and health systems for health care provider credentialing. The bill requires the work group to report its findings and recommendations to the
Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 15, 2020.

**Law Advice: Monitor and Track**

**SB368**  *Virginia Public Procurement Act; architectural and professional engineering term contracts.*

*Chief Patron:* Bell

**Summary:**
Decreases the population threshold from 78,000 to 50,000 for a locality to qualify for the exceptions from (i) the $150,000 single-project fee limit for architectural and professional engineering term contracts and (ii) the $750,000 annual aggregate total limit for all such projects.

**Law Advice: FYI - No Direct Impact**

**SB373**  *Virginia sexual assault forensic examiner coordination program; established, report.*

*Companion Bill:* HB475

*Chief Patron:* Deeds

**Summary:**
Establishes the Virginia sexual assault forensic examiner coordination program within the Department of Criminal Justice Services. The bill provides that the coordinator of the program shall create and coordinate an annual statewide sexual assault forensic nurse examiner training program; coordinate the development and enhancement of sexual assault forensic examiner programs across the Commonwealth; participate in the development of hospital protocols and guidelines for treatment of survivors of sexual assault; coordinate and strengthen communications among sexual assault nurse examiner medical directors, sexual assault response teams, and hospitals for existing and developing sexual assault nurse examiner programs; provide technical assistance for existing and developing sexual assault forensic examiner programs; create and maintain a statewide list, updated biannually, that includes pertinent information regarding sexual assault forensic examiners and nurse examiners; create sexual assault nurse examiner recruitment materials for universities and colleges with nursing programs; and support and coordinate community education and public outreach, when appropriate, relating to sexual assault nurse examiner issues for the Commonwealth.

**Law Advice: Monitor and Track**

**SB378**  *Computer trespass; expands the crime.*

*Chief Patron:* Bell
Summary:
Expands the crime of computer trespass to provide that the prohibited actions that constitute computer
trespass are criminalized if done through intentionally deceptive means and without authority and
specifies that a computer hardware or software provider, an interactive computer service, or a
telecommunications or cable operator does not have to provide notice of its activities to a computer user
that a reasonable computer user should expect may occur. This bill incorporates SB 844.

Law Advice: FYI - No Direct Impact

SB380 Virginia Public Procurement Act; determination of nonresponsibility, local option.

Companion Bill: HB1201

Chief Patron: McPike

Summary:
Allows any locality to include in the Invitation to Bid criteria that may be used in determining whether a
bidder who is not prequalified by the Virginia Department of Transportation is a responsible bidder. Such
criteria may include a history or good faith assurances of (i) completion by the bidder and any potential
subcontractors of specified safety training programs established by the U.S. Department of Labor,
Occupational Safety and Health Administration; (ii) participation by the bidder and any potential
subcontractors in apprenticeship training programs approved by state agencies or the U.S. Department of
Labor; or (iii) maintenance by the bidder and any potential subcontractors of records of compliance with
applicable local, state, and federal laws. This bill is identical to HB 1201.

Law Advice: FYI - No Direct Impact

SB384 Virginia Lottery; powers and duties of Board, sports betting, etc.

Companion Bill: HB896

Chief Patron: McPike

Summary:
Directs the Virginia Lottery (the Lottery) to regulate sports betting. The bill prohibits the Lottery from
issuing any permits to conduct sports betting until it has developed and published a consumer protection
bill of rights.

Before administering a sports betting operation, an entity is required to apply for a three-year permit and
pay a nonrefundable application fee of $250,000 as well as an additional $250,000 fee if its application is
approved. Permit holders must apply for renewal of a permit every three years, which includes a
nonrefundable renewal fee of $200,000. The Director of the Virginia Lottery may issue from four to 12
permits at one time and is directed to issue a number of permits that will maximize tax revenue collected
pursuant to the bill. In issuing permits, the Director is required to give preferred consideration to
applicants that are (i) certain major league sports franchises and (ii) certain casino operators.

The bill prohibits betting on Virginia college sports and youth sports and prohibits proposition bets on all college sports. The bill prohibits betting by Lottery employees, permit holders and certain related persons, athletes and coaches with respect to events in their league, and persons under age 21. The penalty for engaging in prohibited betting is a Class 1 misdemeanor.

The bill prohibits betting on the biometric data of an athlete without his consent and includes provisions for the Lottery to investigate prohibited conduct, such as attempting to influence an athlete or the outcome of an athletic event.

The bill directs the Lottery to establish a voluntary exclusion program, which allows individuals to request that the Lottery exclude them from engaging in various kinds of betting activity.

The bill allows the governing body of a sports league to request that the Lottery (a) limit or prohibit people from betting on events of the league that it governs and (b) restrict the information sources used to resolve bets that are placed after a sports event has begun.

The bill imposes a 15 percent tax on a permit holder's adjusted gross revenue, defined in the bill. The bill authorizes permit holders to carry over and deduct net losses for up to 12 months.

The bill creates the Problem Gambling Treatment and Support Fund, administered by the Department of Behavioral Health and Developmental Services. The Fund is established to provide counseling to compulsive gamblers, implement problem gambling treatment and prevention programs, and provide grants to organizations that assist problem gamblers. The Fund is funded by 2.5 percent of the revenue generated from sports betting, with the remaining 97.5 percent accruing to the general fund.

This bill is identical to HB 896.

Law Advice: FYI - No Direct Impact

Prohibits betting on Virginia college sports.

SB386 Emergency Medical Services Patient Care Information System; trauma data, confidentiality.

Chief Patron: McPike

Summary:
Authorizes the State Health Commissioner to disclose certain confidential data in the Emergency Medical Services Patient Care Information System, including information, research, or medical data that identifies patients by name or address, to certain entities that seek to improve the delivery of prehospital and hospital emergency medical services, the quality of patient care, and access to medical services or to make other system improvements, if the Commissioner determines that such disclosure is necessary to develop and implement such improvements. The bill requires the Board of Health to develop and approve a policy specific to the sharing of data from the Emergency Medical Services Patient Care Information System.

Law Advice: FYI - No Direct Impact
SB389  **Alcoholic beverage control; definitions, license and fee reform.**

*Companion Bill:* HB390  
*Chief Patron:* McPike

**Summary:**  
Reorganizes all alcoholic beverage control licenses pursuant to the three-tier structure and license privileges, consolidates many licenses with common privileges, aligns license fee amounts with enforcement demands, and standardizes quantity limits on alcohol samples. The bill has a delayed effective date of July 1, 2021. This bill incorporates SB 447 and is identical to HB 390.

*Law Advice: FYI - No Direct Impact*

Delayed effective date of July 1, 2021

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SB393  **Child day programs; lead testing, potable water.**

*Companion Bill:* HB799  
*Chief Patron:* McPike

**Summary:**  
Requires licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority. The bill requires such plan and the results of each such test to be submitted to and reviewed by the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water for review. The bill also provides such programs the option of using bottled water in lieu of testing or remediation. This bill is identical to HB 799.

*Law Advice: New Requirement*

Requires licensed child day programs to develop and implement a plan to test potable water and to remediate the level of lead should test results indicate a level of lead at or above 15 parts per billion.

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SB394  **Virginia Health Club Act; automated external defibrillator required in health clubs.**

*Chief Patron:* McPike
Summary: Requires each health club location to have a working automated external defibrillator.

Law Advice: New Requirement

**SB404** Health insurance; short-term limited-duration medical plans, definitions, effective date.

**Companion Bill:** HB1037

**Chief Patron:** Hashmi

**Summary:**
Prohibits carriers from issuing in the Commonwealth, on or after July 1, 2021, any short-term limited-duration medical plan with a duration that exceeds three months or that can be renewed or extended beyond six months, or if the plan's issuance would result in a covered person being covered by a short-term limited-duration medical plan for more than six months in any 12-month period. The bill prohibits a carrier from issuing a short-term limited-duration medical plan during an annual open enrollment period. The bill has a delayed effective date of July 1, 2021. This bill is identical to HB 1037.

**Law Advice:** FYI - No Direct Impact

Delayed effective date of July 1, 2021

**SB406** Environmental justice; definitions, agency regulations, Virginia Environmental Justice Act, policy.

**Companion Bill:** HB704

**Chief Patron:** Hashmi

**Summary:**
Provides that it is the policy of the Commonwealth to promote environmental justice, defined in the bill, and to ensure that it is carried out throughout the Commonwealth. This bill is identical to HB 704.

**Law Advice:** FYI - No Direct Impact

**SB422** Health regulatory boards; clarifies the meaning of 'license.'

**Chief Patron:** Petersen

**Summary:**
Clarifies the meaning of "license" as used by the Boards of Funeral Directors and Embalmers and
Physical Therapy and the conditions under which a license may be denied, suspended, or revoked by the Board of Veterinary Medicine.

Law Advice: FYI - No Direct Impact

SB423  **Health insurance; mandated coverage for hearing aids for minors and services.**

*Chief Patron:* DeSteph

*Summary:* Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children 18 years of age or younger when an otolaryngologist recommends such hearing aids and related services. The coverage includes one hearing aid per hearing-impaired ear, up to a cost of $1,500, every 24 months. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on and after January 1, 2021.

Law Advice: New Requirement

Applies to policies delivered, issued, or renewed on and after January 1, 2021.

SB430  **Minor's child-care records; access by parent.**

*Chief Patron:* Surovell

*Summary:* Provides that, absent a court order, a minor's records from a child day center or family day home shall not be withheld from a parent of such minor, regardless of whether the parent has custody of such child.

Law Advice: Eliminates Authority

SB448  **Higher educational institutions, public; contracting firms, president of the institution.**

*Chief Patron:* Edwards

*Summary:* Allows a president of a public institution of higher education to delegate to an officer or administrator of the institution his obligation to determine and make a written finding as a matter of public record that a contract is in the best interests of the institution when an officer or employee whose personal interest in a contract with the institution is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such ownership interest and income from the contracting firm is in excess of $5,000 per year.
SB462  Higher educational institutions, public; in-state tuition, children of active duty service members.

Chief Patron: Reeves

Summary:
Provides that any child of an active duty member or veteran who claims Virginia as his home state and filed Virginia tax returns for at least 10 years during active duty service is eligible for in-state tuition charges, regardless of domicile.

Law Advice: New Requirement

SB465  Volunteer or nonprofit organizations, certain; donation by locality of in-kind resources.

Companion Bill: HB343

Chief Patron: Reeves

Summary:
Expands the scope of permitted in-kind donations by a locality to include the provision of in-kind resources for contract management services for capital projects; assistance in preparing requests for information, bids, or proposals; and budgeting services to any association or other organization furnishing voluntary firefighting services or a nonprofit or volunteer emergency medical services agency. This bill is identical to HB 343.

Law Advice: FYI - No Direct Impact

SB480  Employment; covenants not to compete, definition of low-wage employees, civil penalty.

Companion Bill: HB330

Chief Patron: DeSteph

Summary:
Prohibits an employer from entering into, enforcing, or threatening to enforce a covenant not to compete between the employer and a low-wage employee. The employer is subject to a civil penalty of $10,000 per violation. The bill defines "low-wage employee" as either (i) an employee, intern, student, apprentice, or trainee whose average weekly earnings are less than the average weekly wage of the Commonwealth or who is employed without pay or (ii) an independent contractor who is compensated
for his services at an hourly rate that is less than the median hourly wage for the Commonwealth for all occupations as reported by the Bureau of Labor Statistics of the U.S. Department of Labor. The bill defines "covenant not to compete" as an agreement that restrains, prohibits, or otherwise restricts an individual's ability to compete with his former employer. The bill allows any low-wage employee subject to such a covenant not to compete to bring a civil action against an employer and seek appropriate relief, including enjoining the conduct of any person or employer, ordering payment of liquidated damages, and awarding lost compensation, damages, and reasonable attorney fees and costs. The bill provides that if the court finds a violation of the bill's provisions, the plaintiff is entitled to recover reasonable costs, including reasonable fees for expert witnesses, and attorney fees from the former employer or other person who attempts to enforce a covenant not to compete against such plaintiff. The bill requires all employers to post in the workplace a notice of the prohibition or a summary of the notice approved by the Department of Labor and Industry and provides that an employer is subject to a warning for a first offense and to a civil penalty for a subsequent offense for failure to post such notice or approved summary. The provisions of the bill are applicable to covenants not to compete entered into on or after July 1, 2020. This bill is identical to HB 330.

Law Advice: Eliminates Authority

Applies to covenants not to compete entered into on or after July 1, 2020.

SB487 Virginia Public Procurement Act; architectural and professional engineering term contracts.

Chief Patron: Bell

Summary:
Increases the aggregate limit for architectural and engineering services contracts (i) for localities for projects performed in a one-year contract term from $6 million to $8 million and (ii) for environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways for projects performed in an initial two-year term contract from $5 million to $8 million.

Law Advice: FYI - No Direct Impact

SB494 Criminal Justice Services, Department of; crisis intervention team training.

Companion Bill: HB1231

Chief Patron: Edwards

Summary:
Adds the Department for Aging and Rehabilitative Services and brain injury stakeholders to the list of entities with whom the Department of Criminal Justice Services is required to consult in developing a training program for all persons involved in the crisis intervention team programs and requires the curriculum for such training program to include a module on brain injury as part of the four hours of mandatory training in legal issues. This bill is identical to HB 1231.
SB497  **Alcoholic beverage control; mixed beverage restaurant license, mini bottles.**

*Chief Patron:* Edwards

*Summary:* Allows mixed beverage restaurant licensees located on the premises of and operated by a private, nonprofit, or profit club to sell spirits packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters for on-premises consumption.

SB498  **Alcoholic beverage control; expands definition of resort complex.**

*Chief Patron:* Edwards

*Summary:* Expands the definition of "resort complex" to include facilities that (i) are operated by a corporation that operates as a management company which, as its primary function, makes available (a) vacation accommodations, guest rooms, or dwelling units and (b) golf, ski, and other recreational facilities to members of the managed entities and the general public and (ii) have or manage a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres, whether or not contiguous to the licensed premises. Such facilities will be permitted to obtain a mixed beverage restaurant, on-premises wine and beer, or on-and-off-premises wine and beer license.

SB504  **Virginia Energy Plan; covenants regarding solar power, reasonable restrictions.**

*Companion Bill:* HB414

*Chief Patron:* Petersen

*Summary:* Provides that a restriction on solar energy collection devices is not reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist that is satisfactory to the community association to show that
the restriction is not reasonable according to the criteria established in the bill. This bill is identical to HB 414.

Law Advice: Change in Authority

SB525  Passenger buses; width requirements.

Chief Patron: McDougle

Summary:
Repeals provisions whereby the Commissioner of Highways and the Commonwealth Transportation Board may permit certain counties to operate passenger buses wider than 96 inches but no wider than 102 inches. Existing law prohibits vehicles other than school buses from exceeding 102 inches in total outside width and prohibits school buses from exceeding 100 inches in total outside width. This bill is a recommendation of the Virginia Code Commission.

Law Advice: FYI - No Direct Impact

SB530  Epinephrine; possession and administration by a restaurant employee.

Chief Patron: Edwards

Summary:
Authorizes any employee of a licensed restaurant to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such employee is authorized by a prescriber and trained in the administration of epinephrine. The bill also requires the Department of Health, in conjunction with the Department of Health Professions, to develop policies and guidelines for the recognition and treatment of anaphylaxis in restaurants.

Law Advice: New Authority

SB538  Drug Control Act; adds certain chemicals to Schedule I of Act.

Companion Bill: HB1263

Chief Patron: Newman

Summary:
Adds certain chemicals to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. This bill is identical to HB 1263.

Law Advice: FYI - No Direct Impact
SB540  **Health professionals; unprofessional conduct, reporting.**

*Companion Bill:* HB471

*Chief Patron:* Vogel

**Summary:**
Requires the chief executive officer and the chief of staff of every hospital or other health care institution in the Commonwealth, the director of every licensed home health or hospice organization, the director of every accredited home health organization exempt from licensure, the administrator of every licensed assisted living facility, and the administrator of every provider licensed by the Department of Behavioral Health and Developmental Services in the Commonwealth to report to the Department of Health Professions any information of which he may become aware in his professional capacity that indicates a reasonable belief that a health care provider is in need of treatment or has been admitted as a patient for treatment of substance abuse or psychiatric illness that may render the health professional a danger to himself, the public, or his patients, or that he determines, following review and any necessary investigation or consultation with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, indicates that there is a reasonable probability that such health professional may have engaged in unethical, fraudulent, or unprofessional conduct. Current law requires information to be reported if the information indicates, after reasonable investigation and consultation with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, a reasonable probability that such health professional may have engaged in unethical, fraudulent, or unprofessional conduct. This bill is identical to HB 471.

Law Advice: Change in Requirement

SB544  **Physician assistant; capacity determinations.**

*Companion Bill:* HB362

*Chief Patron:* Edwards

**Summary:**
Expands the class of health care practitioners who can make the determination that a patient is incapable of making informed decisions to include a licensed physician assistant. The bill provides that such determination shall be made in writing following an in-person examination of the person and certified by the physician assistant. This bill is identical to HB 362.

Law Advice: Change in Authority

SB548  **Unemployment compensation; amends various provisions regarding compensation.**
Summary:
Amends various provisions regarding unemployment compensation and the Virginia Employment Commission. The bill provides that (i) the Commission shall base its determination on whether an individual is an employee on the standard used by the Internal Revenue Service for such determinations; (ii) for the purposes of unemployment compensation, "wages" does not include any payment made to, or on behalf of, an employee or his beneficiary under a cafeteria plan, as defined in § 125 of the Internal Revenue Code, if such payment would not be treated as wages under the Internal Revenue Code; and (iii) in an unemployment compensation claims adjudication matter, each day a person fails to obey a subpoena issued by a court, a court order, or a subpoena issued by the Commission shall be deemed to be a separate offense. Additionally, the bill requires (a) any employing unit to establish an account with the Commission by the end of the calendar quarter in which it becomes subject to the requirements for unemployment compensation, (b) an employer that has become subject to liability under the unemployment compensation provisions to submit the required reports by the due date of the calendar quarter in which the employer has initially become subject to such liability, and (c) all employers to file their quarterly payroll and tax reports on an electronic medium using a format prescribed by the Commission. Under current law, only employers with 100 or more employees are required to file electronically. The bill establishes a short-time compensation program that provides employers with the option of reducing the hours worked by employees while permitting the employees whose hours are reduced to receive partial compensation for lost wages. Program participation requires Virginia Employment Commission approval of a work sharing plan, which must provide that the reduction in hours of work is in lieu of a layoff of an equivalent percentage of employees and that employees' health and retirement benefits cannot be reduced or eliminated under the plan. An individual who satisfies other requirements for unemployment benefits will be eligible for short-term compensation if he is available for the individual's usual hours of work with the participating employer, which may include participating in certain training programs. The bill has an expiration date of July 1, 2022; however, if adequate funding by the U.S. Department of Labor that covers certain costs of establishing the program is not received by the Commission by January 1, 2021, the bill will expire on that date.

Law Advice: FYI - No Direct Impact

SB549 Nuclear energy; strategic plan for overall goal of carbon-free energy.

Companion Bill: HB1303

Chief Patron: Newman

Summary:
Directs the Department of Mines, Minerals and Energy, the Secretary of Commerce and Trade, and the Secretary of Education to work in coordination with the Virginia Nuclear Energy Consortium Authority and the Virginia Economic Development Partnership Authority to develop a strategic plan for the role of nuclear energy in the Commonwealth's overall strategy for moving toward renewable and carbon-free energy. The plan shall be completed by October 1, 2020, and updated every four years thereafter. This bill is identical to HB 1303.

Law Advice: FYI - No Direct Impact
SB561  Workers' compensation; post-traumatic stress disorder, law-enforcement officers and firefighters.

Companion Bill: HB438

Chief Patron: Vogel

Summary:
Provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event, defined as an incident or exposure occurring in the line of duty on or after July 1, 2020, (i) resulting in serious bodily injury or death to any person or persons; (ii) involving a minor who has been injured, killed, abused, or exploited; (iii) involving an immediate threat to life of the claimant or another individual; (iv) involving mass casualties; or (v) responding to crime scenes for investigation. Other conditions for compensability include (a) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards; (b) if the law-enforcement officer's or firefighter's undergoing of a qualifying event was a substantial factor in causing his post-traumatic stress disorder; (c) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (d) if the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measure also establishes requirements for resilience and self-care technique training. The bill incorporates SB 741 and SB 924.

Law Advice: Monitor and Track

Directs the Department of Criminal Justice Services to establish "standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency."

SB563  DGS; public posting of contract information on central electronic procurement.

Companion Bill: HB544

Chief Patron: Ruff

Summary:
Provides for the Department of General Services to post on its central electronic procurement system awarded contracts and any modifications to such contracts. The bill also requires agencies that use the Department's central procurement website to post the same information and provides that any contract awarded pursuant to an Invitation to Bid or a Request for Proposals on or after July 1, 2021, including any subsequent modifications to the contract by a using agency, shall be posted on the Department's central electronic procurement system. The bill requires a modification made by a using agency on or
after July 1, 2021, to any other contract that has two or more years remaining to be posted on the Department's central electronic procurement system, along with the original contract and any previous modifications. This bill is identical to HB 544.

Law Advice: FYI - No Direct Impact

SB565 Collaborative practice agreements; adds nurse practitioners and physician assistants to list.

Companion Bill: HB517

Chief Patron: Edwards

Summary:
Adds nurse practitioners and physician assistants to the list of health care practitioners who shall not be required to participate in a collaborative agreement with a pharmacist and his designated alternate pharmacists, regardless of whether a professional business entity on behalf of which the person is authorized to act enters into a collaborative agreement with a pharmacist and his designated alternate pharmacists. As introduced, this bill is a recommendation of the Joint Commission on Healthcare. This bill is identical to HB 517.

Law Advice: Change in Requirement

SB566 Naloxone or other opioid antagonist; possession and administration, liability.

Chief Patron: Edwards

Summary:
Provides that a person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose, provided that the administration is in good faith and absent gross negligence or willful and wanton misconduct.

Law Advice: FYI - No Direct Impact

SB567 Disability insurance; coverage for disability arising out of childbirth, report.

Chief Patron: Dunnavant

Summary:
Requires each insurer proposing to issue individual or group accident and sickness insurance policies providing short-term disability income protection coverage whose policies provide coverage for short-term disability arising out of childbirth to provide coverage for a payable benefit of at least 12 weeks following childbirth for such a disability. The bill also requires the State Corporation Commission to solicit comments from insurance industry stakeholders on the impact of the bill on current and future short-term disability policyholders and to report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor prior to December 1, 2020.

Law Advice: FYI - No Direct Impact

SB568  Medical assistance services; managed care organization contracts with pharmacy benefits managers.

Companion Bill: HB1291

Chief Patron: Dunnavant

Summary:
Requires the Department of Medical Assistance Services to require a managed care organization with which the Department enters into an agreement for the delivery of medical assistance services to include in any agreement between the managed care organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from conducting spread pricing with regard to the managed care organization's managed care plans. The bill defines "spread pricing" as the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services. The bill applies to agreements entered into, amended, extended, or renewed on or after July 1, 2020. This bill is identical to HB 1291.

Law Advice: FYI - No Direct Impact

SB572  Alzheimer's disease and related dementias; early detection and diagnosis, risk reduction and care.

Chief Patron: Mason

Summary:
Provides that the Department of Health, in consultation with the Department for Aging and Rehabilitative Services, shall have the lead responsibility for taking actions to address and reduce the risks and impairments associated with Alzheimer's disease and related dementias within the Commonwealth.

Law Advice: FYI - No Direct Impact
**SB575  Prescription Monitoring Program; information disclosed to Emergency Department Care Coord. Program.**

*Companion Bill:* HB648

*Chief Patron:* Dunnavant

**Summary:**
Provides for the mutual exchange of information between the Prescription Monitoring Program and the Emergency Department Care Coordination Program and clarifies that nothing shall prohibit the redisclosure of confidential information from the Prescription Monitoring Program or any data or reports produced by the Prescription Monitoring Program disclosed to the Emergency Department Care Coordination Program to a prescriber in an electronic report generated by the Emergency Department Care Coordination Program so long as the electronic report complies with relevant federal law and regulations governing privacy of health information. This bill is identical to HB 648.

*Law Advice: FYI - No Direct Impact*

**SB576  Commonwealth of Virginia Innovation Partnership Authority; created.**

*Companion Bill:* HB1017

*Chief Patron:* Howell

**Summary:**
Creates the Commonwealth of Virginia Innovation Partnership Authority (the Authority) to oversee and support research, development, and commercialization, as well as related investment and seed-stage funding, in the Commonwealth. The Authority is governed by an 11-member Board, consisting of the Secretary of Commerce and Trade, six nonlegislative members appointed by the Governor, and four nonlegislative citizen members appointed by the Joint Rules Committee. Existing grant, loan, and investment funds currently administered by the Innovation and Entrepreneurship Investment Authority and the Virginia Research Investment Committee, repealed under the bill, would be consolidated under the Authority, and the Authority would be responsible for developing an Innovation Index for the Commonwealth. The bill contains technical amendments. This bill is identical to HB 1017.

*Law Advice: FYI - No Direct Impact*

**SB577  Capital outlay plan; updates six-year plan for projects.**

*Chief Patron:* Howell

**Summary:**
Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

*Law Advice: FYI - No Direct Impact*
**SB578 Early childhood care and education; establishment of system, definitions, licensure.**

*Companion Bill:* HB1012

*Chief Patron:* Howell

**Summary:**
Requires the Board of Education to establish a statewide unified public-private system for early childhood care and education in the Commonwealth to be administered by the Board of Education, the Superintendent of Public Instruction, and the Department of Education. The bill transfers the authority to license and regulate child day programs and other early child care agencies from the Board of Social Services and Department of Social Services to the Board of Education and Department of Education. The bill maintains current licensure, background check, and other requirements of such programs. Such provisions of the bill have a delayed effective date of July 1, 2021. The bill requires the Superintendent of Public Instruction to establish a plan for implementing the statewide unified early childhood care and education system and requires the Department of Social Services and the Department of Education to enter into a cooperative agreement to coordinate the transition. The bill also requires the Board of Education to establish, no later than July 1, 2021, a uniform quality rating and improvement system designed to provide parents and families with information about the quality and availability of certain publicly funded early childhood care and education providers and to publish the initial quality ratings under such system in the fall of 2023. This bill is identical to HB1012.

**Law Advice: FYI - No Direct Impact**

Certain provisions have a delayed effective date of July 1, 2021.

**SB582 Commonwealth's tax system; conformity with the Internal Revenue Code.**

*Companion Bill:* HB1413

*Chief Patron:* Howell

**Summary:**
Advances the date by which Virginia conforms to the Internal Revenue Code from December 31, 2018, to December 31, 2019. However, the bill deconforms from a provision of federal law that temporarily reduces the medical expense deduction floor from 10 percent to 7.5 percent. The bill includes an emergency clause and applies to taxable years beginning on and after January 1, 2018. This bill is identical to HB1413.

**Law Advice: FYI - No Direct Impact**

**SB583 Virginia Spirits Board and Virginia Spirits Promotion Fund; established.**

Office of State Governmental Relations  Thursday, July 16, 2020
Companion Bill: HB1436

Chief Patron: Mason

Summary:
Establishes the Virginia Spirits Board, within the Department of Agriculture and Consumer Services, and the Virginia Spirits Promotion Fund. The Board is composed of the Commissioner of Agriculture and Consumer Services, the Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority, and nine gubernatorial-appointed nonlegislative citizens who represent coopers or maltsters and owners or operators of distilleries. Among its powers and duties, the Board is authorized to contract for research services to improve farming practices related to the growing of ingredients necessary for alcohol distillation in Virginia; enter into contracts with private and public entities to market, advertise, and promote the industry; and engage in revenue-producing activities. The Fund consists of general fund appropriations, fees from services rendered, and payments received for products, equipment, or goods supplied. The bill exempts contracts for advertising, marketing, or publishing that are entered into by the Board from certain provisions of the Virginia Public Procurement Act. This bill is identical to HB 1436.

Law Advice: FYI - No Direct Impact

SB586   Auditor of Public Accounts; duties, Commonwealth Data Point.

Chief Patron: Dunnavant

Summary:
Updates terminology and changes the level of information provided on the Commonwealth Data Point website in the areas of (i) total fiscal revenues and spending, (ii) population estimates, (iii) student enrollment, and (iv) taxable income. The bill also removes requirements to include information that is outdated or unavailable, including the total number of households in the state and the comparison of revenues computed on a per capita basis and as a percentage of personal income.

Law Advice: FYI - No Direct Impact

SB588   Localities; authority to levy taxes.

Companion Bill: HB785

Chief Patron: Hanger

Summary:
Modifies or eliminates several restrictions that apply to taxes imposed by counties, and establishes a new restriction on cigarette taxes imposed by any locality. The bill authorizes most counties to impose an admissions tax, not to exceed a 10 percent rate. Under current law, only certain counties may impose an admissions tax. The bill eliminates the limit on the rate of transient occupancy tax that a county may impose. The bill requires that any revenue attributable to a rate over two percent but not exceeding five
percent must be dedicated to tourism marketing. The provisions related to the transient occupancy tax have a delayed effective date of May 1, 2021. Under current law, all counties may impose a transient occupancy tax of up to two percent, and certain counties may impose it up to a higher maximum rate. The bill authorizes any county to impose a cigarette tax up to a maximum rate of 40 cents per pack. It also provides that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. The provisions related to the cigarette tax have a delayed effective date of July 1, 2021. Under current law, only certain counties may impose a cigarette tax, and cities and towns may impose such tax with no limit on the rate. The bill authorizes any county to impose a food and beverage tax of up to six percent and eliminates the requirement that a county hold a referendum before imposing such tax. Under current law, all counties may impose the tax after a referendum but the rate may not exceed four percent. This bill incorporates SB 484, SB 682, SB 799, and SB 921 and is identical to HB 785.

Law Advice: FYI - No Direct Impact

Provisions related to the cigarette tax have a delayed effective date of July 1, 2021.

SB600 Elementary and secondary schools, etc.; repealing several Acts relating to racial segregation.

*Companion Bill:* HB973

*Chief Patron:* Lucas

*Summary:* Repeals several Acts of Assembly from 1901 to 1960 that contain provisions relating to the racial segregation of students in elementary and secondary schools and institutions of higher education in the Commonwealth. This bill is identical to HB 973.

Law Advice: FYI - No Direct Impact

SB601 Legal holidays; Election Day, removes Lee-Jackson Day as state holiday.

*Companion Bill:* HB108

*Chief Patron:* Lucas

*Summary:* Designates Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday. This bill is identical to HB 108.

Law Advice: FYI - No Direct Impact

SB605 Health insurance; formula and enteral nutrition products.
**Companion Bill:** HB840  

**Chief Patron:** McDougle  

**Summary:**  
Requires health insurers, health care subscription plans, and health maintenance organizations whose policy, contract, or plan includes coverage for medicines to classify medically necessary formula and enteral nutrition products as medicine and to include coverage for medically necessary formula and enteral nutrition products for covered individuals requiring treatment for an inherited metabolic disorder. Such coverage is required to be provided on the same terms and subject to the same conditions imposed on other medicines covered under the policy, contract, or plan. The measure provides that the required coverage includes any medical equipment, supplies, and services that are required to administer the covered formula or enteral nutrition products. These requirements apply only to formula and enteral nutrition products that are furnished pursuant to the prescription or order of a physician or other health care professional qualified to make such prescription or order for the management of an inherited metabolic disorder and are used under medical supervision. This bill incorporates SB 654 and is identical to HB 840.

**Law Advice: New Requirement**

Requires health insurers and health care subscription plans to include coverage for medically necessary formula and enteral nutrition products for covered individuals requiring treatment for an inherited metabolic disorder.

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**SB607**  
**Virginia Public Procurement Act; statute of limitations on actions on construction contracts.**  

**Companion Bill:** HB1300  

**Chief Patron:** Norment  

**Summary:**  
Provides that an action against the surety on a performance bond shall be brought within five years after the completion of the contract. The bill further provides that the statute of limitations on construction contracts and architectural and engineering contracts is 15 years after completion of the contract. The bill specifies that completion of the contract is the final payment to the contractor pursuant to the terms of the contract, but that if a final certificate of occupancy or written final acceptance of the project is issued prior to final payment, the period to bring an action shall commence no later than 12 months from the date of the certificate of occupancy or written final acceptance of the project. This bill incorporates SB 195 and is identical to HB 1300.

**Law Advice: FYI - No Direct Impact**

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**SB632**  
**Public utilities; aggregate energy storage capacity in the Commonwealth.**
Chief Patron: Surovell

Summary:
Provides that it is the objective of the General Assembly that 2,700 megawatts of aggregate energy storage capacity be placed into service on or before July 1, 2030. The bill provides that energy storage facilities with an aggregate capacity of 2,700 megawatts are in the public interest and that prior to January 1, 2030, (i) the construction by a public utility of one or more energy storage facilities located in the Commonwealth, having in the aggregate a rated capacity that does not exceed 2,700 megawatts, or (ii) the purchase by a public utility of energy storage facilities described in clause (i) owned by persons other than a public utility or the capacity from such facilities is in the public interest. The bill requires that at least 65 percent of the energy storage capacity placed in service on or after July 1, 2020, located in the Commonwealth and found to be in the public interest is from the purchase by a public utility of energy storage facilities owned by persons other than a public utility or the capacity from such facilities. The bill provides that such purchases shall be subject to competitive procurement, provided that a public utility may select energy storage facilities without regard to whether such selection satisfies price criteria if the selection of the energy storage facilities materially advances non-price criteria, including favoring geographic distribution of generating facilities, areas of higher employment, or regional economic development, if such facilities do not exceed 25 percent of the utility's energy storage capacity. The bill provides that an integrated resource plan (IRP) should include recommended plans for utilizing energy storage facilities to meet forecasted demand and assure adequate and sufficient reliability of service and requires that in preparing an IRP, each electric utility shall systematically evaluate and may propose developing a long-term plan to integrate new energy storage facilities into existing generation and distribution assets to assist with grid transformation. Finally, the bill requires the State Corporation Commission, in the annual report required by legislation enacted in the 2018 Session, to assess the aggregate annual new construction and purchase of energy storage facilities.

Law Advice: FYI - No Direct Impact

SB650  Virginia Public Procurement Act; small purchases.

Companion Bill: HB452

Chief Patron: Boysko

Summary:
Increases from $100,000 to $200,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services. The bill also removes outdated provisions related to informal solicitations required to be posted on the Department of General Services' central electronic procurement website. This bill is identical to HB 452.

Law Advice: Change in Authority

SB656  Offender medical & mental health information & records; exchange of information to facility, etc.

Companion Bill: HB1328
**Chief Patron:** Boysko

**Summary:**
Provides that a health care provider who has been notified that a person to whom he has provided services within the last two years is committed to a local or regional correctional facility shall, upon request by the local or regional correctional facility, disclose to the local or regional correctional facility where the person is committed any information necessary to ensure the continuity of care of the person committed. The bill also provides protection from civil liability for such health care provider, absent bad faith or malicious intent. This bill incorporates SB 748 and is identical to HB 1328.

**Law Advice: New Requirement**
The law is consistent with current Medical Center practice.

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**SB658**  
**Contracts with design professionals: provisions requiring a duty to defend void.**

**Chief Patron:** Surovell

**Summary:**
Provides that any provision contained in any contract relating to the planning or design of a building, structure, or appurtenance thereto, including moving, demolition, or excavation connected therewith, or any provision contained in any contract relating to the planning or design of construction projects by which any party purports to impose a duty to defend on any other party to the contract, is against public policy and is void and unenforceable.

**Law Advice: Eliminates Authority**

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**SB661**  
**Accrual of cause of action; diagnoses of nonmalignant and malignant asbestos-related injury.**

**Companion Bill:** HB781

**Chief Patron:** Surovell

**Summary:**
Provides that a diagnosis of a nonmalignant asbestos-related injury or disease shall not accrue an action based upon the subsequent diagnosis of a malignant asbestos-related injury or disease and that such subsequent diagnosis shall constitute a separate injury that shall accrue an action when such diagnosis is first communicated to the person or his agent by a physician. The bill is intended to reverse *Kiser v. A.W. Chesteron*, 285 Va. 12 (2013). This bill is identical to HB 781.

**Law Advice: FYI - No Direct Impact**
SB662  **Employee misclassification; retaliatory actions prohibited, civil penalty.**

*Companion Bill:* HB1199

*Chief Patron:* Boysko

*Summary:* Prohibits an employer from discharging, disciplining, threatening, discriminating against, or penalizing an employee or independent contractor because the employee or independent contractor reported or plans to report that an employer or any officer or agent has failed to properly classify an individual as an employee and failed to pay required benefits or other contributions. The measure also prohibits such actions against an employee or independent contractor who is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action. These prohibitions apply only if an employee or independent contractor acts in good faith and upon a reasonable belief that the information is accurate. The measure authorizes the Commissioner of Labor and Industry to institute proceedings against an employer who has taken such prohibited retaliatory action. Available remedies include reinstatement of the employee and recovery of lost wages. An employer that violates these provisions is subject to a civil penalty equal to the employee's lost wages. This bill is identical to HB 1199.

*Law Advice: FYI - No Direct Impact*

Exempt as a state agency

SB665  **Electronic Identity Management Act; definitions, federated digital identity systems.**

*Chief Patron:* Boysko

*Summary:* Amends the Electronic Identity Management Act to accommodate federated digital identity systems. A federated digital identity system (federation) is defined in the measure as a digital identity system that uses federated identity management to enable the portability of identity information across otherwise autonomous security domains. Federated identity management is defined in the measure as a process that allows the conveyance of identity credentials and authentication information across digital identity systems through the use of a common set of policies, practices, and protocols for managing the identity of users and devices across security domains. The digital identity systems involved in a federation are required to be compliant with the Commonwealth's identity management standards and with the provisions of the governing identity trust framework.

*Law Advice: New Requirement*

Requires digital identity systems involved in a federation to be compliant with the Commonwealth's identity management standards and with the provisions of the governing identity trust framework.
SB667  **Overdoses; arrest and prosecution when experiencing or reporting.**

*Chief Patron:* Boysko

**Summary:**
Provides that no individual shall be subject to arrest or 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 if (i) such individual (a) seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose, or (b) is experiencing an overdose and another individual seeks or obtains emergency medical attention for him; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence for a prosecution of one of the enumerated offenses would have been obtained only as a result of an individual seeking or obtaining emergency medical attention. The bill also provides that no law-enforcement officer acting in a good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution. Current law provides an affirmative defense to such offenses only when an individual seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose.

Law Advice: Change in Authority

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SB668  **Child care providers; out-of-state background checks.**

*Chief Patron:* Boysko

**Summary:**
Requires certain child care providers and employees or volunteers thereof to submit to background checks that include a criminal history record information check and sex offender registry check in any state in which the applicant has resided in the preceding five years.

Law Advice: New Requirement

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SB710  **Distributed solar & other renewable energy; sales of electricity under third-party agreements.**

*Companion Bill:* HB572

*Chief Patron:* McClellan

**Summary:**
Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) requires the State Corporation Commission to establish by regulation a shared solar program that allows multifamily customers of investor-owned utilities, other than American Electric Power, to purchase electric power through a subscription in a shared solar facility; (ii) raises the cap on the total amount of
renewable energy that can be net metered in a utility's service territory from one percent to six percent, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (iii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts; (iv) allows certain localities to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings; (v) increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory; (vi) prohibits standby charges for any residential customer-generator or agricultural customer-generator of an investor-owned utility other than Dominion Energy Virginia; and (vii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. This bill is identical to HB 572, HB 1184, and HB 1647.

Law Advice: FYI - No Direct Impact

Identical to HB1184

SB718  **Health insurance; interhospital transfer for newborn or mother.**

*Chief Patron:* McClellan

*Summary:*
Prohibits health insurers from requiring prior authorization for the interhospital transfer of (i) a newborn infant experiencing a life-threatening emergency condition or (ii) the hospitalized mother of such newborn infant to accompany the infant.

Law Advice: FYI - No Direct Impact

SB720  **PSAP dispatchers; definitions, telecommunicator cardiopulmonary resuscitation, EMD program.**

*Chief Patron:* McClellan

*Summary:*
Requires each public safety answering point (PSAP) to provide training and equipment for each of its dispatchers in high-quality telecommunicator cardiopulmonary resuscitation (TCPR) instruction, which is defined in the measure as the delivery by trained 911 telecommunicators of high-quality cardiopulmonary resuscitation instruction for acute events requiring cardiopulmonary resuscitation, including out-of-hospital cardiac arrests. The measure (i) requires the State Board of Health to adopt regulations that establish training and equipment standards and (ii) authorizes a PSAP to enter into reciprocal agreements with another PSAP to transfer callers to the other PSAP at times that the initial PSAP does not have a trained dispatcher on duty able to provide TCPR. The measure establishes immunity from civil damages for dispatchers who instruct a caller on TCPR. The measure also requires each operator of a PSAP to implement a requirement that each of its dispatchers complete an Emergency Office of State Governmental Relations Thursday, July 16, 2020 183 of 220
Medical Dispatch education program by July 1, 2024, and to conduct ongoing quality assurance of its TCPR program. This bill is identical to HB 727.

Law Advice: New Requirement

SB722 Institutional racial segregation and discrimination; repeals several Acts.

Companion Bill: HB1638

Chief Patron: McClellan

Summary:
Repeals several Acts of Assembly from 1901 to 1960 that contain provisions that implemented and enforced racial segregation and discrimination in public facilities and common carriers, on public documents, and within the office of the State Registrar. This bill is identical to HB 1638.

Law Advice: FYI - No Direct Impact

SB732 Virginia Health Benefit Exchange; created.

Companion Bill: HB1428

Chief Patron: McClellan

Summary:
Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by an assessment on health insurers, which is limited to three percent of total monthly premiums, except the SCC may, after a public hearing, adjust the rate as necessary to ensure the Exchange is fully funded. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth's small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange.
The measure requires the Department of Taxation to include on the appropriate individual tax return forms a checkoff box or similar mechanism for indicating whether the individual, or spouse in the case of a married taxpayer filing jointly, or any dependent of the individual (i) is an uninsured individual at the time the return is filed and (ii) voluntarily consents to the Department of Taxation providing the individual's tax information to the Department of Medical Assistance Services for purposes of affirming that the individual, the individual's spouse, or any dependent of the individual meets the income eligibility for medical assistance. Finally, the measure requires the Secretary of Health and Human Resources to convene a work group that includes representatives from the SCC, the Department of Medical Assistance Services, the Department of Social Services, and the Department of Taxation and a consumer advocate to develop systems, policies, and practices to leverage state income tax returns to facilitate the enrollment of eligible individuals in insurance affordability programs through the Virginia Health Benefit Exchange established in this measure. The Secretary shall report the work group's recommendations to the Governor and the General Assembly by September 15, 2020. This measure incorporates SB 226 and SB 598 and is identical to HB 1428.

Law Advice: FYI - No Direct Impact

SB733 Abortion; expands who can perform in first trimester, informed consent required.

*Companion Bill:* HB980

*Chief Patron:* McClellan

*Summary:* Expands who can perform first trimester abortions to include any person jointly licensed by the Board of Medicine and Nursing as a nurse practitioner acting within such person's scope of practice. The bill eliminates all of the procedures and processes, including the performance of an ultrasound, required to effect a pregnant woman's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a pregnant woman's informed written consent first be obtained. The bill removes language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals. This bill incorporates SB 21 and SB 68 and is identical to HB 980.

Law Advice: Change in Authority

SB734 Residential psychiatric placement and services; SOE, et al., to establish work group.

*Companion Bill:* HB728

*Chief Patron:* Deeds

*Summary:* Directs the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents and
requires the work group to report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. This bill is identical to HB 728.

Law Advice: Monitor and Track

**SB738**  **Temporary detention; observation, testing, or treatment.**

*Companion Bill:* HB1452

*Chief Patron:* Deeds

*Summary:*
Clarifies that a person can be subject to a temporary detention order for observation and treatment related to intoxication where the person is located, upon a finding that (i) probable cause exists to believe the person is incapable of making or communicating an informed decision regarding treatment due to intoxication and (ii) the medical standard of care calls for observation, testing, or treatment within the next 24 hours to prevent injury, disability, death, or other harm to the individual resulting from such intoxication. The bill limits the duration of such temporary detention to 24 hours. The bill provides that a person subject to emergency custody due to a mental illness shall remain in custody until (a) a temporary detention order is issued in accordance with § 37.2-809; (b) an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law-enforcement custody; (c) the person is released; or (d) the emergency custody order expires. The bill directs the Department of Behavioral Health and Developmental Services to convene a work group to develop standard policies and procedures regarding medical temporary detention orders. This bill is identical to HB 1452.

Law Advice: New Authority

**SB739**  **Acute psychiatric bed registry; DBHDS shall establish work group to evaluate, etc.**

*Companion Bill:* HB1453

*Chief Patron:* Deeds

*Summary:*
Directs the Department of Behavioral Health and Developmental Services to establish a work group to evaluate the role of, and make recommendations related to improving the structure and effectiveness of, the psychiatric bed registry in collecting and disseminating information about the availability of acute psychiatric beds in the Commonwealth. The work group shall report its findings, conclusions, and recommendations to the Governor and the Chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by November 1, 2020. This bill is identical to HB 1453.
**SB744**  **Misclassification of employees as independent contractors; Department of Taxation to investigate.**

*Chief Patron:* McPike  

*Summary:*  
Prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless and until it is shown that such individual is an independent contractor under Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021.

*Law Advice: FYI - No Direct Impact*  
The University is exempt; delayed effective date of January 1, 2021.

**SB745**  **Income tax, state; exclusion, student loan forgiveness, disabled veterans.**

*Chief Patron:* Bell  

*Summary:*  
Excludes from Virginia adjusted gross income any income received by a totally and permanently disabled veteran from student loan debt cancellation or discharge for taxable years 2020 through 2025.

*Law Advice: New Requirement*

**SB746**  **Comprehensive plan; adoption or disapproval by governing body.**

*Companion Bill:* HB726  

*Chief Patron:* Bell  

*Summary:*  
Extends the time by which a governing body is required to approve or disapprove a locality-initiated comprehensive plan amendment for more than 25 parcels from 90 to 150 days. This bill is identical to HB 726.

*Law Advice: FYI - No Direct Impact*
SB747  **Nutrient and sediment credit generation and transfer; limits certain transfers to private sector.**

*Companion Bill:* HB1609

*Chief Patron:* Hanger

**Summary:**
Limits certain transfers of nonpoint nutrient credits to those credits generated by the private sector. The bill provides that while any locality may, without the involvement of a third party, generate its own nutrient or sediment credits and request that such credits be certified by the Department of Environmental Quality, such certifications shall only be used for the purpose of determining whether the project complies with certain credit generation requirements. The bill authorizes any publicly owned water treatment works that is constructing or expanding a treatment facility to permanently retire a portion of its wasteload allocation under certain circumstances. This bill is identical to HB 1609.

*Law Advice: FYI - No Direct Impact*

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SB757  **Medical Excellence Zone Program; VDH to determine feasibility of establishment.**

*Companion Bill:* HB1701

*Chief Patron:* Favola

**Summary:**
Directs the Department of Health to determine the feasibility of establishing a Medical Excellence Zone Program to allow citizens of the Commonwealth living in rural underserved areas to receive medical treatment via telemedicine services from providers licensed or registered in a state that is contiguous with the Commonwealth and directs the Department of Health Professions to pursue reciprocal agreements with such states for licensure for certain primary care practitioners licensed by the Board of Medicine. The bill requires the Department of Health to set out the criteria that would be required for a locality or group of localities in the Commonwealth to be eligible for the designation as a medical excellence zone and report its findings to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020.

The bill states that reciprocal agreements with states that are contiguous with the Commonwealth for the licensure of doctors of medicine, doctors of osteopathic medicine, physician assistants, and nurse practitioners shall only require that a person hold a current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on the acts of unprofessional conduct. The Department of Health Professions is required to report on its progress in establishing such agreements to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020. The bill requires the Board of Medicine to prioritize applications for licensure by endorsement as a doctor of medicine or osteopathic medicine, a physician assistant, or a nurse practitioner from such states through a streamlined process with a final determination regarding qualification to be made within 20 days of the receipt of a completed application. This bill is identical to HB 1701.
SB758  Electric personal delivery devices; changes related to devices.

Chief Patron: Marsden

Summary:
Makes several changes related to electric personal delivery devices, including changing the term used to refer to such devices to "personal delivery devices" and changing the weight limit of such devices from 50 to 500 pounds. The bill allows localities to regulate the use of personal delivery devices on sidewalks, crosswalks, or roadways but requires a locality to allow a personal delivery device to operate on the side of a roadway with a speed limit of 25 miles per hour or less if a sidewalk is not available.

Law Advice: FYI - No Direct Impact

SB760    Psychologists; licensure, permitted to practice in Psychology Interjurisdictional Compact.

Chief Patron: Deeds

Summary:
Authorizes Virginia to become a signatory to the Psychology Interjurisdictional Compact. The Compact permits eligible licensed psychologists to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2021, and directs the Board of Psychology to adopt emergency regulations to implement the provisions of the bill.

Law Advice: FYI - No Direct Impact
Delayed effective date of January 1, 2021

SB764    Certificate of public need; revises the Medical Care Facilities Certificate of Public Need Program.

Chief Patron: Barker

Summary:
Revises the Medical Care Facilities Certificate of Public Need Program. The bill (i) removes from the list of reviewable medical care facilities specialized centers or clinics or that portion of a physician's office developed for the provision of lithotripsy, magnetic source imaging, or nuclear medicine imaging; (ii) removes from the definition of project introduction into an existing medical care facility of any new lithotripsy, magnetic source imaging, or obstetrical service that the facility has never provided or has not provided in the previous 12 months and the addition by an existing medical care facility of any medical equipment for the provision of lithotripsy and magnetic source imaging; (iii) creates a new process for
registration of projects exempted from the definition of project by the bill; (iv) renames the State Medical Facilities Plan as the State Health Services Plan and establishes a State Health Services Plan task force to provide recommendations related to the content of the State Health Services Plan; (v) clarifies the content of the application for a certificate; (vi) reduces the timeline for a person to be made party to the case for good cause from 80 calendar days to four days following completion of the review and submission of recommendations related to an application; (vii) requires the Commissioner of Health to condition issuance of a certificate upon the agreement of the applicant to provide care to individuals who are eligible for benefits under Title XVIII of the Social Security Act (42 U.S.C. § 1395 et seq.), Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.), and 10 U.S.C. § 1071 et seq. and permits the Commissioner to condition the issuance of a certificate on the agreement of the applicant to provide specialty medical services in addition to existing options for conditioning certificates; (viii) requires every certificate holder to develop a financial assistance policy that includes specific eligibility criteria and procedures for applying for charity care, which shall be provided to a patient at the time of admission or discharge or at the time services are provided, included with any billing statements sent to uninsured patients, posted conspicuously in public areas of the medical care facility for which the certificate was issued and posted on a website maintained by the certificate holder; (ix) eliminates the requirement that a person willfully fail, refuse, or neglect to comply with a plan of correction to be subject to a civil penalty so that any failure, refusal, or neglecting to comply with a plan of correction may subject the person to a civil penalty; and (x) provides that the Commissioner may consider any changes in the circumstances of the certificate holder resulting from changes in the financing or delivery of health care services, including changes to the Commonwealth's program of medical assistance services, and any other specific circumstances of the certificate holder when determining whether conditions imposed on a certificate continue to be appropriate. The bill also (a) directs the Department of Health to develop recommendations to reduce the duration of the average review cycle for applications for certificates of public need to not more than 120 days and to report on its recommendations to the Governor and the General Assembly no later than December 1, 2020, (b) directs the Secretary of Health and Human Resources to implement a system to ensure that data needed to evaluate whether an application for a certificate is consistent with the State Health Services Plan and is timely and reliable by January 1, 2023; and (c) directs the Secretary of Health and Human Resources to make an inventory of capacity authorized by certificates of public need, both operational and not yet operational, available in a digital format online and to establish a public education and outreach program designed to improve public awareness of the certificate of public need process and the public's role in such process by January 1, 2021.

Law Advice: Change in Requirement

**SB766**  Health care; explanation of benefits, sensitive health care services.

*Companion Bill:* HB807

*Chief Patron:* Barker

*Summary:* Authorizes the State Corporation Commission to adopt regulations that establish alternative methods of delivery of the explanation of benefits, provided that such alternative method is in compliance with the provisions of federal regulations regarding the right to request privacy protection for protected health information. This bill is identical to HB 807.
SB768  **Temporary detention; DBHDS shall study who may evaluate.**

*Companion Bill:* HB1699

*Chief Patron:* Barker

**Summary:**
Directs the Commissioner of the Department of Behavioral Health and Developmental Services to establish a work group to (i) review the current process for conducting evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention, including any challenges or barriers to timely completion of such evaluations and factors giving rise to delays in completion of such evaluations, and (ii) develop a comprehensive plan to expand the individuals who may conduct effective evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention. The work group shall report its findings and conclusions and the comprehensive plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions, Senate Committee on Education and Health, and Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. This bill is identical to HB 1699.

*Law Advice: FYI - No Direct Impact*

SB782  **Undergrounding electric transmission lines; pilot program.**

*Companion Bill:* HB576

*Chief Patron:* Saslaw

**Summary:**
Specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line. The measure provides that such a project may be approved if the estimated additional cost of placing the line, in whole or in part, underground does not exceed $40 million or, if greater than $40 million, does not exceed 2.5 times the cost of placing the same line overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause. Currently the cost of such a project is ineligible if it exceeds 2.5 times the cost of placing the same line overhead. The measure provides that such a project may be approved for participation in the pilot program if its primary need is related to the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed. The measure exempts a project that satisfies the criteria for participation in the pilot project from the requirement that the State Corporation Commission find that the transmission line is needed. The measure adds that the pilot program is created to further understanding of the benefits of undergrounding existing electric transmission lines to promote economic development. This bill is identical to HB 576.

*Law Advice: FYI - No Direct Impact*
SB794   **Utility easements; location of broadband and other communications facilities.**

*Companion Bill:* HB831

*Chief Patron:* Lewis

**Summary:**
Declares that it is the policy of the Commonwealth that (i) easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services; (ii) the use of easements to provide or expand broadband or other communications services is in the public interest; (iii) the installation, replacement, or use of public utility conduit, including the costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest; (iv) the use of easements to provide or expand broadband or other communications services (a) does not constitute a change in the physical use of the easement; (b) does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate; (c) does not place any additional burden on the servient estate other than a de minimis burden, if any; and (d) has value to the owner or occupant of the servient estate greater that any de minimum impact; and (v) the installation and operation of broadband or other communications services within easements, appurtenant or gross, are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure further provides that (1) absent any express prohibition on the installation and operation of broadband or other communications services in an easement that is contained in a deed or other instrument by which the easement was granted, the installation and operation of broadband or other communications services within any easement shall be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric and communications facilities and (2) subject to compliance with any express prohibitions in a written easement, any incumbent utility or communications provider may use an easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. This bill is identical to HB831.

Law Advice: FYI - No Direct Impact

SB817   **Nuclear energy; considered a clean energy source.**

*Chief Patron:* Lewis
Summary:
Provides that for the purposes of the Commonwealth Energy Policy, in any clean energy initiative or carbon-free energy initiative undertaken, overseen, regulated, or permitted by the Department of Mines, Minerals and Energy, nuclear energy shall be considered to be a clean energy source.

Law Advice: FYI - No Direct Impact

SB828  **Carbon-free energy and clean energy; definition.**

*Chief Patron:* Lewis

**Summary:**
Provides that "carbon-free energy" or "clean energy," as used in the Code of Virginia, includes electric energy generated from a source that does not emit carbon dioxide into the atmosphere during the process of generating the electric energy, including electric energy generated by the conversion of sunlight, wind, falling water, wave motion, tides, or geothermal or nuclear energy.

Law Advice: FYI - No Direct Impact

SB830  **Pharmacy technicians and pharmacy technician trainees; registration.**

*Companion Bill:* HB1304

*Chief Patron:* Lewis

**Summary:**
Amends eligibility criteria for registration as a pharmacy technician to include a requirement that the individual has (i) successfully completed or was enrolled in a Board of Pharmacy-approved pharmacy technician training program or (ii) passed a national certification examination required by the Board of Pharmacy but did not complete a Board-approved pharmacy technician training program. The bill also directs the Board to establish requirements for the issuance of a registration as a pharmacy technician to a person who (a) has previously practiced as a pharmacy technician in another U.S. jurisdiction and (b) has passed a national certification examination required by the Board. The bill defines "pharmacy technician trainee" and sets out requirements for registration as a pharmacy technician trainee. The bill also directs the Board to convene a workgroup composed of stakeholders deemed appropriate by the Board to develop recommendations related to the addition of duties that a pharmacy technician registered by the Board may perform. This bill is identical to HB 1304.

Law Advice: FYI - No Direct Impact

SB833  **Alcoholic beverage control; limitation of tasting licenses.**

*Chief Patron:* Ebbin
Summary:
Increases from four to 12 the number of tasting licenses that may be issued to a person per year.

Law Advice: FYI - No Direct Impact

SB834 Affordable housing; certain localities allowed to adopt dwelling unit ordinances.

Companion Bill: HB1101

Chief Patron: McClellan

Summary:
Allows certain localities to adopt affordable housing dwelling unit ordinances. The governing body of any locality, other than localities to which certain current affordable housing provisions apply, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant's voluntarily electing to provide such affordable housing. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waiver of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing.

The bill provides that any zoning ordinance establishing an affordable housing dwelling unit program may include reasonable regulations and provisions as to any or all of the following: (a) for application of the requirements of an affordable housing dwelling unit program to any site, as defined by the locality, or a portion thereof at one location that is the subject of an application for rezoning or special exception or site plan or subdivision plat that yields, as submitted by the applicant, at an equivalent density greater than one unit per acre and that is located within an approved sewer area; (b) the waiver of any fees associated with the construction, renovation, or rehabilitation of a structure, including building permit fees, application review fees, and water and sewer connection fees; (c) for standards of compliance with the provisions of an affordable housing dwelling unit program and for the authority of the local governing body or its designee to enforce compliance with such standards and impose reasonable penalties for noncompliance, provided that such local zoning ordinance provide for an appeal process for any party aggrieved by a decision of the local governing body; and (d) various other provisions set out in the bill.

Any zoning ordinance establishing such affordable housing dwelling unit program shall adopt the regulations and provisions set out in the bill to establish an affordable housing density bonus and development standards relief program. This bill is identical to HB 1101.

Law Advice: FYI - No Direct Impact
SB836  **Naloxone; possession and administration, employee or person acting on behalf of a public place.**

**Companion Bill:** HB908

**Chief Patron:** Suetterlein

**Summary:**
Provides that an employee or other person acting on behalf of a public place who has completed a training program on the administration of naloxone or other opioid antagonist may possess and administer naloxone or other opioid antagonist, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill defines "public place" as any enclosed area that is used or held out for use by the public, whether owned or operated by a public or private interest.

**Law Advice:** New Authority

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SB838  **Nonpayment of wages; cause of action, penalties.**

**Chief Patron:** Ebbin

**Summary:**
Provides that an employee has a private cause of action, individually, jointly, with other aggrieved employees as a collective action, or on behalf of similarly situated employees as a collective action, under the federal Fair Labor Standards Act against an employer who fails to pay wages to recover the amount of wages due plus interest at eight percent annually from the date the wages were due, an additional amount as liquidated damages, and reasonable attorney fees and costs. If the court finds that the employer knowingly failed to pay wages, the court shall award the employee reasonable attorney fees and costs and the employer is subject to a civil penalty not to exceed $1,000 for each violation. If the court finds that the employer's failure to pay wages was willful and with intent to defraud the employee, the court shall award the employee triple the amount of wages due and reasonable attorney fees and costs. The measure also provides that any construction contract entered into on or after July 1, 2020, shall be deemed to include a provision under which the general contractor and the subcontractor are jointly and severally liable to pay the wages due to the subcontractor's employees. If the wages due to the subcontractor's employees are not paid, the general contractor is subject to criminal and civil penalties for which an employer is liable for failing or refusing to pay wages. The measure requires the subcontractor to indemnify the general contractor for wages, damages, interest, penalties, or attorney fees owed as a result of the subcontractor's failure to pay wages unless the subcontractor's failure to pay wages was because of the general contractor's failure to pay moneys due to the subcontractor. The provisions of the bill related to construction contracts only apply if (i) it can be demonstrated that the general contractor knew or should have known that the subcontractor was not paying his employees all wages due, (ii) the construction contract is related to a project other than a single family residential project, and (iii) the value of the project, or an aggregate of projects under one construction contract, is greater than $500,000.

**Law Advice:** FYI - No Direct Impact
SB843  Stormwater and erosion and sediment control; acceptance of plans in lieu of plan review.

**Chief Patron:** Petersen

**Summary:**
Authorizes the State Water Control Board or the Department of Environmental Quality, in its administration of a Virginia Stormwater Management Program, Virginia Erosion and Stormwater Management Program, or Virginia Erosion and Sediment Control Program, to choose to accept a set of plans and supporting calculations for any land-disturbing activity determined to be de minimus using a risk-based approach established by the Board. The bill provides that such plans and supporting calculations shall satisfy the requirement that the Board or the Department retain a certified plan reviewer or conduct a plan review. The bill also directs the Board to adopt implementing regulations and provides requirements for the process of adoption.

**Law Advice:** FYI - No Direct Impact

SB846  Organ, eye, or tissue transplantation; discrimination prohibited.

**Companion Bill:** HB1273

**Chief Patron:** Pillion

**Summary:**
Provides that an individual who is a candidate to receive an anatomical gift for organ, eye, or tissue transplantation and who is otherwise eligible to receive such gift shall not be deemed ineligible to receive an anatomical gift or denied services related to organ, eye, or tissue transplantation solely because of his physical, intellectual, developmental, or other disability. The bill also prohibits each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services, whose policy, contract, or plan, including any certificate or evidence of coverage issued in connection with such policy, contract, or plan, includes coverage for services related to organ, eye, or tissue transplantation, including referral to a transplant center or specialist, inclusion on an organ, eye, or tissue transplantation waiting list, evaluation, surgery and related health care services, counseling, and post-transplantation treatment and services, from (i) denying coverage to a covered person solely on the basis of the person's disability; (ii) denying a person eligibility or continued eligibility to enroll or to renew coverage under the policy, contract, or plan for the purpose of avoiding the requirements of the bill; (iii) penalizing a health care provider, reducing or limiting the reimbursement of a health care provider, or providing monetary or nonmonetary incentives to a health care provider to induce such health care provider to act in a manner inconsistent with the requirements of the bill; or (iv) reducing or limiting coverage for services related to organ, eye, or tissue transplantation, including referral to a transplant center or specialist, inclusion on an organ, eye, or tissue transplantation waiting list, evaluation, surgery and related health care services,
counseling, and post-transplantation treatment and services. The bill applies to any such policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2021. This bill is identical to HB 1273.

**Law Advice: New Requirement**

Prohibits discrimination in the selection of anatomical gifts for transplantation solely on the basis of a physical, intellectual, developmental, or other disability.

**SB849  **Lawn fertilizer; contractor-applicators.

Chief Patron: Mason

Summary:

Authorizes the Commissioner of Agriculture and Consumer Services to enter into an agreement with a locality to provide oversight and data collection assistance related to the requirements of certified lawn fertilizer contractor-applicators. Current law prohibits localities from regulating the registration, packaging, labeling, sale, use, application, storage, or distribution of fertilizers except by ordinance pursuant to certain requirements. The bill also reduces from 100 to 50 the total number of acres of nonagricultural land to which a contractor-applicator may apply lawn fertilizer and lawn maintenance fertilizer annually without submitting an annual report to the Commissioner. The bill increases from $250 to $1,000 the civil penalty imposed on a contractor-applicator for a violation of applicable regulations.

**Law Advice: FYI - No Direct Impact**

**SB851  **Electric utility regulation; environmental goals.

Companion Bill: HB1526

Chief Patron: McClellan

Summary:

Establishes a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the Commonwealth that emit carbon as a by-product of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind. The measure replaces the existing voluntary renewable energy portfolio standard program (RPS Program) with a mandatory RPS Program. Under the mandatory RPS Program, Dominion Energy Virginia and American Electric Power are required to produce their electricity from 100 percent renewable sources by 2045 and 2050, respectively. A utility that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically economically disadvantaged communities, energy efficiency measures, and administrative costs. The measure requires the State Air Pollution Control Board to adopt regulations to reduce the carbon dioxide emissions from certain electricity generating
units in the Commonwealth and authorizes the Board to establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations and to utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities. Among other things, the measure also (i) requires, by 2035, American Electric Power and Dominion Energy Virginia to construct or acquire 400 and 2,700 megawatts of energy storage capacity, respectively; (ii) establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2022 at 0.5 percent for American Electric Power and 1.25 percent for Dominion Energy Virginia of the average annual energy retail sales by that utility in 2019 and increase those savings annually; (iii) exempts large general service customers from energy savings requirements; (iv) revises the incentive for electric utility energy efficiency programs; (v) provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions; (vi) establishes requirements regarding the development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034, and provides that in constructing any such facility, the utility shall (a) identify options for utilizing local workers; (b) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) give priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities; (vii) requires each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate; (viii) removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between five and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) increases the limit from 5,000 megawatts to 16,100 megawatts on those solar and onshore wind generation facilities that are declared to be in the public interest and increases the limit from 16 megawatts to 3,000 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amends the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory, increases each utility's systemwide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to six percent of such amount, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (xii) establishes the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent, or, if the participant's home uses electric heat, 10 percent, of the participant's household income, requires the Commission to issue its final order regarding the PIPP by December 31, 2020, and requires the Department of Housing and Community
Development and the Department of Social Services to convene a stakeholder group to develop recommendations for implementing the PIPP and to submit the stakeholder recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020; (xiii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power; (xiv) requires each investor-owned utility to consult with the Clean Energy Advisory Board in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy; (xv) requires the Department of Mines, Minerals and Energy, in consultation with the Council on Environmental Justice, to prepare a report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor that determines if the implementation of the measure imposes a disproportionate burden on historically economically disadvantaged communities; (xvi) requires the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, to report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon-free electric energy generation by 2045 at least cost for ratepayers; and (xvii) provides that it is the policy of the Commonwealth that the State Corporation Commission, Department of Environmental Quality, Department of Mines, Minerals and Energy, Virginia Council on Environmental Justice, and other applicable state agencies, in the development of energy programs, job training programs, and placement of renewable energy facilities, shall consider those facilities and programs being to the benefit of low-income geographic areas and historically economically disadvantaged communities that are located near previously and presently permitted fossil fuel facilities or coal mines. This bill is identical to HB 1526.

Law Advice: FYI - No Direct Impact

SB864 Comprehensive harm reduction programs; public health emergency, repeals sunset provision.

Companion Bill: HB378

Chief Patron: Pillion

Summary:
Repeals the sunset on the program established in 2017 that allows the Commissioner of Health to establish and operate local or regional comprehensive harm reduction programs during a declared public health emergency that include a provision for the distribution of sterile hypodermic needles and syringes and the disposal of used hypodermic needles and syringes. This bill is identical to HB 378.

Law Advice: FYI - No Direct Impact

SB868 Discrimination; prohibited in public accommodations, etc., causes of action, civil actions.

Chief Patron: Ebbin
Summary:
Creates causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, or childbirth or related medical conditions including lactation by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. Before a civil cause of action may be brought in a court of the Commonwealth, an aggrieved individual must file a complaint with the Division of Human Rights of the Department of Law, participate in an administrative process, and receive a notice of his right to commence a civil action. The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice. The bill makes technical amendments. This bill incorporates SB 66 and SB 159.

Law Advice: New Requirement

Although the law is generally consistent with the University's nondiscrimination and harassment policies, may require policy review to ensure all elements of the new law are incorporated into University policy.

SB870 Solar photovoltaic projects; special exceptions for any project.

Companion Bill: HB655

Chief Patron: Marsden

Summary:
Authorizes a locality to include reasonable regulations and provisions in its zoning ordinance for a special exception for any solar photovoltaic (electric energy) project. The bill authorizes the governing body of such locality to grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such proffered conditions are reasonably related to the project. This bill is identical to HB 655.

Law Advice: FYI - No Direct Impact

SB871 Electric power-assisted bicycles; amends definition.

Companion Bill: HB543
**Chief Patron:** Marsden

**Summary:**
Amends the definition of "electric power-assisted bicycle" to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle. The bill also provides that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails. The bill requires manufacturers and distributors of electric power-assisted bicycles to include (i) on each electric power-assisted bicycle, a label indicating certain technical specifications and (ii) on each class three electric power-assisted bicycle, a miles-per-hour speedometer. The bill requires persons operating or riding on a class three electric power-assisted bicycle to wear a helmet. This bill is identical to **HB 543**.

**Law Advice:** FYI - No Direct Impact

**SB875**  **Solar energy projects; national standards.**

**Companion Bill:** HB656

**Chief Patron:** Marsden

**Summary:**
Authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects. This bill is identical to **HB 656**.

**Law Advice:** FYI - No Direct Impact

**SB877**  **Technology, Secretary of; transfer of duties to Secretaries of Administration & Commerce and Trade.**

**Chief Patron:** Locke

**Summary:**
Transfers operational responsibilities of the Office of the Secretary of Technology to the Secretary of Administration and responsibilities of the Office of the Secretary of Technology related to commercialization and entrepreneurial support to the Secretary of Commerce and Trade. The bill contains technical amendments.

**Law Advice:** FYI - No Direct Impact

**SB881**  **Historical African American Cemeteries and Graves Fund; created.**
Companion Bill: HB1523

Chief Patron: Locke

Summary:
Creates the Historical African American Cemeteries and Graves Fund and provides that any funds that are appropriated to the Department of Historic Resources but not used for the maintenance of graves, in particular the listed historical African American cemeteries, shall be deposited in the Fund. The bill authorizes the Director of the Department to manage and administer the Fund and to disburse moneys in the Fund to maintain additional graves that have been certified by the Department and documented in the Department's cultural resources database.

The bill also adds six cemeteries to the list of cemeteries for which qualified organizations may receive funds from the Department. The cemeteries are Cuffeytown Cemetery in the City of Chesapeake, with 52 eligible graves; Newtown Cemetery in the City of Harrisonburg, with 400 eligible graves; Stanton Family Cemetery in Buckingham County, with 36 eligible graves; and three cemeteries in Arlington County: Calloway Cemetery, with 29 eligible graves, Lomax Cemetery, with 66 eligible graves, and Mount Salvation Cemetery, with 29 eligible graves. This bill is identical to HB1523.

Law Advice: FYI - No Direct Impact

SB883  Environmental Justice, Virginia Council on; established.

Companion Bill: HB1042

Chief Patron: Locke

Summary:
Establishes the Virginia Council on Environmental Justice, consisting of 27 members, to advise the Governor and provide recommendations intended to protect vulnerable communities from disproportionate impacts of pollution and provide such communities meaningful involvement in the decision-making process. The bill provides that 21 members of the Council are appointed by the Governor and six are specified Cabinet Secretaries.

Law Advice: FYI - No Direct Impact

SB885  Performance of laboratory analysis; cannabidiol oil, THC-A oil, tetrahydrocannabinol.

Chief Patron: Marsden

Summary:
Provides that no person employed by an analytical laboratory to retrieve, deliver, or possess cannabidiol oil, THC-A oil, or industrial hemp samples from a permitted pharmaceutical processor, a licensed industrial hemp grower, or a licensed industrial hemp processor for the purpose of performing required testing shall be prosecuted for the possession or distribution of cannabidiol oil, THC-A oil, or industrial
hemp, or for storing cannabidiol oil, THC-A oil, or industrial hemp for testing purposes in accordance with regulations promulgated by the Board of Pharmacy and the Board of Agriculture and Consumer Services. The bill contains an emergency clause.

**Law Advice: New Authority**

**SB890**  **Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc.**

**Companion Bill:** HB1414

**Chief Patron:** Saslaw

**Summary:**
Amends numerous laws related to transportation funds, revenue sources, construction, and safety programs.

The bill adopts numerous structural changes to the transportation funding system in the Commonwealth. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on codified formulas, to subfunds established to meet the varying transportation needs of different modes of transportation. The existing gas tax based on a percentage of the wholesale price of gasoline and diesel fuel is converted to a cents-per-gallon tax. A rate of $0.262 per gallon of gasoline will be phased in over two years, and then indexed every year thereafter. The regional gas tax will be converted to a rate of $0.076 per gallon of gasoline and will be imposed everywhere in the Commonwealth that a regional gas tax is not already imposed. Registration fees for motor vehicles will be lowered. The Department of Motor Vehicles will implement a Highway Use Fee for alternative fuel and fuel-efficient vehicles. Alternatively, a person whose vehicles would be subject to this new fee may elect to instead enroll in a mileage-based user fee program to be developed by the Department. The bill also eliminates the $5 walk-in fee for conducting certain transactions in person at the Department of Motor Vehicles, and prohibits a person from being issued a citation for both an expired motor vehicle inspection sticker and faulty equipment. In Northern Virginia, the regional transportation improvement fee, used to support the Washington Metropolitan Area Transit Authority (WMATA), is lowered to $0.10 per $100 for the recordation of conveyance of a deed. A new regional congestion fee is imposed at a rate of $0.10 per $100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from two percent to three percent. The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System, and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors. The bill establishes a new Virginia Passenger Rail Authority. The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Statewide Special Structures Program, and a Transit Incentive Program. This bill is identical to HB 1414.

**Law Advice: FYI - No Direct Impact**

**SB897**  **Higher educational institutions, public; governing boards, educational**
Companion Bill: HB611

Chief Patron: DeSteph

Summary:
Requires all members of governing boards of public institutions of higher education to participate in educational programs designed to address the role, duties, and responsibilities of the governing boards at least once within the first two years of membership and at least once within every two years of membership thereafter. Under current law, new members are required to participate in such programs at least once during their first two years of membership. The bill directs the State Council of Higher Education for Virginia to develop educational materials for board members with more than two years of service on a governing board and develop criteria by which such members shall demonstrate compliance.

Law Advice: Change in Requirement

SB903 Hospitals; screening emergency department patients, etc.

Chief Patron: Vogel

Summary:
Requires the Board of Health to amend regulations governing hospitals to require each hospital with an emergency department to establish a protocol for treatment of individuals experiencing a substance use-related emergency to include the completion of appropriate assessments or screenings to identify medical interventions necessary for the treatment of the individual in the emergency department. The protocol may also include a process for patients that are discharged directly from the emergency department for the recommendation of follow-up care following discharge for any identified substance use disorder, depression, or mental health disorder, as appropriate, which may include instructions for distribution of naloxone, referrals to peer recovery specialists and community-based providers of behavioral health services, or referrals for pharmacotherapy for treatment of drug or alcohol dependence or mental health diagnoses.

Law Advice: Monitor and Track

SB904 Higher educational institutions, public; dyslexia and literacy.

Chief Patron: Vogel

Summary:
Directs the State Council of Higher Education for Virginia to facilitate the development of a statewide coalition of public institutions of higher education in the Commonwealth, by December 1, 2020, to gather and share information on the latest evidence-based methods and approaches to prepare teachers to effectively educate K-12 students in reading, including multisensory structured language education to instruct students with dyslexia. The bill allows each public institution's school of education, education department, or relevant department for the career paths of K-12 reading specialists and teachers to
collect such information and collaborate with other public institutions of higher education in the Commonwealth regarding the latest reliable research for reading instruction to all K-12 students, with an emphasis on improving reading instruction to students with dyslexia.

Law Advice: FYI - No Direct Impact

SB913  **Home hospice programs; disposal of drugs, opioids.**

*Chief Patron:* Vogel

*Summary:*
Specifies that hospice policies and procedures for the disposal of drugs must include provisions for the safe disposal of opioids.

Law Advice: FYI - No Direct Impact

SB918  **Industrial hemp extract; approval as food or ingredient, regulations.**

*Companion Bill:* HB1430

*Chief Patron:* Marsden

*Summary:*
Provides that an industrial hemp extract, as defined in the bill, is a food and is subject to applicable laws and regulations. The bill establishes (i) requirements for the production of an industrial hemp extract or a food containing an extract and (ii) conditions under which a manufacturer of such extract or food shall be considered an approved source. The bill authorizes the Board of Agriculture and Consumer Services to adopt regulations establishing contaminant tolerances, labeling requirements, and batch testing requirements, and it provides that moneys collected under the chapter shall be deposited in the Virginia Industrial Hemp Fund, created by the bill. The bill directs the Secretary of Agriculture and Forestry to report by November 1, 2020, a plan for the long-term sustainability of funding for the industrial hemp program. The bill contains an emergency clause and is identical to HB 1430.

Law Advice: Monitor and Track

SB925  **Fingerprints and photographs; authority of police.**

*Companion Bill:* HB1048

*Chief Patron:* Peake

*Summary:*
Provides that all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of any person found in contempt or in violation of the terms or conditions of a
suspended sentence or probation for a felony offense. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 1048.

Law Advice: New Authority

SB926  **Fingerprints and photographs by police authorities; reports to Central Criminal Records Exchange.**

*Companion Bill:* HB1047

*Chief Patron:* Peake

*Summary:*
Provides that all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of persons who plead guilty or are found guilty of driving while intoxicated when charged by summons. The bill also provides that such summons information may be entered into the Virginia Criminal Information Network. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 1047.

Law Advice: New Authority

SB935  **Higher educational institutions, public; eligibility for in-state tuition.**

*Companion Bill:* HB1547

*Chief Patron:* Boysko

*Summary:*
Provides that any student is eligible for in-state tuition who (i) attended high school for at least two years in the Commonwealth and either (a) graduated on or after July 1, 2008, from a public or private high school or program of home instruction in the Commonwealth or (b) passed, on or after July 1, 2008, a high school equivalency examination approved by the Secretary of Education; (ii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least two years prior to the date of registration or enrollment; and (iii) registers as an entering student or is enrolled in a public institution of higher education in the Commonwealth. The bill states that students who meet these criteria shall be eligible for in-state tuition regardless of their citizenship or immigration status, except students with currently valid visas issued under 8 U.S.C. § 1101(a)(15)(F), 1101(a)(15)(H)(iii), 1101(a)(15)(J) (including only students or trainees), or 1101(a)(15)(M). Information obtained in the implementation of the provisions of the bill shall only be used or disclosed to individuals other than the student for purposes of determining in-state tuition eligibility. This bill is identical to HB 1547.

Law Advice: New Requirement
SB939  **Employees of local governments; collective bargaining.**

*Companion Bill:* HB582

*Chief Patron:* Saslaw

**Summary:**
Permits counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, except for Constitutional officers and their employees, and including public school employees and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. The bill provides that for any governing body of a county, city, or town that has not adopted an ordinance or resolution providing for collective bargaining, such governing body is required, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, to take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. The bill provides that the prohibition against striking for public employees applies, irrespective of any such local ordinance. The bill has a delayed effective date of May 1, 2021. This bill is identical to HB 582.

*Law Advice: FYI - No Direct Impact*

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SB948  **Real property by state agencies; conveyance and transfers.**

*Chief Patron:* Reeves

**Summary:**
Provides that, subject to general provisions governing the lease of property owned by the Commonwealth by state agencies, the Department of Military Affairs may convey a leasehold interest in any portion of State Military Reservation property to governmental or private entities when it is deemed to be in the Department's best interest to (i) provide necessary services such as lodging, training capabilities, or logistical utility services that support the Department's mission or (ii) maintain a peripheral buffer with compatible uses, including ground parking leases. The term of such lease may not exceed 50 years; however, any agreement may be extended upon the written recommendation of the Governor and the approval of the General Assembly. In the event that the Department enters into a written lease with a private individual, firm, corporation, or other entity, neither the real property that is the subject of the lease nor any improvements or personal property located on the real property that is the subject of the lease shall be subject to taxation by any local government authority, provided that the real property, improvements, or personal property is used for a purpose consistent with or supporting the Department's mission.

*Law Advice: FYI - No Direct Impact*

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SB949  **Criminal Injuries Compensation Fund; victims of sexual assault, report.**

207 of 220 Office of State Governmental Relations Thursday, July 16, 2020
Companion Bill: HB806

Chief Patron: Lucas

Summary:
Adds to those persons invited to participate in the annual meeting of the group led by the attorney for the Commonwealth to coordinate the multidisciplinary response to criminal sexual assault in each political subdivision (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction; and (iv) any other local health care providers, or their designees, and authorizes attorneys for the Commonwealth to conduct the sexual assault response team annual meetings using other methods, such as electronic communication means, to encourage attendance. The bill also directs the Secretary of Health and Human Resources to establish a work group to evaluate the feasibility of moving responsibility for the SAFE program from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services and to provide recommendations related to (i) the feasibility and cost of expanding the type of services for which the Criminal Injuries Compensation Fund will make awards to include claims or portions of claims based on the claimant's actual expenses incurred for unreimbursed medical costs resulting from sexual abuse, including the cost of physical evidence recovery kit examinations conducted on victims of sexual assault, unreimbursed medical expenses or indebtedness reasonably incurred for medical expenses, expenses attributable to pregnancy resulting from such sexual abuse, and any other reasonable and necessary expenses and indebtedness associated with or attributable to the sexual abuse upon which such claim is based and (ii) the feasibility of transferring responsibility from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services for the Sexual Assault Forensic Examination program (the SAFE program) and related claims for medical expenses related to sexual assault, strangulation, domestic and intimate partner violence, human trafficking, and adult and child abuse. If the work group finds that it is not feasible to move responsibility for the SAFE program and related claims from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services, the work group shall develop recommendations for creation of an efficient, seamless electronic medical claim processing system for hospitals and health care providers that coordinates payments from all available sources, suppresses explanations of benefits, and removes the patient from the medical billing and reimbursement process. The work group's report shall include specific legislative, regulatory, and budgetary changes necessary to implement the work group's recommendations. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Commission on Health Care by September 1, 2020. This bill is identical to HB 806.

Law Advice: Monitor and Track

SB953  Virginia Wireless Service Authority Act; appointments to board.

Companion Bill: HB1376

Chief Patron: Edwards

Summary:
Provides that a board established under the Virginia Wireless Service Authority Act may contain either five or seven members, rather than five members as required under current law. This bill is identical to
SB957  **Civic Education, Commission on; increases membership, repeals sunset provision and general funding.**

*Chief Patron:* Marsden

*Summary:* Repeals the sunset provision for the Commission on Civic Education and repeals a prohibition on the use of general funds to support the work of the Commission. The bill also increases and adjusts the makeup of the Commission's membership.

**Law Advice: FYI - No Direct Impact**

SB963  **Energy manager; responsibilities.**

*Chief Patron:* Surovell

*Summary:* Requires the head of each state agency to designate an existing employee, known as an energy manager, who shall be responsible for implementing improvements to state buildings to reduce greenhouse gas emissions and improve energy efficiency and climate change resiliency.

**Law Advice: New Requirement**

SB976  **Pharmaceutical processors; operation of cannabis dispensing facilities.**

*Chief Patron:* Marsden

*Summary:* Defines "cannabis dispensing facilities" and allows the Board of Pharmacy to issue up to five permits for cannabis dispensing facilities per health service area. The bill requires the Board to establish a ratio of one pharmacist for every six pharmacy interns, technicians, and technician trainees for pharmaceutical processors and cannabis dispensing facilities. The bill directs the Board of Pharmacy to require that, after processing and before dispensing cannabis oil, a pharmaceutical processor make a sample available from each homogenized batch of product for testing at an independent laboratory located in Virginia that meets Board requirements. The bill requires that the Board promulgate regulations that include an allowance for the sale of devices for administration of dispensed products and an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a written certification. The bill also requires the Board to adopt regulations for pharmaceutical processors that include requirements for (i) processes for safely and...
securely cultivating cannabis plants intended for producing cannabis oil; (ii) a maximum number of
marijuana plants a pharmaceutical processor may possess at any one time; (iii) the secure disposal of
plant remains; (iv) dosage limitations, which shall provide that each dispensed dose of cannabis oil not
exceed 10 milligrams of tetrahydrocannabinol; and (v) a process for registering cannabis oil products.
The bill requires the Board of Pharmacy to promulgate required regulations within 280 days of the bill's
enactment.

Law Advice: FYI - No Direct Impact

SB991  New Americans, Office of; created within Department of Social Services.

Companion Bill: HB1209

Chief Patron: Hashmi

Summary:
Establishes the Office of New Americans within the Department of Social Services and the Office of
New Americans Advisory Board to assist with immigrant integration within the Commonwealth on an
economic, social, and cultural level. The Office shall provide (i) advice and assistance regarding the
citizenship application process; (ii) assistance with securing employment, housing, and services for which
such persons may be eligible; (iii) information to localities and immigration service organizations about
state programs that help such persons find and secure employment, housing, and services for which they
may be eligible; and (iv) information to localities and immigration service organizations regarding health
edemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent
financial and other schemes, to which communities of such persons may be especially vulnerable. The
Advisory Board shall report annually to the Governor and the General Assembly on the activities of the
Office of New Americans and provide recommendations for improving state policies and programs to
support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth.
This bill is identical to HB 1209.

Law Advice: FYI - No Direct Impact

SB1003  Computer crimes; penalty.

Chief Patron: Chafin

Summary:
Provides that it is a Class 1 misdemeanor for any person who, without the intent to receive any direct or
indirect benefit, maliciously sends an electronically transmitted communication containing a false
representation intended to cause another person to spend money, and such false representation causes
such person to spend money.

Law Advice: FYI - No Direct Impact
SB1015  **Marijuana: possession of cannabidiol oil or THC-A oil.**

*Chief Patron:* Marsden

**Summary:**
Provides that a person who possesses marijuana in the form of cannabidiol oil or THC-A oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice shall not be prosecuted for simple possession of marijuana. The bill also provides that no agent or employee of a pharmaceutical processor shall be prosecuted for possession or manufacture of marijuana or for possession, manufacture, or distribution of cannabidiol oil or THC-A oil, or subject to any civil penalty, denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabidiol oil or THC-A oil or (ii) possessed, manufactured, or distributed such cannabidiol oil or THC-A oil in accordance with law. Current law provides that such possession of marijuana in the form of cannabidiol oil or THC-A oil in such circumstances is an affirmative defense to such charges.

**Law Advice:** FYI - No Direct Impact

SB1024  **Detector canines and detector canine handlers: training and database.**

*Chief Patron:* Peake

**Summary:**
Requires the Department of Criminal Justice Services to establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of canines used by the Department of Corrections, and a database on the performance and effectiveness of detector canines. The bill requires that correctional officers employed by the Department of Corrections comply with such requirements.

**Law Advice:** FYI - No Direct Impact

SB1027  **Clean Energy and Community Flood Preparedness Act; definitions, funds, report.**

*Companion Bill:* HB981

*Chief Patron:* Lewis

**Summary:**
Directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell...
allowances into a market-based trading program. The bill requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Community Flood Preparedness Fund; (ii) to the Department of Housing and Community Development for low-income energy efficiency programs; (iii) for administrative expenses; and (iv) to the Department of Housing and Community Development in partnership with the Department of Mines, Minerals and Energy to administer and implement low-income energy efficiency programs. The bill continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent or repetitive flooding. The bill authorizes the Authority to pledge the assets of the Fund as security for any bonds issued to finance flood prevention or protection projects and directs the Authority to manage the Fund in accordance with a memorandum of agreement with the Department. The bill also authorizes any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area to forgive the principal of such loan, with the obligation of the locality to repay the loan remaining in effect. The bill provides that if the Governor seeks to include the Commonwealth as a full participant in the Regional Greenhouse Gas Initiative, the regulations shall require that certain purchasers be responsible for obtaining allowances under certain agreements. The measure authorizes the costs of allowances to be recovered by Phase I and Phase II Utilities from ratepayers. This bill is identical to HB 981.

Law Advice: FYI - No Direct Impact

SB1029  Alcoholic beverage control; gourmet shop license, distiller participation in tastings.

Chief Patron: Mason

Summary:
Allows distillers to participate in tastings held by gourmet shop licensees.

Law Advice: FYI - No Direct Impact

SB1031  Health insurance; coverage for autism spectrum disorder, individual and small group markets, etc.

Companion Bill: HB1503

Chief Patron: Barker

Summary:
Requires health insurers, corporations providing health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder under insurance policies, subscription contracts, or health care plans issued in the individual market or small group markets. The existing requirement that such coverage be provided for policies, contracts, or plans issued in the large group market is not affected. 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, 2021. This bill is identical to {HB 1503}.

Law Advice: FYI - No Direct Impact

New requirement for health insurance carriers and plans in individual and small group markets.

**SB1041  Online Virginia Network Authority: adds President of James Madison University as member, etc.**

*Companion Bill:* HB1660

*Chief Patron:* Obenshain

*Summary:*
Adds the President of James Madison University or his designee and one nonlegislative citizen member appointed by James Madison University to the members of the board of trustees of the Online Virginia Network Authority. The bill also adds James Madison University to the institutions of higher education for which the Online Virginia Network, established by the Authority, will facilitate the completion of degrees. This bill is identical to {HB 1660}.

Law Advice: FYI - No Direct Impact

**SB1045  Cannabidiol oil and THC-A oil; sample testing.**

*Chief Patron:* Hashmi

*Summary:*
Directs the Board of Pharmacy to require that, after processing and before dispensing cannabidiol oil and THC-A oil, a pharmaceutical processor make a homogenized batch of product for testing at an independent laboratory located in Virginia.

Law Advice: FYI - No Direct Impact

**SB1046  Clinical social workers; patient records, involuntary detention orders.**

*Chief Patron:* Deeds

*Summary:*
Adds clinical social workers to the list of eligible providers that includes treating physicians and clinical psychologists who can disclose or recommend the withholding of patient records, face a malpractice review panel, and provide recommendations on involuntary temporary detention orders.

Law Advice: New Authority
SB1064  Combined sewer overflow outfalls; James River watershed.

Chief Patron: Stuart

Summary:
Requires the owner or operator of any combined sewer overflow (CSO) system east of Charlottesville that discharges into the James River watershed to submit to the Department of Environmental Quality an interim and a final plan to address the requirements of any consent special order issued by the State Water Control Board. The bill specifies dates by which the owner or operator must initiate construction and complete work to carry out such plans.

Law Advice: FYI - No Direct Impact

SB1065  State-owned structures; DGS to determine which structures are high-risk, report.

Chief Patron: DeSteph

Summary:
Directs the Department of General Services (the Department) to (i) determine which state-owned structures have a higher likelihood of being involved in a natural or man-made emergency that may require special access by law-enforcement personnel and (ii) study the desirability and feasibility of coordinating with local law enforcement in the installation of certain key boxes permitting law-enforcement officials to gain access to such structure during an emergency. The bill permits the Department to implement procedures for installing such key boxes to the extent that the Department determines such action is desirable and feasible. The bill directs the Department to report its findings to the Governor and General Assembly by December 1, 2020.

Law Advice: Monitor and Track

SB1070  Cemeteries, special interments; pets.

Chief Patron: Dunnavant

Summary:
Allows the remains of cremated pets to be interred with human remains.

Law Advice: New Authority

SB1074  Schedule VI controlled substances and hypodermic syringes and needles; limited-use license.
Companion Bill: HB1654

Chief Patron: McClellan

Summary:
Allows the Board of Pharmacy to issue a limited-use license for the purpose of dispensing Schedule VI controlled substances, excluding the combination of misoprostol and methotrexate, and hypodermic syringes and needles for the administration of prescribed controlled substances to a doctor of medicine, osteopathic medicine, or podiatry, a nurse practitioner, or a physician assistant, provided that such limited-use licensee is practicing at a nonprofit facility. The bill requires such nonprofit facilities to obtain a limited-use permit from the Board and comply with regulations for such a permit. This bill directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill. This bill is identical to HB 1654.

Law Advice: FYI - No Direct Impact

SB1075  Environmental Quality, Department of; public comment.

Chief Patron: McClellan

Summary:
Requires that the Air Pollution Control Board require the applicant to take certain public notice actions, prior to granting any variance to an existing regulation or issuing any permit for (i) a new fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (ii) a major modification to an existing source that is a fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (iii) a new fossil fuel-fired compressor station facility used to transport natural gas, or (iv) a major modification to an existing source that is a fossil fuel-fired compressor station facility used to transport natural gas, if the Board finds that there is a locality particularly affected by such variance or permit.

Law Advice: FYI - No Direct Impact

SJ4  Celebrating the life of Alan Arnold Diamonstein.

Chief Patron: Saslaw

Summary:

Law Advice: FYI - No Direct Impact

SJ15  Teacher licensing process; Department of Education to study.

Chief Patron: Locke

Summary:

Law Advice: FYI - No Direct Impact
Summary:
Requests the Department of Education to study the teacher licensure process and the assessment requirements therein for any inherent biases that may prevent minority teacher candidates from entering the profession.

Law Advice: FYI - No Direct Impact

SJ30  Economic and workforce development; DOAV to study.

Chief Patron: Cosgrove

Summary:
Requests the Department of Aviation to study the coordination of stakeholders within the aviation industry for economic and workforce development. In conducting its study, the Department shall convene a work group with representation from the aviation industry, the Department of Education, the State Council of Higher Education for Virginia, and other interested parties to explore issues related to the continued development of the aviation industry and workforce, in coordination with the Federal Aviation Administration and other responsible federal agencies.

Law Advice: FYI - No Direct Impact

SJ35  Barrier crimes and criminal history records checks; joint subcommittee to study.

Chief Patron: Edwards

Summary:
Establishes a joint subcommittee to study the Commonwealth's requirements related to barrier crimes and criminal history records checks. The resolution directs the joint subcommittee to, in conducting its study, develop recommendations related to (i) whether statutory provisions related to criminal history records checks, barrier crimes, and barrier crime exceptions should be reorganized and consolidated into a central location in the Code of Virginia; (ii) whether certain crimes should be removed from the list of barrier crimes; (iii) whether barrier crime exceptions and waiver processes should be broadened; (iv) whether the required amount of time that must lapse after conviction of certain barrier crimes should be shortened; and (v) other changes that could be made to criminal history records check and barrier crimes requirements that would improve the organization, effectiveness, and fairness of such provisions.

Law Advice: Monitor and Track

SJ38  Coastal areas; study on economic consequences of weather-related events.

Companion Bill: HJ47

Chief Patron: Cosgrove
Summary:
Directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. This resolution is identical to HJ 47.

Law Advice: FYI - No Direct Impact

SJ42 Waste Diversion and Recycling Task Force; DEQ to establish.

Companion Bill: HJ116

Chief Patron: Hanger

Summary:
Requests the Department of Environmental Quality to establish a Waste Diversion and Recycling Task Force to meet to discuss ways to increase waste diversion and recycling. The resolution requests that the Task Force include stakeholders to discuss (i) methods of improving recycling, reducing waste, and diverting waste from landfills; (ii) recommendations to reduce waste at the source, such as composting and recycling of organic material; and (iii) whether current recycling rates required by Virginia law should be increased and whether state policy should be changed to give landfills a greater role in the management of organic material. It also requests that the Task Force discuss potential improvements in the goals and efficiency of the grant program funded by the Litter Control and Recycling Fund, which under current law is used to fund local litter prevention, recycling grants to localities, and statewide and regional litter prevention and recycling educational program grants.

Law Advice: FYI - No Direct Impact

SJ44 Governor; confirming appointments.

Chief Patron: Deeds

Summary:
Confirms appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly August 1, 2019.

Law Advice: FYI - No Direct Impact
SJ49  **Social workers; DHP to study need for additional, etc., workers.**

**Chief Patron:** McClellan

**Summary:**
Requests that the Department of Health Professions convene a workgroup, which shall include certain stakeholders listed in the bill, to (i) identify the number of social workers needed in the Commonwealth to adequately serve the population; (ii) identify opportunities for the Commonwealth's social work workforce to successfully serve and respond to increasing biopsychosocial needs of individuals, groups, and communities in areas related to aging, child welfare, social services, military and veterans affairs, criminal justice, juvenile justice, corrections, mental health, substance abuse treatment, and other health and social determinants; (iii) gather information about current social workers in the Commonwealth related to level of education, school of social work attended, level of licensure, job title and classification, years of experience, gender, employer, and compensation; (iv) analyze the impact of compensation levels on social workers' job satisfaction and performance, as well as its impact on the likelihood of other persons entering the profession and any complications to such compensation levels caused by student debt; and (v) make recommendations for additional sources of funding to adequately compensate social workers and increase the number of social workers in the Commonwealth.

**Law Advice:** FYI - No Direct Impact

SJ51  **World Prematurity Month and Day; designating as November, 2020, and November 17, 2020, respectively.**

**Chief Patron:** McClellan

**Summary:**
Designates November, in 2020 and in each succeeding year, as World Prematurity Month and November 17, in 2020 and in each succeeding year, as World Prematurity Day in Virginia.

**Law Advice:** FYI - No Direct Impact

SJ60  **Nuclear energy; advancement of nuclear energy research & exploration of economic opportunities.**

**Chief Patron:** Peake

**Summary:**
Encourages the advancement of nuclear energy research and the exploration of economic development opportunities related to nuclear energy.

**Law Advice:** FYI - No Direct Impact
**SJ67  Marijuana; JLARC to study legalization of growth, sale, and possession.**

*Chief Patron:* McClellan

*Summary:*
Directs the Joint Legislative Audit and Review Commission to study and make recommendations for how Virginia should go about legalizing and regulating the growth, sale, and possession of marijuana by July 1, 2022, and address the impacts of marijuana prohibition.

Law Advice: FYI - No Direct Impact

**SJ86  Ovarian Cancer Awareness Month; designating as September 2020 and each succeeding year thereafter.**

*Chief Patron:* Favola

*Summary:*
Designates September, in 2020 and in each succeeding year, as Ovarian Cancer Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

**SJ88  Celebrating the life of the Honorable Gerald L. Baliles.**

*Companion Bill:* HJ311

*Chief Patron:* Reeves

*Summary:*
Law Advice: FYI - No Direct Impact

**SJ102  Celebrating the life of Paul Morton Gaston.**

*Chief Patron:* Deeds

*Summary:*
Law Advice: FYI - No Direct Impact

**SJ103  Commending the University of Virginia men's basketball team.**
Companion Bill: HJ121

Chief Patron: Deeds

Summary:
Law Advice: FYI - No Direct Impact

SJ145  Commending Deborah Warrick Lamb.

Chief Patron: Deeds

Summary:
Law Advice: FYI - No Direct Impact

SJ242  Commending Christopher Howard Long.

Chief Patron: Deeds

Summary:
Law Advice: FYI - No Direct Impact

SR24  Commending William H. Goodwin, Jr.

Chief Patron: Dunnavant

Summary:
Law Advice: FYI - No Direct Impact

SR79  Celebrating the life of Henry J. Abraham.

Chief Patron: Dunnavant

Summary:
Law Advice: FYI - No Direct Impact