

**Staff “Watch List” and Legislation Provided for Information  
Board of Supervisors Legislative Committee  
February 17, 2023**

**“Watch List”/May Have State Revenue/Policy Implications**

**Health and Human Services**

**SB 975** (Peake) (Passed Senate, Reported from HHWI) changes references to certain practitioners in the Code to advanced practice registered nurse in order to align the Code with the professional designations established by the Consensus Model for Advanced Practice Registered Nurses Regulation established by the National Council of State Boards of Nursing. (23102178D-E)

**HB 2025** (Roem) (Passed House, SRSS) requires the Department of Social Services to develop, annually update, and provide to each school board in advance of the start of each school year an information sheet on the SNAP benefits program that sets forth the application process and such other information as the Department deems necessary or appropriate in order to properly inform the parents of students enrolled in public elementary and secondary schools of such program and encourage application by those who are eligible. The bill requires each school board to ensure that such information sheet is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. The bill also requires each school board to ensure that a fillable free or reduced price meals application is sent home with each such student at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. (23102018D)

**HB 1900** (Hope) (Passed House, SEH) modifies the requirements for inspections of services provided by a licensed provider of behavioral health and developmental services. The bill removes the requirement that an inspection is conducted annually and replaces it with a requirement that an inspection is conducted at least once during the licensing period. The bill removes an evaluation of physical facilities where services are provided from the inspection requirements. (HHWI Amendments)

**HB 2255** (Hodges) (Passed House, SRUL) requires the Commissioner of Behavioral Health and Developmental Services to notify a provider of behavioral health and developmental services who is issued a provisional license of any limitations that can be placed on the provider by any other agency of the Commonwealth, including restrictions on reimbursement that may be imposed by the Department of Medical Assistance Services. The bill requires that a consent agreement signed by such provider waiving his right to appeal a provisional license issuance decision outline such potential restrictions on reimbursement and that a copy of the signed consent agreement be provided to the Department of Medical Assistance Services. (23105857D-S1)

**SB 1155** (Mason) (Passed Both Houses) requires the Commissioner of Behavioral Health and Developmental Services or his authorized agents to make at least at least one unannounced inspection of each service offered by each licensed provider during the licensing period. Current law requires an annual unannounced inspection. The bill also removes the requirement that inspections evaluate the physical facilities in which services are provided. (23105857D-S1)

**SB 1043** (McPike) (Passed Senate, HAPP) requires the Department of Education, in consultation with the Department of Behavioral Health and Developmental Services, to develop, adopt, and distribute to each school board a model memorandum of understanding between a school board and a public or private community mental health services provider that sets forth parameters for the provision of mental health services to public school students enrolled in the local school division by such provider. The bill requires the memorandum of understanding to be available to each school board no later than the beginning of the 2023 - 2024 school year. The bill also permits, in order to fill vacant school psychologist positions, any local school board to employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment. Finally, the bill defines the terms "direct counseling" and "program planning and school support" for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students. (23105161D-ES1)

**SB 1170** (Hanger) (Passed Senate, HRUL) clarifies the duty of all agencies, as defined in the bill, and political subdivisions of the Commonwealth and certain other entities to cooperate with and assist the Behavioral Health Commission in the performance of its duties and requires such agencies, political subdivisions, and other entities to, upon request, provide to the Commission certain information and facility access. The bill also excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act records of the Commission. (23106037D-S1)

**SB 1219** (Mason) (Passed Senate, HHWI) allows local boards of social services and child-placing agencies to approve as a kinship foster parent an applicant who has been convicted of possessing a Schedule I or Schedule II controlled substance, provided that (i) the offense did not involve possession of heroin, fentanyl, or methylenedioxy-methamphetamine, (ii) five years have elapsed from the date of the conviction, and (iii) the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. Under current law, such applicants may be approved as a kinship foster parent if 10 years have elapsed from the date of conviction. (23103937D-E)

**SB 827** (Favola) (Passed Senate, Reported from HHWI) directs the Board of Health to amend its regulations to require every hospital with an emergency department to have at least one off-duty law-enforcement officer or a trained security officer present at all times. Hospital protocols shall ensure such officers providing security receive training in the use of weapons, defensive tactics, de-escalation techniques, appropriate physical restraint techniques, crisis intervention, and trauma-informed approaches in identifying and safely addressing situations involving patients, family

members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. (23105296D-S1)

**HB 1792** (Ransone) (Passed Both Houses)/**SB 1302** (Deeds) (Passed Senate, HCT) clarifies that in the case where a mental or physical condition is a result of intoxication, a licensed physician who has attempted to obtain informed consent of an adult person for treatment of such mental or physical condition resulting from intoxication may seek an order from the magistrate or court in the jurisdiction where the respondent is located authorizing temporary detention of the adult person in a hospital emergency department or other appropriate facility for testing, observation, or treatment, provided that certain conditions are met. (23101887D-E), (23105467D-S1)

**SB 872** (Newman) (Passed Senate, HCT) requires magistrates to authorize alternative transportation if a person subject to an emergency custody order or temporary detention order is deemed to not be a danger to himself or others and appropriate alternative transportation is available. (23105273D-S1)

**SB 820** (Favola) (Passed Senate, HPS) establishes the Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund to be administered by the Department of Criminal Justice Services for the purpose of funding and supporting the planning and implementation of locally administered jail-based addiction recovery and substance use disorder treatment and transition programs in local and regional jails. (23101234D)

**SB 1414** (Pillion) (Passed Senate, HHWI) establishes the Commonwealth Opioid Abatement and Remediation Fund to receive funds from a direct settlement, judgment, verdict, or other court order relating to consumer protection claims regarding the manufacturing, marketing, distribution, or sale of opioids or that are intended to be used for opioid abatement or remediation, excluding funds designated for transfer to the Opioid Abatement Authority and that shall be deposited by the Office of the Attorney General. Moneys in the Fund shall be administered by the Department of Health and shall be used solely for the purposes of efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the opioid epidemic, or for any other approved purposes described in a related settlement, judgment, verdict, or other court order. (23104608D-S1)

**SB 1415** (Pillion) (Passed Senate, HAPP) directs the Department of Health to create the Commonwealth Opioid Impact Reduction Registry consisting of nonprofit organizations that work to reduce the impact of opioids in the Commonwealth. The bill allows any person to possess and administer naloxone or other opioid antagonist used for overdose reversal 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, provided that certain other conditions enumerated in current law are met. The bill removes training requirements related to the possession and administration of naloxone and directs the Department of Health, the Department of Behavioral Health and Developmental Services, and the Department of Corrections to collaborate to develop and implement a plan for the distribution of naloxone throughout the Commonwealth. The bill also directs the Department of Corrections to amend its regulations to require that training in the administration of naloxone be provided to every inmate prior to release. (23105909D-S1)

**SB 1232** (Dunnivant) (Passed Senate, HHWI) clarifies that the deaths of individuals who are or who were, immediately prior to admission to another hospital, receiving services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services must be investigated by the Office of the Chief Medical Examiner, whether the death of such individual was expected or unexpected. The bill also requires that any report concerning the death of an individual who is receiving services or who, immediately prior to admission to another hospital, received services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services be delivered to the Commissioner of Behavioral Health and Developmental Services and to the State Inspector General. Current law only requires the delivery of autopsy reports. (23104712D-S1)

**HB 1754** (Head) (Passed House, Reported from SEH)/**SB 1119** (Stuart) (Passed Both Houses) allows patients who have an established relationship with a practitioner who is a member of a health maintenance organization or multispecialty group to receive services from a practitioner who is a member of the same multispecialty group via telemedicine without undergoing another in-person exam within the specified time period and increases the specified time period from one year to three years. The bill increases from one year to three years the period during which psychologists and clinical social workers who are licensed outside the Commonwealth and who meet certain criteria may provide behavioral health services via telemedicine to a patient located in the Commonwealth. (23105193D-H1), (23105518D-S1)

**SB 1146** (Boysko) (Passed Both Houses) limits, in the context of early childhood care and education entities, the requirement for the implementation of policies for the possession and administration of epinephrine to child day centers. Under current law, such requirement applies to all early childhood care and education entities, which include child day centers, family day homes, and family day systems serving children younger than the age of five. The bill also requires the Board of Education to amend its regulations to require each family day home provider or at least one other caregiver employed by such provider in the family day home to be trained in the administration of epinephrine and to notify the parents of each child who receives care in such family day home whether the provider stores an appropriate weight-based dosage of epinephrine in the residence or home in which the family day home operates. (23101188D)

**SB 1546** (Ebbin) (Passed Senate, Reported from HHWI) exempts from the Department of Agriculture and Consumer Services inspection and permit requirements to operate a food establishment any establishment or operation that has a restaurant license from the State Department of Health that supplies food to any school or day care center that has a restaurant license from the State Department of Health. (23105992D-S1)

**SB 1169** (Hanger) (Passed Senate, HAPP) modifies and reorganizes provisions related to the requirements of performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities. (23103870D)

**SB 1465** (Hanger) (Passed Senate, HHWI) provides that the purpose of behavioral health services provided by community services boards and behavioral health authorities is to enable individuals who have a mental illness or substance use disorder that significantly impairs their functioning to access effective, timely, and cost-efficient services that help them (i) overcome or manage functional impairments caused by the mental illness or substance use disorder and (ii) remain in the community to the greatest extent possible, consistent with the individual's well-being and public safety. The bill also requires that performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities include certain information, as specified in the bill. The bill reorganizes certain other provisions related to community services boards and behavioral health authorities. (23103868D)

**SB 1292** (Deeds) (Passed Senate, HCT) provides that the Department of Criminal Justice Services, in partnership with the State Crime Commission, shall administer a two-year Demand Reduction and Safe Harbor for Domestic Minor Sex Trafficked Youth pilot program that shall focus on (i) implementing proactive reverse sting operations that target buyers of sex services and (ii) establishing programs and protocols to aid victims of sex trafficking. The bill provides that the goal of the program shall be to reduce arrest of sex trafficking victims regardless of age, reduce demand for commercial sex exploitation by focusing on buyers, and establish high-quality residential care, education, alternative employment opportunities, and life skills for victims. (23102057D)

**SB 1458** (Ebbin) (Passed Senate, HHWI) directs the Department of Health Professions to review and adopt regulations regulating the use of supplemental nursing services, defined in the bill, in assisted living facilities. (23102989D)

**HB 1446** (Orrock) (Passed Both Houses) sets nursing staffing requirements for certified nursing facilities, imposes administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, and provides for exemptions to the administrative sanctions under certain circumstances. The bill has a delayed effective date of July 1, 2026. (23104725D-H1)

**SB 1339** (Barker) (Passed Senate, Reported from HHWI) sets nursing staffing requirements for certified nursing facilities, imposes administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, and provides for exemptions to the administrative sanctions under certain circumstances. The bill has a delayed effective date of July 1, 2026. (23101878D)

**HB 1744** (Carr) (Passed House, SRSS) provides that home studies conducted by a local board of social services or licensed child-placing agency for the purpose of placing a child in a foster home or with an adoptive family shall, on and after July 1, 2024, be transferable between all localities, local boards, and licensed child-placing agencies within the Commonwealth, subject to any time limitations or other requirements imposed by law or State Board of Social Services regulations. The bill allows the Board to promulgate regulations that establish a market rate for such home studies. The bill also directs the Department of Social Services to convene a work group to study and create, in coordination with all relevant stakeholders, a template to be used for all home studies for these purposes and to report its findings to the Chairmen of the House Committee on Health,

Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by November 1, 2023. (23105093D-H1)

**HB 1525** (Coyner) (Passed House, Reported from SFIN)/**SB 846** (Favola) (Passed Senate, Reported from HHWI) permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist. (23105167D-H1), (23105768D-S2)

## Courts

**SB 987** (Mason) (Passed Senate, HCT) requires the court to set up a schedule for periodic review hearings in the order of appointment of a guardian or conservator, unless the court makes a determination that such hearings are unnecessary or impracticable. The bill further provides that any periodic review hearing shall include the following assessments by the court: (i) the likelihood that the respondent's condition will improve or the respondent will regain capacity, (ii) whether concerns or questions were raised about the suitability of the person appointed as a guardian or conservator at the time of the initial appointment, and (iii) whether the appointment of a guardian or conservator or the appointment of the specifically appointed guardian or conservator was contested by the respondent or another party. (23102563D)

**SB 1291** (Deeds) (Passed Senate, Reported from HCT) provides that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response during which and as a result of such emergency response any person suffers a serious bodily injury and a Class 5 felony if any person is killed. The bill authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication. The bill also requires the Secretary of Education, together with the Secretary of Public Safety and Homeland Security, to convene a work group for the purpose of establishing best practices, policies, and procedures for school personnel in the event of false information resulting in an emergency response at or near a school. (23103560D)

**SB 1402** (Surovell) (Passed Senate, Reported from HCT) repeals the statute providing for the limitation on the dissemination of criminal history record information related to the possession of marijuana and the statute related to automatic sealing for mistaken identity or unauthorized use of identifying information. The bill also repeals the provisions related to the automatic and petition-based expungement of former marijuana offenses and instead provides for the sealing of such offenses. The bill also removes the provisions related to the automatic sealing of underage possession of alcohol offenses and instead provides for petition-based sealing of such offenses.

The bill creates an electronic, name-based criminal history record search to be used when an expungement or sealing petition is filed and requires the court to maintain a copy of a sealing order and send an electronic notification, rather than an order as current law requires, to the Department

of State Police after an offense is sealed. The bill also allows courts and attorneys for the Commonwealth to access sealed records in instances where the court or parties failed to strictly comply with sealing procedures or an order for sealing was entered contrary to law and clarifies that a petition for sealing can only include offenses that arose out of the same transaction or occurrence. The bill makes additional changes to the processes for expungement and sealing, including updates to the process of forwarding a petitioner's criminal history record to the court and maintaining expungement pleadings under seal. The bill provides a petition process by which the person who was charged with an offense that was ordered to be expunged may request access to such expunged court or police record.

The repeal of the statute related to the limitation on the dissemination of criminal history record information related to the possession of marijuana and various other provisions of the bill have a delayed effective date of the earlier of (i) the date on which the processes to seal criminal history record information and court records pursuant to Chapters 524 and 542 of the Acts of Assembly of 2021, Special Session I, become effective or (ii) July 1, 2025. This bill is a recommendation of the Virginia State Crime Commission. (23102885D)

**SB 841** (Surovell) (Passed Senate, Reported from HCT) provides that the membership of a local independent policy board of an alcohol safety action program must include at least one criminal defense attorney who has specialized knowledge in representing persons charged with driving while intoxicated offenses. The bill also provides that any court that has convicted a person of a reckless driving violation in which alcohol was a factor shall have continuing jurisdiction over such person during any period of license revocation related to that conviction for the limited purposes of (i) referring such person to a certified alcohol safety action program; (ii) providing for a restricted driver's license permit for such person; and (iii) imposing terms, conditions, and limitations for actions related to such person's participation in a certified alcohol safety action program and use of the restricted driver's license permit. This bill is a recommendation of the Commission on the Virginia Alcohol Safety Action Program. (23103601D)

**SB 783** (Reeves) (Passed Senate, HCT) provides that a person whose driver's license has been revoked for multiple convictions of driving while intoxicated may file a petition for the issuance of a restricted driver's license without having to wait for the expiration of three years from the date of his last conviction when such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket. (23103255D)

### **Transportation**

HB 1858 (Webert) (Passed House, SFIN) directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by the Public-Private Transportation Act of 1995 (PPTA). The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and if the Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of

such roadway to operate under the authority and requirements provided by the PPTA. The bill has an expiration date of January 1, 2025. (2310415D)

**HB 2302** (Adams, L.) (Passed House, STRAN) requires the Governor to include in the Budget Bill an appropriation of up to \$200 million, limited to \$100 million each year, from the Commonwealth Transportation Fund to maintain a minimum available balance of \$300 million in the Transportation Partnership Opportunity Fund (the Fund). The bill authorizes the Governor to direct funds from the Fund to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. The bill also authorizes the Governor to use funds from the Fund to enhance the economic development opportunities of the Commonwealth's transportation programs. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill removes the requirement for the Governor to provide copies of the guidelines and criteria for awarding grants and loans to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation. The bill repeals the requirement for the Commonwealth Transportation Board to ensure that projects are not undertaken primarily for economic development purposes. (23103984D)

**SB 1370** (Vogel) (Passed Senate, HCE)/**HB 1637** (Webert) (Passed House, Reported from SCL) adds one project to the existing pilot program for underground transmission lines. The bill requires the State Corporation Commission to approve one additional application filed between January 1, 2023, and October 1, 2023, as a qualifying project to be constructed in whole or in part underground, as a part of the pilot program. The bill requires that the added qualifying project be a newly proposed 230-kilovolt line underground line and that (i) an engineering analysis demonstrates that it is technically feasible to place the proposed line, in whole or in part, underground; (ii) the governing body of each locality in which a portion of the proposed line will be placed underground indicates, by resolution, general community support for the project and that the governing body supports the transmission line to be placed underground; (iii) a project has been filed with the Commission or is pending issuance of a certificate of public convenience and necessity by October 1, 2023; (iv) the estimated additional cost of placing the proposed line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the Commission agree, a proposed underground line whose cost exceeds 2.5 times the cost of placing the line overhead may also be accepted into the pilot program; (v) the public utility requests that the project be considered as a qualifying project under the pilot program; and (vi) the primary need of the project is for purposes of grid reliability or grid resiliency or to support economic development priorities of the Commonwealth, including 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, and not to address aging assets that would have otherwise been replaced in due course. (23101426D), (23100154D)

**HB 1437** (Wiley) (Passed House, STRAN)/**SB 1165** (Lewis) (Passed Senate, Reported from HTRAN) provides that the authority of the Commonwealth Transportation Board to make regulations for the use of systems of state highways includes authorizing the use of such highways for public safety purposes and the use of devices on such highways for public safety purposes whether related or unrelated to transportation safety. The bill requires any regulation authorizing the use in the system of state highways of a device for public safety purposes that records and stores videos or images to require that all data collected by such device be purged and not retained later than 30 days after collection unless such data is being used in an active law-enforcement investigation. (23102005D), (23102332D)

**HB 2330** (McQuinn) (Passed House, SJUD) makes it a Class 1 misdemeanor for a person to commit a battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties. The bill requires the sentence of such person, upon conviction, to include a term of confinement of 15 days in jail, two days of which is a mandatory minimum. (23103484D)

**SB 1106** (Newman) (Passed Senate, Reported from HTRAN) requires the Governor to include in the Budget Bill an appropriation of up to \$200 million, limited to \$100 million each year, from the Commonwealth Transportation Fund to maintain a minimum available balance of \$300 million in the Transportation Partnership Opportunity Fund (the Fund). The bill authorizes the Governor to direct funds from the Fund to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. The bill also authorizes the Governor to use funds from the Fund to enhance the economic development opportunities of the Commonwealth's transportation programs. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill removes the requirement for the Governor to provide copies of the guidelines and criteria for awarding grants and loans to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation. The bill repeals the requirement for the Commonwealth Transportation Board to ensure that projects are not undertaken primarily for economic development purposes. (23103887D)

## **Education**

**HB 1704** (Bell) (Passed House, Passed Senate with substitute)/**SB 821** (Surovell) (Passed Senate, Passed House with substitute)/requires each division superintendent to identify, update as necessary, and make available to the Department of Education and to other appropriate individuals a fax number, an email address, and a mailing address at which the division superintendent will receive the reports required to be transmitted pursuant to relevant law from (i) every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other employee in any local school division in the Commonwealth for a felony or a Class 1

misdeemeanor or an equivalent offense in another state and (ii) the clerk of any circuit court or any district court in the Commonwealth upon the conviction of a Board of Education-licensed school employee for certain enumerated felonies. The bill requires the Department to compile and make publicly available on its website a list of such fax numbers, email addresses, and mailing addresses. The bill also requires all such arresting officials or agencies and all such clerks to transmit the required reports via certified mail, return receipt requested, or to the identified fax numbers and email addresses. The bill finally requires, until July 1, 2027, all such arresting officials or agencies request in writing that the Virginia Employment Commission provide the name of the current employer of each arrested person for purposes of determining whether such notice is required. (23106596D-H1), (23106552D-S1)

**SB 1099** (Norment) (Passed Senate, Passed House with substitute) provides that matching grants from the School Resource Officer Incentive Grants Fund may be awarded to local law-enforcement agencies and local school boards for the expenses related to the equipment necessary for uniformed school resource officers, school security officers, and other relevant school safety personnel and the enhancement of the school-law enforcement partnership through training and programming as determined by the Department. (23106599D-H1)

### **Land Use**

**SB 1390** (Lewis) (Passed Senate, House Floor) extends to July 1, 2026, the sunset date for various local land use approvals for solar photovoltaic projects that were valid and outstanding as of July 1, 2023. (23103968D)

### **Building Code**

**SB 1263** (Hackworth) (Passed Senate, Reported from HGL)/**HB 2312** (Head) (Passed House, SGL) defines stop work orders for the purposes of the Uniform Statewide Building Code. The bill provides that if, during an appeal pursuant to the provisions of the Administrative Process Act of the State Building Code Technical Review Board's decision with respect to the issuance of a stop work order by a local building official, the court finds in favor of the party that was issued the stop work order, such party shall be entitled to recover its actual costs of litigation, including court costs, attorney fees, and witness fees, from the locality responsible for issuing the stop work order. The bill contains technical edits. (23104259D), (23104240D)

**SB 1305** (Hanger) (Passed Senate, HGL) requires farm buildings and structures where the public is invited to enter and that are used for storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced on the farm and that are exempt from the Uniform Statewide Building Code (the building code) to have (i) portable fire extinguishers, (ii) a simple written plan in case of an emergency, and (iii) a sign posted in a conspicuous place upon entry that states that the building is exempt from the provisions of the building code. The bill also directs the Agritourism Event Structure Technical Advisory Committee to meet at least four times between the 2023 and 2024 Regular Sessions of the General Assembly and provides guidance to the Committee for topics on fire safety and the welfare of the general public to consider. (23105090D-S1)

## **Public Safety/Criminal Justice**

**HB 2344** (Head) (Passed House, SRSS)/**SB 1421** (Pillion) (Passed Senate, HHWI) removes the requirement that the adult protective services hotline immediately refer certain reports of alleged adult abuse, neglect, or exploitation to the appropriate local law-enforcement agency and removes the duty of local law-enforcement agencies to provide the adult protective services hotline with a preferred point of contact for such referrals. The bill retains the requirement for the local department of social services to immediately refer such reports to the appropriate local law-enforcement agency and the duty of local law-enforcement agencies to provide local departments of social services with a preferred point of contact for such referrals. (23100952D), (23100951D)

**HB 2400** (Herring) (Passed House, Senate Floor) repeals the statute providing for the limitation on the dissemination of criminal history record information related to the possession of marijuana and the statute related to automatic sealing for mistaken identity or unauthorized use of identifying information. The bill also repeals the provisions related to the automatic and petition-based expungement of former marijuana offenses and instead provides for the sealing of such offenses. The bill also removes the provisions related to the automatic sealing of underage possession of alcohol offenses and instead provides for petition-based sealing of such offenses.

The bill creates an electronic, name-based criminal history record search to be used when an expungement or sealing petition is filed and requires the court to maintain a copy of a sealing order and send an electronic notification, rather than an order as current law requires, to the Department of State Police after an offense is sealed. The bill also allows courts and attorneys for the Commonwealth to access sealed records in instances where the court or parties failed to strictly comply with sealing procedures or an order for sealing was entered contrary to law and clarifies that a petition for sealing can only include offenses that arose out of the same transaction or occurrence. The bill makes additional changes to the processes for expungement and sealing, including updates to the process of forwarding a petitioner's criminal history record to the court and maintaining expungement pleadings under seal. The bill provides a petition process by which the person who was charged with an offense that was ordered to be expunged may request access to such expunged court or police record.

The repeal of the statute related to the limitation on the dissemination of criminal history record information related to the possession of marijuana and various other provisions of the bill have a delayed effective date of the earlier of (i) the date on which the processes to seal criminal history record information and court records pursuant to Chapters 524 and 542 of the Acts of Assembly of 2021, Special Session I, become effective or (ii) July 1, 2025. This bill is a recommendation of the Virginia State Crime Commission. (23104310D-E)

**HB 2037** (Sewell) (Passed House, SJUD) requires the governing body of any county or city that elects to supplement the compensation of the public defender or any of his deputies to pay such funds directly to the Indigent Defense Commission, which is required to provide the funds directly to employees in combination with the compensation fixed by the executive director. Current law requires that such funds be provided directly to the employees, with notice to the Commission of the amount of such funds. (23105407D-H1)

**SB 1272** (Boysko) (Passed Senate, HCT) provides that any person charged with a simple assault and battery offense who has been diagnosed by a psychiatrist or clinical psychologist with an autism spectrum disorder, an intellectual disability or developmental disability, or serious mental illness shall not be subject to a mandatory minimum punishment if the court finds that the violation was caused by or had a direct and substantial relationship to the person's disorder or disability. Under current law, certain simple assault and battery offenses carry a mandatory minimum punishment when such offenses are committed against certain groups of people, including judges, law-enforcement officers, first responders, school employees, and health care providers. (23101068D)

### **Zoning**

**SB 1141** (McPike) (Passed Senate, HCCT) authorizes any locality in the Commonwealth to provide for an affordable housing dwelling unit program by amending the zoning ordinance of such locality. Current law restricts such authorization to counties with an urban county executive form of government or county manager plan of government and certain other localities. (23105882D-S1)

### **Environment**

**HB 2284** (Wiley) (Passed House, SEH) removes from the membership of the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals a faculty member of a public institution of higher education in the Commonwealth whose principal field of teaching is management or operation of waterworks or wastewater works and adds to the Board's membership a local or regional representative of the Department of Health. (23101257D)

**HB 2189** (Rasoul) (Passed House, SACNR) requires industrial users of publicly owned treatment works that receive and clean, repair, refurbish, or process items that contain PFAS, as defined in the bill, to test wastestreams for PFAS prior to and after cleaning, repairing, refurbishing, or processing such items. The bill also requires prompt testing for PFAS following the discharge of certain toxic agents or materials listed in the federal Clean Water Act into state waters and requires the results of such tests to be submitted to the coordinator of emergency services for the affected political subdivision. (23106081D-H1)

**SB 1152** (Cosgrove) (Passed Senate, House Floor) exempts federal government agencies from the provisions of Virginia law and local ordinances relating to wetlands and the Chesapeake Bay Preservation Act. (23106061D-S1)

### **Administration of Government**

**SB 1151** (Edwards) (Passed Senate, Passed House)/**HB 2161** (Williams) (Passed House, SLG) standardizes the frequency and length of time that notices of certain meetings, hearings, and other intended actions of localities must be published in newspapers and other print media. The notice provisions included in the bill are organized into the following three groups: (i) publication required one week before the meeting, hearing, or intended action; (ii) publication required two consecutive weeks before the meeting, hearing, or intended action; and (iii) publication required

three consecutive weeks before the meeting, hearing, or intended action. In addition, the bill amends provisions related to the content of notices for zoning ordinances and amendments to such ordinances by removing the requirement that such notices contain a descriptive summary of the proposed action and providing that such notices shall include the street address or tax map parcel number of the parcels subject to the action. In cases where the intended action affects more than 25 parcels, the notice must also include the approximate acreage subject to the intended action. The bill also removes the requirement that notices of proposed amendments to a zoning map state the general usage and density range of the proposed amendment and the general usage density set forth in the applicable part of the comprehensive plan. The bill directs the Virginia Code Commission to convene a work group to continue review of the notice requirements throughout the Code of Virginia and requires the Virginia Code Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 30, 2023. (23100325D-E), (23101898D)

### **Elections**

**SB 1431** (Surovell) (Passed House, HPE) sets out the procedure by which, and clarifies the reasons for which, an elected officer or officer who has been appointed to fill an elective office may be removed from office. The bill requires, among other things, that (i) the general registrar review the petition and determine its sufficiency in accordance with the uniform standards approved by the State Board of Elections; (ii) the general registrar certify the petition within 10 business days and promptly file such certification with the clerk of the circuit court; and (iii) the certification state the number of signatures required, the number of signatures on the petition, and the number of valid signatures, along with any signatures found to be invalid and any material omissions from the petition. The bill also provides that the Commonwealth and the elected officer shall be the only two parties to a removal proceeding. This bill is a recommendation of the Boyd-Graves Conference. (23100264D)

**SB 944** (Suetterlein) (Passed Senate, Reported from HPE) requires the writ of election to fill a vacancy in the membership of the General Assembly (i) to be issued within 30 days of the vacancy or receipt of notification of the vacancy, whichever comes first, and (ii) if the vacancy occurs or will occur between December 10 and March 1, to order that the special election take place no more than 30 days from the date of such vacancy. (23102711D)

### **Stormwater Management**

**SB 1178** (Lewis) (Passed Both Houses)/**HB 2126** (Wilt) (Passed House, SRUL) establishes that with regard to permanent gravel access roads associated with the construction and maintenance of electric transmission lines by a Phase I Utility, such utility is not required to obtain a General Virginia Pollutant Discharge Elimination System permit for the discharge of stormwater from construction activities if certain conditions are met and also requires such utility to provide in its annual standards and specifications reasonable assurance that such conditions will be satisfied. (23102335D), (23106082D-H1)

## **ABC Licenses**

**SB 983** (Mason) (Passed Senate, HGL) makes numerous changes to the privileges of and requirements for winery and farm winery licenses. Such changes relate to the characteristics of and tasks to be performed on the licensed premises, license qualifications, manufacturing and sale requirements and limitations, and utilization of contract winemaking services. (23101333D)

## **Cannabis**

**SB 788** (Favola) (Passed Both Houses) transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. (23103753D-S1)

**SB 1233** (Obenshain) (Passed Senate, HCT) makes it a Class 1 misdemeanor to advertise in or send any advertising matter into the Commonwealth regarding marijuana or marijuana products other than those that may be legally sold or to engage in advertising activities in violation of the provisions of the Cannabis Control Act or regulations of the Board of Directors of the Virginia Cannabis Control Authority. The bill provides that for violations of certain distance and zoning restrictions on outdoor advertising, as set forth in the bill, the Board must give the advertiser written notice to take corrective action and that, if such corrective action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor. The bill establishes numerous restrictions on marijuana advertisements, including provisions that prohibit advertisements from (i) targeting minors; (ii) being placed near schools, playgrounds, and certain other places; (iii) being displayed at a sporting event or on a billboard; (iv) being misleading, deceptive, or false; (v) referencing the intoxicating effects of marijuana; or (vi) promoting overconsumption or consumption by minors. (23102671D)

**SB 903** (Hanger) (Passed Senate, Passed House with substitute) establishes provisions for the registration of a retail facility for regulated hemp products, as defined in the bill, establishes product packaging, labeling, and testing requirements for such products, and creates a civil penalty of up to \$1,000 for certain violations relating to such products. The bill requires any person who manufactures an industrial hemp extract, as defined in the bill, or food containing an industrial hemp extract to obtain a permit from the Commissioner of Agriculture and Consumer Services and creates a Class 1 misdemeanor and a civil penalty of up to \$10,000 for certain violations. The bill clarifies that any substances containing a concentration of total tetrahydrocannabinol, as defined in the bill, of more than 0.3 percent, including a hemp product or industrial hemp extract, are included in the definition of marijuana and also clarifies that the definition of marijuana does not include any substance containing tetrahydrocannabinol that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act. The bill increases the civil penalty for certain actions relating to sales of cigarettes and hemp products from \$50 to \$500. The bill also removes tetrahydrocannabinol from the Schedule I list of controlled substances and permits the Board of Pharmacy to schedule, deschedule, or reschedule a tetrahydrocannabinol isomer, except delta-9-tetrahydrocannabinol, or salts of such isomer in accordance with the provisions of the bill. (23106689D-H1)

**HB 1598** (Robinson) (Passed Both Houses) transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. (23106176D-H1)

**HB 1846** (Head) (Passed House, SRSS) allows pharmacists who are employed by a pharmaceutical processor or cannabis dispensing facility to issue written certificates for cannabis products if the pharmacist (i) is acting as the agent of a practitioner, (ii) is acting pursuant to policies established by a practitioner who has contracted with a pharmaceutical processor or cannabis dispensing facility to serve as the medical director of such pharmaceutical processor or cannabis dispensing facility, and (iii) has verified the patient's diagnosis with a practitioner with whom the patient has a bona fide practitioner-patient relationship. The bill amends and adds numerous provisions regarding the Commonwealth's medical marijuana program, including provisions related to recordkeeping, product registration, expiration dates, allowable deviations, dispensing, packing, labeling, and advertising. The bill requires pharmaceutical processors and cannabis dispensing facilities to collect and provide to the Board of Pharmacy by July 1, 2024, data regarding implementation of the bill. The bill also requires the Board of Pharmacy to make certain amendments to its regulations. (23106205D-H1)

**HB 2368** (Adams) (Passed House, SRSS) requires cannabis product and botanical cannabis labels to be complete, accurate, easily discernable, and uniform among different products and brands and that each label, which shall be included on the product and on the pharmaceutical processor's website, include (i) the product name, (ii) all active and inactive ingredients, (iii) the total percentage and milligrams of tetrahydrocannabinol and cannabidiol included in the product and the number of milligrams of tetrahydrocannabinol and cannabidiol in each serving, (iv) the amount of product that constitutes a single serving and the amount recommended for use by the practitioner or dispensing pharmacist, (v) information regarding the product's purpose and detailed usage directions, and (vi) child and safety warnings in a conspicuous font. The bill also requires that no less than 50 percent of all cannabis products offered for sale by a pharmaceutical processor or cannabis dispensing facility (a) contain cannabidiol as its primary cannabinoid and (b) have low levels of or no tetrahydrocannabinol. The bill provides that a patient's registered agent shall not be required to register with the Board of Pharmacy when such registered agent is listed on the patient's written certification pursuant to the patient's request and in the discretion of the practitioner based on medical need. The bill also requires that, in the case of cannabis products, the Prescription Monitoring Program include only the information specified in law, which is amended by the bill. (23104177D)

**SB 1533** (Deeds) (Passed Senate, Reported from HHWI) Allows each pharmaceutical processor that has obtained a permit to operate a pharmaceutical processing facility from the Board of Pharmacy to establish one additional location for the cultivation of cannabis plants, which must be located within the same health service area as the pharmaceutical processing facility. (23104080D-E)

## **Legislation Provided for Information**

### **General Assembly**

**SB 1357** (Norment) (Passed Senate, HRUL) grants the Capitol Square Preservation Council the authority to review and approve all plans or proposals for alterations, improvements, additions, or renovations to, or other disposition of, any monuments, statuary, artwork, or other historical artifacts contained within the Capitol Building, including within the old and new Senate chambers, the old and new halls of the House of Delegates, and the Rotunda. (23101219D)

### **Elections**

**HB 1683** (Ransone) (Passed House, Reported from SPE) provides general registrars with the option to post notice of the final day of voter registration on the official website of the county or city or to publish the notice at least once in a newspaper of general circulation in the county or city. (23100444D)

**HB 2324** (Gordoza) (Passed House, SPE) directs the State Board of Elections to promulgate standards and instructions for the conduct of recounts in elections for any office to which more than one candidate can be elected. Such standards and instructions shall include which candidates apparently nominated or elected are required to be named in the petition for a recount or served a copy of the petition for a recount. (23103681D)

### **Health and Human Services**

**SB 970** (Mason) (Passed Senate, Reported from HHWI) directs the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment to and include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients?; and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause. (23102876D)

**HB 1573** (Walker) (Passed Both Houses) Directs the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment to and include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients?; and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause. (23103067D-E)

**HB 1768** (Head) (Passed House, SRSS) requires local departments of social services (local department), when determined necessary by the local multidisciplinary team during the local department's investigation of a report of child abuse or neglect, to facilitate within 14 days an interview of the child by a child advocacy center that is recognized by the National Children's Alliance and located in the locality served by the local department. The bill allows, in cases in

which the investigation is being conducted in cooperation with a law-enforcement agency, such interview to be conducted within 21 days. (23106095D-H1)

**SB 1096** (Ebbin) (Passed Senate) clarifies that a marriage between two parties is lawful regardless of the sex of such parties, provided that such marriage is not otherwise prohibited by the laws of the Commonwealth. The bill also provides that religious organizations or members of the clergy acting in their religious capacity shall have the right to refuse to perform any marriage. (23103930D-E)

### **Public Safety/Criminal Justice**

**HB 1835** (Bell) (Passed House, Senate Floor) removes the location element that specifies a health care provider must be in a hospital or in an emergency room on the premises of a clinic or other facility rendering emergency medical care from the crime of making an oral threat to kill or to do bodily injury to a health care provider. (23103573D)

**SB 1054** (Peake) (Passed Senate, Reported from HHWI) provides that when an interjurisdictional compact requires criminal history record checks as a condition of participation, the applicable health regulatory board shall require each applicant to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. (23101247D)

**SB 1504** (Petersen) (Passed Senate, HJUD) creates an additional process for a person required to register on the Sex Offender and Crimes Against Minors Registry (Registry) to have his name and information removed from the Registry through a removal request form submitted to the Virginia State Police if such person meets the eligibility criteria, defined in the bill. The bill requires the Virginia State Police to remove from the Registry the name of any person and all identifying information within 30 days of receipt of the removal request form upon determining that such person has met the eligibility requirements.

The bill directs the Virginia State Police to develop a form for requesting removal from the Sex Offender Registry and make such form available on its website on or before October 1, 2023; such form shall also include information on how to obtain a criminal history record check, the link to the record check form, the cost of the record check, and the address to which the removal request should be returned. The bill also directs the Virginia State Police shall send a letter by first-class mail notifying every person currently on the Sex Offender Registry of the change in the name removal process on or before October 1, 2023. Current law only allows a person to petition the circuit court in which he was convicted or the circuit court in the jurisdiction where he resides for removal of his name and all identifying information from the Registry after such person is eligible. (23106051D-S1)

## **Transportation**

**HB 1495** (Austin) (Passed Both Houses)/**SB 1216** (Lucas) (Passed Senate, Reported from HTRAN) removes the requirement that transportation network companies (TNCs) maintain uninsured and underinsured motorist coverage at a minimum of \$1 million. The bill requires TNCs to maintain the same minimum uninsured and underinsured motorist coverage as is currently required by law for all motorists of \$30,000 for bodily injury per person, \$60,000 for bodily injury per accident, and \$20,000 for property damage. The bill repeals expired provisions related to TNC insurance coverage. (23103953D-H1), (23102185D)

**HB 1932** (Runion) (Passed Both Houses,)/**SB 982** (Marsden) (Passed Both Houses) requires drivers to make a lane change or reduce speed when passing stationary vehicles that have activated the vehicular hazard warning signal flashers, displayed caution signs, or been marked with properly lit flares or torches on certain highways when safe and reasonable to do so, and makes a violation of this requirement a traffic infraction. (23102790D), (23102033D)

**HB 1955** (Krizek) (Passed House, SGL) extends from 10 days to 30 business days the deadline for issuing a summons for an alleged violation of passing a stopped school bus in order for proof that the motor vehicle passed a stopped school bus and that the defendant was the registered owner of the vehicle to give rise to a rebuttable presumption that the owner of the vehicle was the operator during the violation. (23101852D)

**HB 2034** (Sewell) (Passed House, STRAN) directs the Commonwealth Transportation Board to invite the National Capital Region Transportation Planning Board (NCRTPB) to participate in and present information at the joint transportation meeting held annually concerning projects in Planning District 8. The bill clarifies that the NCRTPB is not required to participate in the meeting. The bill requires the meeting to be made available online in a manner that allows the public to contemporaneously view and hear the meeting. (23103186D)

**HB 2104** (Bourne) (Passed House, STRAN). the bill increases the default boundaries of a school crossing zone from 600 feet to 750 feet from the limits of school. (23104701D-H1)

**HB 2254** (Sickles) (Passed Both Houses) requires the Department of Motor Vehicles to establish and administer a process whereby a vehicle owner may contest an assessed highway use fee. The bill requires the Department to reimburse the vehicle owner for any contested highway use fee or portion thereof that was incorrectly collected. (23100711D)

**HB 2423** (Austin) (Passed House, STRAN)/**SB 981** (Marsden) (Passed Both Houses) authorizes vehicles operated by the Response and Recovery Coordination Branch of the Washington Metropolitan Area Transit Authority's Office of Emergency Preparedness to (i) be equipped with flashing, blinking, or alternating red or red and white combination warning lights and (ii) disregard certain regulations regarding the operation of vehicles without being subject to criminal prosecution while responding to an emergency. The bill adds responding to metropolitan transit-related incidents to the list of circumstances in which such lighted warning lights shall be displayed. (23104732D), (23101698D)

**SB 1051** (McPike) (Passed Senate, Reported from HTRAN) allows public utility company service vehicles to be left temporarily on private property without the consent of the property owner while utility service or maintenance is being conducted by an employee of the company on the property. The bill prohibits removal or towing of such vehicle for a period of 72 hours. (23102737D)

**SB 1473** (Marsden) (Passed Senate, Reported from HTRAN) authorizes toll facility operators to obtain from the Department of Motor Vehicles the email address or other electronic address of the owner of a vehicle that failed to pay a toll. Existing provisions require an invoice for an unpaid toll to be sent by first-class mail. The bill contains technical amendments. (23104289D)

**HB 1712** (Wachsmann) (Passed Both Houses) expands the prohibition on damaging or removing traffic control devices or street signs, punishable as a Class 1 misdemeanor, to include damaging or removing temporary signs approved by the Department of Transportation warning motorists that work is in progress on or adjacent to the highway or that certain vehicles may be entering the highway. (23101688D)

**SB 855** (Spruill) (Passed Senate, Reported from HTRAN) prohibits the use of headlights on motor vehicles, motorcycles, autocycles, bicycles, electric personal assistive mobility devices, personal delivery devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters with aftermarket modifications that make the color of such lights appear blue. (23101439D-E)

**SB 1035** (McPike) (Passed Senate, Reported from HTRAN) designates bridges with a general condition rating, defined in the bill, of five or less for at least one major bridge component as eligible for state of good repair funds. Currently, bridges must be structurally deficient to be eligible. The bill authorizes the use of state of good repair funds for the implementation of improvements anticipated to extend the useful life of a bridge by at least 10 years. The bill changes the funding distribution standard from equitable needs-based distribution, with percentage limits for a given district and a process to exceed such limits when necessary, to needs-based distribution of funding among the highway construction districts. The bill has a delayed effective date of June 1, 2024. (23101954D)

**SB 1398** (Surovell) (Passed Senate, House Floor) requires the Department of Motor Vehicles to collect and disseminate, on an annual basis, statewide and locality-level data related to driving under the influence of alcohol, drugs, or a combination thereof. The bill requires the Department of Motor Vehicles to submit an annual report on the data collected on or before October 1 to the General Assembly, the Governor, and the Virginia State Crime Commission and to make such data available to the public on the website of the Department. The bill provides that the Department of Motor Vehicles shall not be required to submit the first annual report prior to October 1, 2024, and that the first annual report shall include data from calendar year 2019 through calendar year 2023. This bill is a recommendation of the Virginia State Crime Commission. (23104303D)

## Courts

**SB 1303** (Boysko) (Passed Senate, HCT) provides that a defendant with a disorder or disability, as defined in the bill, may file a petition that requests the sealing of the criminal history record information and court records of a Class 4 felony conviction or deferred and dismissed disposition. Under current law, Class 4 felony convictions or deferred and dismissed dispositions are ineligible to be sealed. The bill also provides that when a conviction or deferral and dismissal has been sealed, the defendant of such sealed record is a defendant with a disorder or disability, and the Governor granted the defendant a simple pardon for the commission of the crime or offense that was sealed, such conviction or deferral and dismissal shall be considered to be otherwise dismissed for purposes of expungement. (23104302D)

**SB 1413** (Norment) (Passed Senate, HCT) provides that where a civil claim is filed arising out of or relating to charges where a petition for the expungement of police and court records for such charges is pending or where the records have been expunged, any party to the civil claim may file a motion in the court in which the civil claim is pending, or in the court where the petition for the expungement was or is pending, for the release of the expunged records for use in the civil litigation, and, upon motion and for good cause shown, such police and court records shall be ordered to be released and the relevant penalties relating to disclosure of such expunged records shall not apply. (23100363D)

**HB 1897** (Bell) (Passed House, SJUD) provides that if a petitioner files a written motion requesting a hearing to extend a permanent protective order, the court may extend the protective order until the extension hearing or for an additional period not to exceed six months if the respondent fails to appear at the extension hearing because the respondent was not personally served with such motion. The bill also provides that the respondent may file a written motion for a continuance of the extension hearing, and the court may, for good cause shown, continue the extension hearing and such protective order shall remain in effect until the extension hearing.

The bill also provides that when a temporary protective order has been issued, the court may continue the full hearing of the protective order upon the motion of the petitioner and for good cause shown. Under current law, only the respondent may file a motion to continue the hearing. Additionally, the bill provides that in cases of family abuse where the court orders a permanent protective order, the court may also award other monetary relief or financial support to the petitioner for the protection of the petitioner and any other family or household member of the petitioner. (23103914D)

**HB 1959** (Mullin) (Passed House, SJUD) provides that if a defendant is ordered to undergo treatment to restore his competency to stand trial and the initial evaluator has found that the defendant has an ongoing and irreversible medical condition causing him to likely remain incompetent for the foreseeable future or that the defendant has been found to be unrestorably incompetent in the past two years, the initial evaluator shall send a report to the court and the court shall proceed with a competency determination. (23100522D)

## **Education**

**SB 1404** (Barker) (Passed Both Houses) renames the School Readiness Committee as the Commission on Early Childhood Care and Education and makes several changes to the Commission, including adjusting its purpose, increasing and adjusting its membership, and establishing eight enumerated powers and duties for the Commission. (23102800D)

## **Environment**

**SB 1333** (Hashmi) (Passed Senate, HAPP) creates a program within the Department of Energy's Division of Renewable Energy and Energy Efficiency to be known as the Commonwealth Solar and Economic Development Program. The Division shall be in charge of initiating and implementing any of certain enumerated solar or economic development projects within any eligible census tract specified in the bill. The bill also requires the Division to apply for funding from certain funding sources as each relates to any initiated project. (23104715D-ES1)

**SB 1332** (McClellan) (Passed Senate, HAG) requires the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Historic Resources, and the Virginia Marine Resources Commission to establish policies and procedures for consulting with federally recognized Tribal Nations in the Commonwealth when evaluating certain permits and reviews relating to environmental, cultural, or historic resources that potentially impact those federally recognized Tribal Nations in the Commonwealth. The bill directs the Secretary of the Commonwealth to designate an Ombudsman for Tribal Consultation to facilitate communication and consultation with federally recognized Tribal Nations in the Commonwealth. The bill codifies Executive Order 82 (2021). (23104150D-E)

**SB 1187** (Lewis) (Passed Both Houses) requires localities to consider strategies to address resilience in their comprehensive plans. (23102509D)

**HB 2096** (Bulova) (Passed House, Reported from SACNR) removes the provision in current law that prohibits the movement, transportation, delivery, shipment, or offering for shipment of any noxious weed into or within the Commonwealth without a permit from the Commissioner of Agriculture and Consumer Services and grants the Board of Agriculture and Consumer Services the authority to adopt regulations governing the conditions under which a permit will be required for such actions. The bill also adds requirements related to invasive plant species, including directing the Department of Conservation and Recreation to create an invasive plant species list and update it quadrennially. (23103916D)

## **Administration of Government**

**SB 1455** (Norment) (Passed Senate, Reported from HCCT) enables the chief law-enforcement officer of a locality to enact a curfew under certain circumstances during a civil disturbance. The bill requires that such action specify the hours of the curfew and the geographic area to which the curfew applies and provide for various specified exceptions. The action authorizing the curfew shall provide for reasonable efforts to inform the public in advance of the curfew, which shall be

valid for no more than 24 hours. The bill provides that such curfew shall not be extended or renewed unless by recorded vote of the local governing body or by judicial order. The bill provides that any violation is a Class 1 misdemeanor. (23102509D)

### **Abortion**

**SB 1243** (Surovell) (Passed Senate, HCT) provides that no demand for extradition of a person charged with a criminal violation of law of another state shall be recognized by the Governor if such alleged violation involves the receipt of or assistance with reproductive health care services unless the alleged violation would also constitute a criminal offense under the laws of the Commonwealth. The bill adds obtaining, disclosing, selling, or disseminating certain enumerated personal reproductive or sexual health information without the consent of the consumer as a prohibited practice under the Virginia Consumer Protection Act. (23103737D)