

**Legislation Requiring Further Review, Staff “Watch List” and Legislation  
Provided for Information  
Board of Supervisors Legislative Committee  
January 27, 2023**

**Legislation Requiring Further Review**

**Administration of Government**

**SB 1470** (Ruff) (SGL) creates the Department of Workforce Development and Advancement (the Department) to serve as administrator and fiscal agent for the Commonwealth's workforce development programs. The bill consolidates statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bill provides for the Virginia Board of Workforce Development to conduct an independent evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bill also (i) transfers administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) changes the name of the Office of Education and Labor Market Analysis to the Office of Education and Workforce Research and moves the Office from the Virginia Economic Development Partnership Authority to the Department, and (iii) shifts the administration and implementation of adult education programs from the Board of Education and local school boards to the State Board for Community Colleges and comprehensive community colleges. The bill directs the Secretary of Labor to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. This bill is a recommendation of the Small Business Commission. (23103908D)

**HB 1487** (March) (HCCT) requires localities to provide a live video broadcast of public meetings of the local governing body and to archive such broadcasts on their websites. (23100033D)

**HB 2205** (Tran) (HFIN) creates a refundable tax credit for taxable years 2023 through 2027 for individuals whose households include dependents younger than the age of 18. The bill provides that the amount of the credit will be equal to \$500 for an individual or married persons filing a joint return whose family Virginia adjusted gross income, as defined by Virginia code, does not exceed \$100,000. The bill provides that if the amount of such credit exceeds the taxpayer's liability for the taxable year, the excess shall be refunded by the Tax Commissioner within 90 days after the filing date of the income tax return on which the taxpayer applies for such refund. (23102353D)

**HB 2245** (Tran) (HFIN) directs the Tax Commissioner to terminate the Virginia Free File Program and related agreement with the Consortium of Virginia. The bill also requires the Tax Commissioner to reinstate the iFile program or to develop and offer a substantially similar program that offers electronic filing services directly to Virginia individual taxpayers without monetary charge beginning in taxable year 2024. The bill contains technical amendments that remove obsolete language regarding fillable forms. (23104227D)

**SB 1151** (Edwards) (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)

**HB 1391** (Goodotis) (HRUL) establishes the 20-member Commission on Social Media in the legislative branch to study and make recommendations on the impacts and harms to citizens caused by social media platforms hosting or amplifying content that includes threats or suggestions of physical violence or danger toward citizens, institutions, groups, associations, or physical structures of the Commonwealth. The Commission will study the impact on citizens of dangerous and violent rhetoric, threats, harassment, doxing, intimidation, misinformation, disinformation, defamation, and deceptive practices of social media companies. The Commission will also study the impact of certain practices by social media companies, such as algorithmic amplification and target advertising, on citizens. The bill requires the Commission to report annually to the General Assembly on its activities and provides that the Commission will sunset on July 1, 2026. (23100109D)

**SB 980** (Marsden) (SRUL) directs the Secretary of Transportation to convene a work group to evaluate how the Department of Transportation determines the usage of Disadvantaged Business Enterprises (DBE) on specific transportation projects with the goal of increasing participation statewide in transportation contracts by small business owned and controlled by socially and economically disadvantaged individuals. The bill specifies certain individuals and groups that will be members of the work group and directs the work group to report its findings and any recommended legislative, regulatory, or policy changes to the Governor and the Chairmen of the House and Senate Committees on Transportation by September 1, 2023. (23100536D)

**SB 1270** (Edwards) (SRUL) requires the Department of Medical Assistance Services to include in its contracts with managed care organizations provisions that require the managed care organization to collect and report to the Department data regarding (i) the number and percentage of claims that are denied and the reasons for such denials and (ii) the number and percentage of claims that required resubmission prior to payment and the reasons for such resubmissions. The

bill requires the Department to (a) examine such data and identify barriers that providers encounter when accepting and treating patients enrolled in the state plan for medical assistance services and (b) report such data and analysis by October 1 of each year to the Joint Commission on Health Care and the Joint Subcommittee for Health and Human Resources Oversight. (23101555D)

**HB 1688** (Brewer) (HTECH) requires an operator, defined in the bill, to obtain verifiable parental consent prior to registering any child with the operator's product or service or before collecting, using, or disclosing such child's personal data and prohibits a controller from knowingly processing the personal data of a child for purposes of (i) targeted advertising, (ii) the sale of such personal data, or (iii) profiling in furtherance of decisions that produce legal or similarly significant effects concerning a consumer. The bill also amends the definition of child for purposes of the Consumer Data Protection Act to include any natural person younger than 18 years of age. (23104153D)

**SB 802** (Hashmi) (SFIN) / **HB 1433** (Scott) (HHWI) authorizes Virginia to become a signatory to the Counseling Compact. The Compact permits eligible licensed professional counselors 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, 2024, and directs the Board of Counseling to adopt emergency regulations to implement the provisions of the bill. The Compact takes effect when it is enacted by a tenth member state. (23100851D), (23100783D)

### **Building Code**

**SB 1263** (Hackworth) (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)

### **Elections**

**SB 907** (Spruill) (SFIN) / **SB 1092** (Ebbin) adds to the list of protected voters any election official or employee of an election official. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants. The bill also makes it a Class 5 felony to hinder or prevent an election official or employee of an election official from administering elections. Under current law it is only a Class 5 felony to hinder or prevent an officer of election at a location being used for voting from holding an election. (23104930D-S1),( 23100626D)

**SB 944** (Suetterlein) (SPE) 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)

**HB 1377** (Greenhalgh) (Passed House) requires general registrars to cancel the voter registration of persons known by him to be deceased or disqualified to vote within seven days of discovering that the person is no longer entitled to be registered. Current law directs registrars to cancel a voter's registration for certain reasons and on the basis of certain information; the bill retains those requirements. (23100521D)

**HB 1529** (Convirs-Fowler) (HPE) allows political parties to charge a filing fee for methods of nomination other than a primary and sets a cap on such fee. The maximum filing fee is set at two percent of the salary of any salaried office sought by a candidate or, for any office for which compensation is paid by fees, two percent of the average fees collected by the office. (23102099D)

**HB 1530** (Convirs-Fowler) (HPE) extends the period of time that parties have to nominate a candidate by a method other than a primary for a special election that is not held on the date of a general election from within five days to within 10 days of the writ ordering such special election. (Extends the period of time that parties have to nominate a candidate by a method other than a primary for a special election that is not held on the date of a general election from within five days to within 10 days of the writ ordering such special election. ( 23102499D)

**HB 1683** (Ransone) (Passed House) 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 1793** (Ransone) (HPE) provides that customers of the Department of Motor Vehicles shall be presented with the option to have their relevant information transmitted to the Department of Elections for voter registration purposes in accordance with federal law. Currently, this information is transmitted unless the DMV customer specifically declines to have such information transmitted. (23100848D)

**HB 2324** (Gordoza) (HPE) 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)

**SB 1431** (Surovell) (SPE) 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)

**SJ 223** (Locke) (SPE) provides that every person who meets the qualifications of voters set forth in the Constitution of Virginia shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release from incarceration for that felony conviction and without further action required of him, such person shall be invested with all political rights, including the right to vote. Currently, in order to be qualified to vote a person convicted of a felony must have his civil rights restored by the Governor or other appropriate authority. The amendment also provides that a person adjudicated by a court of competent jurisdiction as lacking the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law. Currently, the Constitution of Virginia provides that a person who has been adjudicated to be mentally incompetent is not qualified to vote until his competency is reestablished. (23100705D)

**HB 1680** (Ransone) (HPE) requires any registration application used to register persons after the close of registration records, up to and including the day of an election, to require the applicant to affirm, subject to felony penalties for making false statements, that he is not intentionally voting more than once in the same election, whether in the same or a different jurisdiction, and that he is not intentionally registering to vote at more than one residence at the same time, both of which constitute the crime of election fraud and are punishable as a Class 6 felony. (23103314D)

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

**HB 1813** (March) (HGL) exempts consumer, display, and permissible fireworks, defined in the bill and relevant law, from the definition of "device" as it pertains to criminal penalties for the possession, manufacture, transportation, distribution, or use of explosive devices. The bill provides that the Statewide Fire Prevention Code does not apply (i) to the sale of permissible or consumer fireworks; (ii) to any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property; or (iii) when such permissible or consumer fireworks are being transported from a locality where they were legally obtained to a locality where they are legally permitted. The bill imposes a 12 percent retail sales and use tax on the sale or use of consumer, display, or permissible fireworks the revenues from which shall be deposited in the Law Enforcement Support Fund, created by the bill. The bill contains technical amendments. (23100227D)

**HB 1607** (Tata) (HCCT) permits any locality to adopt an ordinance that establishes a uniform schedule of civil penalties for violations of ordinances. The bill provides that the civil penalty, unless elsewhere authorized, shall not exceed (i) \$500 for the initial summons, (ii) \$1,000 for the second violation, or (iii) \$1,500 for the third or subsequent violation. The bill further provides that a locality that has charged an individual criminally under the ordinance may also issue summonses for civil penalties for continued or additional violations of the ordinance. (23103077D)

**SB 1383** (Stuart) (SJUD) directs the Virginia Fusion Intelligence Center to (i) establish a 24-hour-a-day, seven-day-a-week toll-free Mental Health Crisis Intervention Hotline to receive anonymous tips regarding individuals suspected to be in need of mental health treatment in order to facilitate mental health treatment, crisis intervention, and the prevention of tragedies and (ii) develop and implement policies and procedures for referring tips received through the Hotline to state or local law enforcement, as may be appropriate, in a timely manner for follow-up and investigation. (23101979D)

**HB 1835** (Bell) (HCT) 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)

**HB 1380** (Campbell) (HCT) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. (23104498D-H1)

**SB 875** (McDougle) (STRAN) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. (23103276D)

**SB 1010** (DeSteph) (SJUD) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. (23102779D)

**HB 2344** (Head) (HHWI) / **SB 1421** (Pillion) (SRSS) 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)

**SB 889** (Morrissey) (SFIN) eliminates or caps certain fees charged to inmates in local correctional facilities and repeals provisions that allow a sheriff or jail superintendent to establish a deferred or installment payment agreement or contract with a collections agency when an inmate is unable to

pay fees owed to the local correctional facility. The bill establishes the manner in which the balance of all accounts maintained for an inmate's use must be transferred to the inmate upon release. The bill directs the State Board of Local and Regional Jails to create a work group to study implementation of the provisions of the bill and report to the General Assembly by October 1, 2023. The remainder of the bill has a delayed effective date of July 1, 2024. (23102869D)

**SB 1054** (Peake) (SEH) 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)

### **Study**

**SJ 239** (Hackworth) (SRUL) requests the Compensation Board to study the feasibility and fiscal impact of including a locality's total square mileage when calculating funding for deputy sheriffs and to issue a report by the 2024 Regular Session of the General Assembly. (23100360D)

**SJ 250** (Lucas) (SRUL) directs the Joint Legislative Audit and Review Commission, in conjunction with the Office of the Secretary of Public Safety and Homeland Security and the Office of the Secretary of Health and Human Resources, to conduct a study to determine the feasibility and benefits of transferring responsibility for the Department of Juvenile Justice from the Secretary of Public Safety and Homeland Security to the Secretary of Health and Human Resources. (23102519D)

### **Taxation**

**HB 2110** (Bourne) (HFIN) extends the maximum duration of an installment agreement between a locality and a landowner to pay delinquent taxes from 60 to 72 months. The bill also allows for a property owner, or his heirs, to redeem real estate sold for delinquent taxes for a period of up to 365 days after such judicial sale. The bill provides that such redemption shall be made by paying to the purchaser the amount paid by the purchaser plus the amount of taxes, penalties, interest, and other charges due to a locality and incurred after the judicial sale and plus interest thereon at the rate of six percent per year. (23102515D)

**HB 1863** (Scott) (HFIN) makes numerous changes to the Commonwealth's tax structure with the intention of eliminating the personal income tax. The bill provides that beginning January 1, 2025, all income tax rates shall be reduced by 1.15 percent each year that a tax reduction condition, defined in the bill, is met. Under the bill, tax rate reductions shall occur each year and shall be cumulative until reaching zero. The tax reduction condition would be met and the tax rate reduction would occur in any fiscal year that the amount of general fund revenues collected plus the amount of additional general fund revenues, defined in the bill, is greater than or equal to the amount of general fund appropriations made for such fiscal year plus the amount of revenue reduction that would result from a 1.15 percent reduction in the individual income tax rate.

Additional general fund revenues are defined in the bill as general fund revenues that would be generated as a result of the tax policy changes resulting from the bill. The bill would increase the sales and use tax rate to 5.3 percent beginning July 1, 2024, and would increase this rate by one percent each year until reaching 9.3 percent beginning July 1, 2028. The bill would increase the tax on cigarettes by three cents per cigarette and would double the statutory tax rate on tobacco products, with the revenues from such taxes to be deposited in the general fund. The motor vehicle sales and use tax rate would be increased by one percent beginning July 1, 2024, and would increase by one percent each year until reaching an additional five percent over current rates beginning July 1, 2028. The motor fuels tax would also be increased by five cents per gallon beginning July 1, 2024, with additional five cents per gallon increases until reaching an additional 25 cents per gallon beginning July 1, 2028. The bill requires all additional revenue generated by such tax increases to be deposited in the general fund.

Finally, the bill directs the Secretary of Finance to convene a workgroup to recommend additional tax policy changes that would be needed to eliminate personal income tax liability. (23100231D)

### **Transportation**

**HB 2302** (Adams, L.) (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. (23103984D)

**SB 1106** (Newman) (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. (23103887D)

**HB 1437** (Wiley) (HTRAN) / **SB 1165** (Lewis) (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 2370** (Scott) (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. (23104141D)

**SB 1115** (DeSteph) (SGL) provides preference for a bidder who is a resident of Virginia over a bidder who is a resident of any other state in determining the award for any contract for goods, services, or construction under the Virginia Public Procurement Act. The bill requires a state agency to decrease by seven percent the price of any offer for a Virginia end product, defined in the bill, and to decrease by two percent the price of any offer for a U.S. end product, defined in the bill, when evaluating bids for purposes of making an award determination. When the lowest responsive and responsible bidder, after price preferences have been taken into account, is a resident of Virginia and the offer price is within \$10,000 or five percent, whichever is less, of the lowest responsive and responsible bidder who is a resident of another state, the Virginia resident shall be given the option to match the price of the nonresident bidder. Current allowance for granting price preferences to Virginia residents is made mandatory by the bill. The bill directs the Secretary of Commerce and Trade to convene a stakeholder work group to recommend revisions to the recyclable materials tax credit and report on the work group's recommendations

by November 1, 2023. This bill is a recommendation of the Manufacturing Development Commission. (23103895D)

**SB 1398** (Surovell) (STRAN) 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)

**HB 1649** (Wyatt) (HTRAN) prohibits localities from setting limits on towing fees and other associated fees for trespassing passenger cars and vehicles that are lower than the respective statewide maximum charges authorized for such fees in localities without a local ordinance setting towing fees; removes current specified limits for Planning Districts 8 and 16 that would fall below those limits; and requires an ordinance adopted by a locality that sets such limits to provide that no more than two additional fees can be charged for towing any vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday. The bill changes current statewide trespass towing fee limits on hookup and initial towing fees of passenger cars from \$150 to \$180 and additional fees for towing between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday from \$30 to \$35. (23102265D)

**SB 979** (Marsden) (STRAN) prohibits localities from setting limits on towing fees and other associated fees for trespassing passenger cars and vehicles that are lower than the respective statewide maximum charges authorized for such fees in localities without a local ordinance setting towing fees; removes current specified limits for Planning Districts 8 and 16 that would fall below those limits; and requires an ordinance adopted by a locality that sets such limits to provide that no more than two additional fees can be charged for towing any vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday. The bill changes current statewide trespass towing fee limits on hookup and initial towing fees of passenger cars from \$150 to \$180 and additional fees for towing between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday from \$30 to \$35. (23100534D)

**HB 1490** (Davis) (House Floor) allows localities to allow a contractor of indefinite delivery or quantity contracts, defined in the bill, who is otherwise required to furnish performance and payment bonds in the sum of the contract amount to the public body with which he contracted to furnish such bonds only the dollar amount of the individual tasks identified in the underlying contract. Such contractors shall not be required to furnish the sum of the contract amount if the governing locality has adopted such an ordinance. (23102279D)

**HB 2119** (Hudson) (HPS) authorizes any locality to authorize, by ordinance, its local law-enforcement agency to place and operate photo speed monitoring devices in certain locations named in the ordinance, provided that (i) the highway has a posted speed limit of 35 miles per hour or greater; (ii) the ordinance identifies the locality-designated speeding offense to be enforced by

the photo speed monitoring device; (iii) speeding, crash, or fatality data supports the need for stronger enforcement against speeding; and (iv) in counties and towns whose roads are subject to the control and jurisdiction of the Department of Transportation, the locality-designated highway segment is in the secondary state highway system. The bill directs the locality to also identify the speeding violations that may be enforced by photo speed monitoring device. Current law authorizes the use of photo speed monitoring devices in highway work zones and school crossing zones. (23102271D)

**HB 2218** (Tran) (HTRAN) authorizes the governing body of a county in Planning District 8 to decrease the speed limit in a school crossing zone if the school board having jurisdiction over such school passes a resolution requesting the decrease of the speed limit in such school crossing zone. Current law authorizes such governing bodies to increase or decrease such speed limits after justification for the increase or decrease has been shown by an engineering and traffic investigation. The bill provides that the authority to increase and decrease such speed limits applies on highways in the state highway system. (23101882D)

**HB 2330** (McQuinn) (HCT) 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)

#### **Land Use**

**SB 949** (Petersen) (SLG) removes an exclusion for residential dwellings with fewer than five dwelling units and condominium projects from certain requirements related to a voluntary special assessment lien that secures a loan for the initial acquisition and installation of clean energy, resiliency, or stormwater management improvements. (23101618D)

**SB 1078** (Petersen) (SLG) provides that any local government land use application required for the siting of a data center shall only be approved in areas where the data center (i) will have a minimal impact on historic, agricultural, and cultural resources and (ii) will not be within one mile of a national park or state park or other historically significant site. The bill also requires that prior to any such approval, a site assessment shall be performed to examine the effect of the data center on water usage and carbon emissions as well as any impacts on agricultural resources. (23100718D)

#### **Stormwater Management**

**SB 1178** (Lewis) (SACNR) 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)

## **Environment**

**HB 2096** (Bulova) (HAG) 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)

**HB 2326** (Runion) (HRUL) directs the Department of Forestry to conduct a study to (i) assess the opportunities for forest landowners to participate in voluntary and regulated ecosystem services markets, (ii) assess the existing scope of participation in ecosystem services markets by public and private forest landowners in the Commonwealth, and (iii) make recommendations for potential programs or resources to inform forest landowner participation in ecosystem services markets and to provide a report on its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources and the House Committee on Agriculture, Chesapeake and Natural Resources no later than October 1, 2023. (23104338D)

## **Health and Human Services**

**SB 1169** (Hanger) (SEH) 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) (SEH) 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)

**HB 1525** (Coyner) (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. (23101949D)

**SB 846** (Favola) (SRSS) 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. (23102071D)

**SB 1219** (Mason) (passed Senate) 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)

**HB 2117** (Hudson) (HHWI) allows persons with convictions for possession of a controlled substance to work at adult substance abuse or adult mental health treatment programs. (23103937D-E)

**HB 2232** (Murphy) (HHWI) / **SB 1104** (Boysko) (SFIN) directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for the payment of medical assistance for violence prevention services. The bill requires the Department of Health to recognize violence prevention professionals and approve an accrediting body to certify such professionals. The bill requires the Department of Health to post on its website when such violence prevention services may be provided and billed and requires that a work group be established to design and implement such violence prevention services benefit. (23104056D), (23102511D)

**HB 1849** (Willett) (HRUL) directs the Secretary of Public Safety and Homeland Security to convene a work group to study the use of chemical restraints in state and local correctional facilities, including the use of such restraints by third-party health providers. The bill provides that the work group shall report its findings and recommendations by December 1, 2023. (23104106D)

**SB 1292** (Deeds) (SRUL) 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) (SRUL) 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)

**SB 827** (Favola) (SEH) 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. (23101960D)

**SB 1302** (Deeds) (SEH) 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. (23101960D)

**SB 1299** (Deeds) (SRSS) permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person prior to a commitment hearing if the person no longer meets the commitment criteria. (23104043D)

**SB 872** (Newman) (SEH) 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. (23103084D)

**HB 1446** (Orrock) (HAPP) 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)

**HB 1564** (Watts) (HHWI) requires regulations establishing the staffing and care standards in nursing homes to require a minimum number of hours of direct care services to each resident per 24-hour period, which minimum increases in specified phases from 3.5 hours to 4.1 hours. The bill gives the Commissioner of Health the power to impose administrative sanctions on nursing homes and directs the Board of Health to promulgate regulations related to the criteria and procedures for the imposition of administrative sanctions or initiation of court proceedings for violations of the bill. The bill establishes the Long-Term Care Services Fund for the purpose of making grants to assist in the provision of activities that protect or improve the quality of care or quality of life for residents, patients, and consumers of long-term care services. (23101871D)

**SB 1339** (Barker) (SHE) 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 1799** (Freitas) (HHWI) increases from 11 to 13 the membership of the Opioid Abatement Authority board of directors by adding two representatives of the addiction and recovery community. (23102480D)

**SB 820** (Favola) (SFIN) 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) (SFIN) 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) (SFIN) 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. (23101946D)

**SB 923** (Favola) (SFIN) establishes the Kinship as Foster Care Prevention Program (the Program) to promote and support placements of children with relatives by local boards of social services (local boards) in order to avoid foster care. The bill provides that a child is eligible to participate in the Program if the local board determines that (i) the child is at imminent risk of being removed from his home and a preliminary protective order is insufficient to address the child's immediate safety concerns and (ii) the child's parent or guardian consents to the placement of the child with a relative pursuant to an agreement with the local board developed in accordance with the provisions of the bill. (23103800D)

**SB 1432** (Hashmi) (SEH) requires certain entities that collect, gather, or use consumer-generated health information, defined in the bill, to take reasonable measures to safeguard the such aggregated health data, including (i) adopting technical and organizational measures to ensure that consumer-generated health information is not linked to any individual, household, or device used by an individual or a household; (ii) committing not to attempt to re-identify or associate the aggregated health data with any individual, household, or device used by an individual or a

household; and (iii) requiring that recipients of all transfers of aggregated health data uphold the same commitments. The bill provides civil remedies for violations of consumer-generated health information privacy. (23103864D)

**HB 1879** (Bennett-Parker) (HHWI) requires each managed care health insurance plan licensee (licensee) to (i) provide a sufficient number and mix of services, specialists, and practice sites to meet covered persons' mental health care needs; (ii) ensure that covered persons have telephone access 24 hours a day, seven days a week, to responsible and knowledgeable mental health care practitioners capable of assessing the covered persons' conditions and, as necessary, providing for appropriate services; and (iii) incorporate strategies into its access procedures to facilitate utilization of the licensee's mental health care services by covered persons with physical, mental, language, or cultural barriers. The bill requires a managed care health insurance plan licensee to cover out-of-network mental health care services to a covered person if (a) the licensee does not have a mental health care provider within its network capable of providing mental health care services to the covered person; (b) the majority of the managed care health insurance plan licensee's mental health care providers within 25 miles of a covered person or, if appropriate for the covered person, available via telemedicine who have experience treating the general age group of a covered person are no longer accepting new patients or have wait-lists to receive care; or (c) the managed care health insurance plan licensee does not have a mental health care provider within 25 miles of a covered person or, if appropriate for the covered person, available via telemedicine who (1) has experience or expertise in treating patients who share the emotionally distressing experiences, defined in the bill, or demographics of the covered person seeking care and (2) is capable of providing care within the next 31 days. The bill provides that a licensee may require certain verification that the mental health care services are related to an emotionally distressing experience but is prohibited from requiring proof of a criminal proceeding.

The bill requires a managed care health insurance plan licensee, for any covered person seeking mental health care services that has self-harm or suicidal ideation, to cover any associated out-of-network care such that the covered person shall not be responsible for any additional costs incurred by the managed care health insurance plan licensee for such services, other than any applicable copayment, coinsurance, or deductible. The bill requires a licensee to accept verification from the associated out-of-network provider that the mental health care services provided were related to the covered person's self-harm or suicidal ideation and prohibits a licensee from imposing any additional requirements to verify that the covered person was seeking care related to self-harm or suicidal ideation. (23104222D)

**SB 970** (Mason) (SEH) 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)

**SB 1286** (Dunnavant) (SEH) directs the State Board for Community Colleges to develop and implement a plan to standardize across all comprehensive community colleges the courses offered for health care-related degree, credential, or licensure programs. The bill requires such plan to



include procedures and criteria for (i) standardizing the curriculum, quality, academic rigor, and standard of evaluation of such courses, (ii) awarding credit toward the completion of any such health care-related program for any student enrolled in a comprehensive community college who was previously employed in a field aligned with such program, and (iii) standardizing the manner in which academic credit is awarded for such health care-related courses and the manner in which clinical hour credits are awarded to ensure all academic credits and clinical hour credits are stackable and transferrable across all comprehensive community colleges. (23101501D)

**HB 1744** (Carr) (HHWI) 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. (23103974D)

**HB 1768** (Head) (HHWI) 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. (23103807D)

**HB 1814** (Wachsmann) (HHWI) removes dispensing of covered substances within a licensed narcotic maintenance treatment program from the list of circumstances exempt from reporting requirements of the Prescription Monitoring Program. The bill has a delayed effective date of July 1, 2024. (23103952D)

**HB 1906** (Hope) (HHWI) allows the Department for Aging and Rehabilitative Services to provide auxiliary grants to eligible recipients residing in independent community living, as defined in the bill, under conditions set forth in the bill. The bill directs the Department of Medical Assistance Services to, if deemed necessary, amend the state plan for medical assistance services and any waivers thereof to implement the provisions of the bill and limits to no more than 200 the number of auxiliary grant recipients in independent community living. The bill has a delayed effective date of January 1, 2024, and directs the Commissioner for Aging and Rehabilitative Services to adopt emergency regulations to implement its provisions. (23104049D)

**HB 1917** (Hope) (HHWI) directs the Board of Health to adopt regulations governing swimming pools and other water recreational facilities operated for public use, including swimming pools and other water recreational facilities operated in conjunction with a tourist facility or health spa. (23100681D)

**SB 1232** (Dunnavant) (Senate Floor) 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)

**SB 1474** (Obenshain) (SEH) directs the Department of Health to amend its regulations and each local health department and health district to amend its regulations and guidance documents relating to mobile food units to allow up to 20 percent of the sanitation and food preparation activities of a mobile food unit to take place within a 50-foot radius of the mobile food unit. (23103888D)

**SB 1475** (Obenshain) (SEH) requires the Board of Health to adopt regulations that prohibit the revocation, amendment, or denial of a renewal of a permit issued to a food establishment on the basis that such food establishment does not meet the requirements for the food establishment classification for which the initial permit was issued, unless such food establishment has materially changed its operations since issuance of the initial permit. (23104012D)

**HB 1734** (Head) (HHWI) / **SB 1440** (Locke) (SEH) requires the Board of Medicine to adopt and implement policies that require each practitioner licensed by the Board who has direct contact with persons who are or may become pregnant to complete two hours of continuing education related to implicit bias, defined in the bill, and cultural competency in health care at least once every other license renewal cycle. (23103512D), (23103755D)

**HB 1754** (Head) (HHWI) / **SB 1119** (Stuart) (SEH) 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. (23104213D) , (23103808D)

**SB 1297** (DeSteph) (SRSS) requires hospitals, nursing homes, certified nursing facilities, hospices or hospice facilities, assisted living facilities, and intermediate care facilities to establish certain in-person visitation policies and procedures. The bill (i) requires that such policies include screening, personal protective equipment, and other infection control protocols for visitors; (ii)

prohibits such policies from requiring the visitor to provide proof of immunization or vaccination; (iii) requires such policies to allow consensual physical contact between the visitor and the resident, client, or patient of the facility; (iv) authorizes the resident, client, or patient to designate an essential caregiver and establishes requirements related to essential caregivers; (v) requires that such policies allow unrestricted in-person visitation under certain circumstances; (vi) provides that the policies and procedures may require visitors to agree in writing to follow such policies and procedures; (vii) authorizes facilities to suspend in-person visitation of specific visitors for violations of such agreement; (viii) requires facilities to make their in-person policies and procedures available to the Department of Health for review when applying for initial licensure, licensure renewal, or change of ownership; and (ix) requires facilities and the Department of Health to make their in-person visitation policies and procedures easily accessible from their websites. (23100040D)

**HB 1711** (Bell) (HHWI) / **SB 1070** (Newman) (SEH) prohibits denial of parental access to the medical records of such parent's minor child, unless federal law requires the minor child's consent. (23103794D), (23103795D)

**SB 1146** (Boysko) (passed Senate) 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)

### **ABC Licenses**

**SB 983** (Mason) (SRSS) 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 1090** (Ebbin) (SEH) increases the limit on the number of permits that the Board of Pharmacy (the Board) may issue or renew in any year from one to two pharmaceutical processors for each health service area established by the Board of Health. The bill also allows the Board to issue or renew permits in any year for up to five cannabis dispensing facilities per pharmaceutical processor for each health service area. Under current law, the Board may issue up to five cannabis dispensing facilities for each health service area. With the exception of pharmaceutical processors permitted prior to July 1, 2023, the bill prohibits a pharmaceutical processor from receiving more than one permit from the Board. (23101461D)

**SB 788** (Favola) (SFIN) 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 1366** (McClellan) (SRSS) establishes a framework for the creation of the Virginia Cannabis Incubator Project in the Commonwealth. The bill creates a regulatory structure for such Incubator Project to be administered by the Virginia Cannabis Control Authority. The bill has a delayed effective date pending legalization of the manufacture, sale, and distribution of cannabis in the Commonwealth. (23104220D)

**SB 1233** (Obenshain) (passed Senate) 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) (SRSS) 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. (23102827D)

**SB 1133** (Ebbin) (SRSS) establishes a framework for the creation of a retail marijuana market in the Commonwealth, which would be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing marijuana licenses on July 1, 2024, and allows, beginning July 1, 2023, certain pharmaceutical processors, pending establishment of the retail market, to cultivate, manufacture, and sell cannabis products to persons 21 years of age or older.

The bill transitions from the Virginia Department of Agriculture and Consumer Services to the Authority the authority to regulate the testing, labeling, packaging, and advertising of regulated hemp products, as defined in the bill. (23104135D)

### **Zoning**

**HB 1473** (Fowler) (HCCT) alters the notice requirements related to local government adoption of land use plans and zoning ordinances by no longer requiring the notice to contain a descriptive summary of the proposed action but continues to require the locality to identify in the notice the place or places within the locality where copies of the proposed plans, ordinances, or amendments may be examined. Furthermore, such notice must include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. With regard to notice of proposed zoning actions, the bill also (i) removes the requirement to state general usage and density of the proposed zoning action and (ii) eliminates the requirement for an extra public hearing when land is zoned to a more intensive use classification than was contained in the previous public notice. (23103081D)

**SB 1331** (McClellan) (SLG) 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. The bill also requires the comprehensive plan of each locality to show the connection between affordable housing and other needs of its residents, such as job creation, educational opportunities, and parks and recreational activities. (23104081D)

### **Courts**

**SB 841** (Surovell) (SRSS) 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 1303** (Boysko) (SJUD) 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 1402** (Surovell) (SJUD) 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 1413** (Norment) (SJUD) 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)

**SB 783** (Reeves) (Passed Senate) 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)

**SB 931** (Hashmi) (SJUD) provides that the same disposition procedures currently in place for an unrestorably incompetent defendant charged with aggravated murder shall also apply to an unrestorably incompetent defendant charged with an act of violence, which include procedures providing that such charge shall not be dismissed and that the court may order that the defendant receive continued treatment to restore competency, provided that (i) hearings be held at yearly intervals for five years and at biennial intervals thereafter, or at any time that the director of the treating facility or his designee submits a competency report to the court that the defendant's competency has been restored; (ii) the defendant remains incompetent; (iii) the court finds continued treatment to be medically appropriate; and (iv) the defendant presents a danger to himself or others. Under current law, if a defendant charged with an act of violence is found to be unrestorably incompetent, the court shall order that he be (a) released, (b) involuntarily committed, (c) certified as eligible for admission to a training center, or if applicable (d) screened for civil commitment of sexually violent predators. (23101901D)

**HB 2074** (Murphy) (HCT) / **SB 1272** (Boysko) (SJUD) 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 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. (23102115D), (23101068D)

**HB 1897** (Bell) (HCT) 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 2252** (Williams) (HCT) gives supervisory control over the magistrate system to the chief circuit court judge and the Committee on District Courts and abolishes magisterial regions. Under current law, the Executive Secretary of the Supreme Court of Virginia exercises such authority with a provision for consultation with the chief judges of the circuit courts in the region where the appointment is made. (23102323D)

**HB 2410** (Watts) (HCT) includes the termination of a period of involuntary temporary detention on any day or part of a day on which the clerk's office is lawfully closed as a reason to extend the duration of the period of involuntary temporary detention for adults and juveniles. Current law allows the period to extend past 72 hours for an adult only if the detention would terminate on a Saturday, Sunday, legal holiday, or day on which the court is closed and allows the period to extend past 96 hours for a juvenile only if the detention terminates on a Saturday, Sunday, or legal holiday. (23103505D)

### **Firearms**

**SB 909** (Favola) (SJUD) provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member may transfer a firearm owned by such prohibited person to any person who is not otherwise prohibited by law from possessing such firearm, provided that such person who is not otherwise prohibited by law from possessing such firearm is 21 years of age or older and does not reside with the person who is subject to the protective order. Under current law, there is no requirement that such transferee cannot be younger than 21 years of age and cannot reside with such prohibited person. The bill also provides that such prohibited person who transfers, sells, or surrenders a firearm pursuant to the provisions of the bill shall inform the clerk of the court of the name and address of the transferee, the federally licensed firearms dealer, or the law-enforcement agency in possession of the firearm. (23102002D)

**SB 1192** (Ebbin) (SFIN) prohibits the carrying of certain semi-automatic center-fire rifles, pistols, and shotguns on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded. (23103857D)

**SB 1353** (Norment) (SJUD) increases from three to five years for a first offense and from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies. The bill also increases the punishment from a Class 6 felony to a Class 5 felony and increases from five to 10 years the mandatory minimum sentence for knowingly possessing any firearm within the building of a child day center or public, private, or religious preschool, elementary, middle, or high school and intending to use, or attempting to use, such firearm, or displaying such weapon in a threatening manner. The bill also increases the punishment from a Class 6 felony to a Class 5 felony and increases from five to 10 years for a person previously convicted of a violent felony and from two to five years for a person previously convicted of any other felony within the prior 10 years the mandatory minimum sentences for knowingly and intentionally possessing or transporting any firearm. (23103248D)

**HB 1656** (Price) (SJUD) increases from three to five years for a first offense and from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies. The bill also increases the punishment from a



Class 6 felony to a Class 5 felony and increases from five to 10 years the mandatory minimum sentence for knowingly possessing any firearm within the building of a child day center or public, private, or religious preschool, elementary, middle, or high school and intending to use, or attempting to use, such firearm, or displaying such weapon in a threatening manner. The bill also increases the punishment from a Class 6 felony to a Class 5 felony and increases from five to 10 years for a person previously convicted of a violent felony and from two to five years for a person previously convicted of any other felony within the prior 10 years the mandatory minimum sentences for knowingly and intentionally possessing or transporting any firearm. (23103248D)

### **Abortion**

**SB 1243** (Surovell) (HRUL) 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)

**HB 1488** (McGuire) (Committee Referral Pending) provides that no agency of the Commonwealth shall enter into any contract with or make any grant of public funds, as defined in the bill, to any entity or any affiliate of any entity that provides abortion services or operates a facility at which abortion services are provided. The bill also repeals provisions authorizing the Board of Health to use state general funds appropriated to the Department of Health to pay the cost of abortions for women who otherwise meet the financial eligibility criteria for services through the state plan for medical assistance services in cases in which (i) a pregnancy occurs as a result of rape or incest that is reported to a law-enforcement or public health agency or (ii) a physician certifies in writing that he believes the fetus will be born with a gross and totally incapacitating physical deformity or with a gross and totally incapacitating mental deficiency. (23100086D)

**SR 87** (Chase) (SEH) recognizes that the right to life begins at conception. (23103683D)

**SB 852** (Favola) (SJUD) prohibits the issuance of a search warrant for the search and seizure of a computer, computer network, or other device containing electronic or digital information related to menstrual health data, as defined in the bill. (23102370D)

**HB 1954** (Bell) (HCT) provides that any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter, which is punishable as a Class 5 felony. The bill also provides that any person who kills the fetus of another accidentally, contrary to the intention of the parties and while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life, is guilty of involuntary manslaughter, which is also punishable as a Class 5 felony. (23100525D)

## **Education**

**SB 1404** (Barker) (SJUD) 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)

**SJ 228** (Favola) (SJUD) directs the School Health Services Committee to study the feasibility of implementing the recommendations of the Department of Education relating to standardizing the qualification and training requirements for school personnel, such as school nurses, who administer health services to students in order to improve the equity, consistency, and quality of school health services, including mental health services, provided in public schools in the Commonwealth. (23102121D)

**SB 1023** (Stuart) (SEH) expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 (George Washington Regional) for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.  
(23102957D)

**SB 1099** (Norment) (SEH) 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.  
(23101308D)

**SB 821** (Surovell) (Reported from SEH) 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 misdemeanor 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. (23100637D)

**Housing**

**HB 1671** (Wyatt) (House Floor) requires localities with a population greater than 3,500 to submit an annual report no later than March 1 to the Department of Housing and Community Development containing the total fee revenue collected by the locality over the preceding calendar year in connection with the processing, reviewing, and permitting of applications for residential land development and construction activities. The bill requires the report to be submitted by the locality in accordance with any guidelines and forms developed by the Department and the Commission on Local Government. The Department shall make the reports available on its website. (23103925D)

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

### **Health and Human Services**

**SB 953** (Petersen) (SEH) requires the Department of Health to establish an expedited review process for certain projects involving addition of imaging equipment, addition of a new ambulatory or outpatient surgery center, addition of operating rooms at an existing ambulatory or outpatient surgery center, and addition of psychiatric beds or conversion of existing beds at a medical care facility to psychiatric beds and requires the Board of Health to include in regulations governing the certificate of public need program a provision for the development of review criteria and standards for specific medical care facilities and health care services for each health planning region that take into account the unique needs and characteristics of such region. The bill also amends the definition of "charity care," redefines "clinical health service" as "health care service," and adds a definition of "indigent" for purposes of the certificate of public need program. The bill directs the Department of Health to convene a work group of stakeholders to make recommendations for funding options to alleviate the risk of financial insolvency for public and private hospitals with fewer than 100 licensed beds in the event of a future public health emergency. The bill requires the work group to report its recommendations to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2023. (23102257D)

**SB 975** (Peake) (Reported from SEH) 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)

**HB 1874** (Helmer) (HHWI) prohibits the Board of Social Services from requiring persons applying to participate or renewing their participation in the Supplemental Nutrition Assistance Program to appear in person. The bill also codifies the Department of Health's authority to implement a Special Supplemental Nutrition Program for Women, Infants, and Children (WIC program), which is currently authorized by regulation, and prohibits the Department of Health from requiring persons applying to participate or renewing their participation in the WIC program to appear in person. (23102771D)

**HB 2025** (Roem) (HHWI) 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) (HHWI) 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. (23100684D)

**HB 2255** (Hodges) (HHWI) 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. (23104085D)

**SB 1155** (Mason) (SEH) requires the Commissioner of Behavioral Health and Developmental Services or his authorized agents to make 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. (23104006D-E)

**SB 1043** (McPike) (SEH) 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. (23103865D)

**SB 1170** (Hanger) (SEH) 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. (23103859D)

### **Study**

**SJ 261** (Reeves) (SRUL) establishes a joint subcommittee of the Senate Committee on General Laws and Technology, the Senate Committee on Finance and Appropriations, the House Committee on General Laws, and the House Committee on Appropriations to study the feasibility of establishing the Virginia Gaming Commission to regulate and oversee all forms of gaming in the Commonwealth. (23104336D)

**SJ 246** (Boysko) (SJUD) requests the Compensation Board to study the feasibility and fiscal impact of including a locality's total square mileage when calculating funding for deputy sheriffs and to issue a report by the 2024 Regular Session of the General Assembly. (23100360D)

### **Elections**

**HB 2301** (Bloxom) (HPE) / **SB 1380** (Deeds) (SPE) allows political parties to hold presidential primaries using ballots that allow a voter to rank such party's candidates in his order of choice. (23100995D), (23100386D)

**SB 1180** (Ebbin) (SPE) provides that (i) the acceptance of technical assistance, research, or subject matter expertise regarding election law, policies, and administration by any state or local elections officials and (ii) the acceptance or use of money or grants given by a private individual or nongovernmental entity when such money or grant is received and disbursed by the treasurer for the locality or provided through the regular process for appropriating public funds are not prohibited under the general prohibition on the solicitation or acceptance by such officials of money, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voting-related programs. (23104147D)

### **Courts**

**HB 2015** (Adams) (HCT) / **SB 1224** (Obenshain) (SJUD) provides that any person who, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing or intimidating in the discharge of his duty any judge, juror, witness, court officer, or court employee, pickets or parades in or near a residence occupied or used by such person is guilty of a Class 1 misdemeanor. The bill also provides that the provisions regarding the issuance and service of summons in place of a warrant do not apply to such violations. (23103542D), (23103543D)

**SB 987** (Mason) (SFIN) 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)

**HB 2037** (Sewell) (HCT) 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. (23103073D)

**SB 1291** (Deeds) (SJUD) 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)

### **Legislative Studies**

**HB 1869** (Scott) (HRUL) requires all bills creating a board, council, commission, or other collegial body in the legislative branch to contain a provision for the expiration of such body three years after its creation. Currently, only bills creating such advisory boards, councils, commissions, and other collegial bodies in the executive branch are required to include such sunset provision. The bill directs the Secretary of the Commonwealth and the Clerks of the House of Delegates and the Senate to submit to the Virginia Code Commission by October 1, 2023, a list of those boards, councils, commissions, or other collegial bodies in the executive or legislative branch that are not set to expire within three years and directs the Virginia Code Commission to submit legislation at the 2024 Regular Session that prescribes an expiration date of July 1, 2027, for such bodies. (23101842D)

### **Transportation**

**SB 1137** (McPike) (SFIN) creates the Fredericksburg Area Transportation Authority, comprising the counties and cities located in Planning District 16. The Authority will administer transportation funding generated through the imposition of (i) an additional transportation improvement grantor's fee at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) a local transportation transient occupancy tax at a rate of one percent of the amount of the charge for the occupancy of any room or space occupied in any county or city in Planning District 16. The bill also increases the annual distribution of recordation tax revenues to cities and counties from \$20 million to \$55

million and dedicates \$15 million of such annual distribution to the Fredericksburg Area Transportation Fund, created by the bill. (23104217D)

**SB 1161** (Stuart) (SFIN) increases the annual distribution of recordation tax revenues to cities and counties from \$20 million to \$60 million. (23103175D)

**SB 1162** (Marsden) (SFIN) / **HB 1858** (Webert) (HTRAN) 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. (23102471D), (2310415D)

**SB 1370** (Vogel) (SFIN) / **HB 1637** (Webert) (HCE) 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)

### **Firearms**

**SB 1181** (Ebbin) (SFIN) creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, for any person to knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver, as defined in the bill, unless the party selling, offering to sell, transferring, or purchasing the unfinished frame or receiver is a federal firearms importer,



manufacturer, or dealer or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by a federal firearms importer, manufacturer, or dealer. (23104048D)

### **Education**

**HB 1704** (Bell) (HED) requires each division superintendent to annually designate an employee in the local school division as the division safety official whose duty is to receive all reports required to be made 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 such local school division for a felony or a Class 1 misdemeanor or an equivalent offense in another state and (ii) the clerk of any circuit court or any district court in the Commonwealth upon the felony conviction of any person known by such clerk to be employed by such local school division. The bill requires each division superintendent to include such designation in the collated packet of school safety audits submitted to the Virginia Center for School and Campus Safety pursuant to relevant law and requires the Center to designate an employee of the Center as the school personnel safety official for the Commonwealth whose duty is to compile and maintain a list of each such division safety official. The bill also provides that a probation and parole officer who is supervising a person employed by a local school division in the Commonwealth shall, upon discovering that such supervised person has been arrested or convicted of a felony offense or an equivalent offense in another state, report such arrest or conviction to the Superintendent of Public Instruction and the designated division safety official in the local school division where such supervised person is employed as soon as practicable. (23100367D)

### **Administration of Government**

**SB 1237** (Obenshain) (SJUD) provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement instead may be published in an online publication, subject to certain requirements specified in the bill. (23103717D)

### **Land Use**

**SB 1390** (Lewis) (SLG) 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)

## **Legislation Provided for Information**

### **Education/Schools**

**SB 1041** (McPike) (SEH) provides that the Board of Education shall require any candidate for division superintendent of a local school division serving a locality with a population greater than 140,000 people to have (i) a master's degree and relevant endorsements or a doctorate degree in

educational administration or educational leadership administration and (ii) at least five years of instructional, administrative, and supervisory experience in education, with no exceptions or substitutes for senior leadership experience in non-education fields. The Board of Education may substitute certain requirements for education-specific endorsements, degrees, or educational, administrative, or supervisory experience for a certain amount of experience in senior leadership positions outside of the education field only for local school divisions serving a locality with a population not exceeding 140,000 people. (23102619D)

**SB 1052** (McPike) (Passed Senate) directs the Advisory Board on Teacher Education and Licensure to advise the Board of Education and submit recommendations on policies related to helping school divisions more effectively recruit and retain licensed teachers. (23102744D)

**HB 1893** (Walker) (HED) requires, prior to the start of each school year, each school board to post on its website in a prominent location and in a format that is easily accessible to the public (i) a list of each textbook to be used in any elementary or secondary school in the local school division during that school year and (ii) the Standards of Learning and any associated curriculum framework that correlate with any course or class to be offered in any elementary or secondary school in the local school division during that school year or a link to another source that contains such information. (23101817D)

### **General Assembly**

**SB 1352** (Norment) (SRUL) prohibits any member of the General Assembly or any member of his immediate family from holding a direct or indirect ownership interest in a casino gaming establishment or retail marijuana store or in any entity that sells or distributes on the premises of such establishment or store any goods or services that are incidental or ancillary to the principal business of the establishment or store. Such prohibition shall apply during the legislator's service as a legislator and for the five years immediately following the termination of such service. The bill provides that any person who violates the prohibition is guilty of a Class 6 felony and that any money or thing of value derived by the legislator from such violation is forfeited to the Commonwealth. (23104148D)

**SB 1357** (Norment) (SRUL) 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**

**SB 946** (Suetterlein) (SPE) prohibits campaign fundraising on any day the General Assembly is scheduled to meet during a special session. Currently, campaign fundraising is prohibited only during regular sessions of the General Assembly. (23102721D)

**HB 1551** (Helmer) (HPE) / **SB 854** (Favola) (passed Senate) broadens the scope of disclaimer requirements for campaign advertisements to include electioneering communications, as defined

in the bill, and messages advocating for the passage or defeat of a referendum. The bill also requires an advertisement that is an independent expenditure or that expressly advocates for the passage or defeat of a referendum to contain a disclaimer providing the names of the advertisement sponsor's three largest contributors. (23100661D), (23100463D)

**HB 1826** (Cherry) (HPE) / **SB 1471** (Boysko) (SFIN) prohibits any person from converting contributions to a candidate or his campaign committee for personal use. Current law only prohibits such conversion of contributions with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office but allows a contribution to be used for the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds to pay for the candidate's child care expenses that are incurred as a direct result of campaign activity. The bill provides that any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The bill directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill and to provide an updated summary of Virginia campaign finance law that reflects the State Board of Elections' and Attorney General's guidance on the provisions of such law that prohibit the personal use of campaign funds and any new regulations promulgated by the State Board of Elections. (23100204D), (23104251D)

**HB 1552** (Simon) (HPE) prohibits any person from converting contributions to a candidate or his campaign committee for personal use. Current law only prohibits such conversion of contributions with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office but allows a contribution to be used for the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds to pay for the candidate's child care expenses that are incurred as a direct result of campaign activity. The bill provides that any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The bill directs the State Board of Elections to adopt emergency regulations similar to those promulgated by the Federal Election Commission to implement the provisions of the bill and to provide an updated summary of Virginia campaign finance law that reflects the State Board of Elections' and Attorney General's guidance on the provisions of such law that prohibit the personal use of campaign funds and any new regulations promulgated by the State Board of Elections. (23102527D)

**SB 1053** (McPike) (passed Senate) requires all candidates to file their campaign finance reports electronically with the State Board of Elections. The bill provides an exemption for any candidate who is incapable of accessing the technology necessary to make such filings. (23101956D)

**SB 1427** (Suetterlein) (SPE) requires in-state political action committees to file a report for any single expenditure of \$1,000 or more made between October 1 and the date of the November general election. Such reports are to be made electronically and must be received by the State

Board of Elections by 11:59 p.m. on the following day or, for an expenditure made on a Saturday, by 11:59 p.m. on the following Monday. However, the bill requires that any such expenditure made within the 24 hours prior to the election day be reported and a report thereof received on the day prior to the election (23102732D)

**HB 1648** (Anderson) (HPE) prohibits foreign-influenced corporations, as defined in the bill, from making independent expenditures or making contributions to a candidate, campaign committee, political committee, or political party committee. The bill provides that any such corporation violating the prohibition is subject to a fine of not more than \$50,000 and that any officer, director, or agent of any such corporation involved in such violation is subject to a fine of not more than \$10,000, imprisonment for not more than one year, or both. The bill also requires that any corporation, as defined in the bill, that makes an independent expenditure or makes a contribution to a candidate, campaign committee, political committee, or political party committee must certify with the Department of Elections that, after due inquiry, the corporation was not a foreign-influenced corporation on the date such expenditure or contribution was made. (23100110D)

**HB 1518** (Adams) (HRUL) requires each member of the General Assembly to annually submit a certification of his legal residence to the clerk of the house in which he serves, signed by the member under penalty of perjury to be true and correct. The bill requires the clerk of each house to verify that the address provided on the certification is within the district that the member was most recently elected to represent. Any member who is found to not be a resident of the district that he was most recently elected to represent shall, in accordance with Article IV, Section 4 of the Constitution of Virginia, vacate his office. (23101939D)

### **Health and Human Services**

**SB 1327** (McClellan) (SEH) directs the Department of Medical Assistance Services to establish a program to provide state-funded comprehensive health care coverage for individuals in the Commonwealth who (i) are under 19 years of age, (ii) are not covered under a group health plan or health insurance coverage, and (iii) but for their immigration status would be eligible for medical assistance services through the Commonwealth's program of medical assistance services established pursuant to Title XIX or XXI of the Social Security Act. The bill also requires the Department to ensure that all program information is made available in a manner that is accessible to individuals with limited English proficiency and individuals with disabilities through the provision of language access services, including oral interpretation and written translations, free of charge, and to ensure that information obtained by the program remains confidential and is not disclosed for any purpose not related to the administration of the program. (23102538D)

**SB 932** (Hashmi) (SEH) establishes the Virginia Psilocybin Advisory Board to develop a long-term strategic plan for establishing therapeutic access to psilocybin services and monitor and study federal laws, regulations, and policies regarding psilocybin. The bill requires the Board to report annually by December 1 to the Governor and the General Assembly regarding its activities and recommendations. The bill reclassifies psilocybin under the Drug Control Act from a Schedule I to a Schedule III controlled substance. (23101994D)

**SB 1234** (Cosgrove) (Senate Floor) requires the Department of Behavioral Health and Developmental Services to establish a pilot program to make electroencephalogram combined transcranial magnetic stimulation available for veterans, first responders, and law-enforcement officers. The bill requires the State Board of Behavioral Health and Developmental Services to establish regulations for the pilot program. (23105211D-S1)

**SB 1344** (Barker) (passed Senate) allows the City of Alexandria to enter into a contract with the Department of Health for the local administration of local health services. (SB1344S1)

**SB 798** (Hashmi) (passed Senate) replaces various instances of the terms "handicap," "handicapped," and similar variations throughout the Code of Virginia with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment." The bill contains technical amendments. The bill is a recommendation of the Virginia Disability Commission. (23100009D-E)

**HB 2008** (Adams) (HHWI) directs the Department of Health to convene a work group to study and make recommendations for reducing the occurrence and impact of tick-borne diseases in the Commonwealth. The work group shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2023. (23101717D)

### **Covid-19 Vaccination**

**HB 2276** (LaRock) (HHWI) specifies that parents shall not be required to immunize their children against COVID-19. (23103367D)

**HB 2306** (Freitas) (HHWI) exempts a person, including a parent or guardian on behalf of a child, who objects to administration of a vaccine on religious grounds from mandatory immunization requirements issued by the Commissioner of Health during an epidemic. Currently, exemption from mandatory immunization requirements during an epidemic is available only to those persons to whose health the administration of the vaccine would be detrimental, as certified in writing by a licensed physician. (23103428D)

**SB 876** (McDougle) (SEH) prohibits any child from being denied admission to school for not receiving a COVID-19 vaccination. The bill also prohibits the State Board of Health from adopting any regulation requiring immunization against COVID-19 for attendance at any public elementary or secondary school. (23101033D)

### **Environment**

**HB 2284** (Wiley) (Reported from HHWI) 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)

## **Gender Identity**

**SB 791** (Chase) (SEH) creates the Save Adolescents from Experimentation (SAFE) Act, which prohibits gender transition procedures, defined in the bill, for individuals under 18 years of age and prohibits the use of public funds for gender transition procedures for individuals under 18 years of age. The bill establishes enforcement procedures for violation of the SAFE Act. The bill provides that a health benefit plan providing health care coverage in the Commonwealth is prohibited from providing coverage for gender transition procedures for individuals younger than 18 years of age and is not required to provide coverage for gender transition procedures for individuals 18 years of age or older. (23100911D)

**SB 960** (Peake) (SEH) creates the Youth Health Protection Act (the Act), which makes it unlawful for any individual to provide gender transition procedures for minors and prohibits the use of public funds for gender transition procedures. The bill allows parents, guardians, or custodians to withhold consent for any treatment, activity, or mental health care services that are designed and intended to form their child's conceptions of sex and gender or to treat gender dysphoria or gender nonconformity. The bill prohibits government agents, other than law-enforcement personnel, from encouraging or coercing a minor to withhold information from the minor's parent. The bill establishes a duty for a government agent with knowledge that a minor has exhibited symptoms of gender dysphoria or gender nonconformity or otherwise demonstrates a desire to be treated in a manner incongruent with the minor's sex to immediately notify each of the minor's parents, guardians, or custodians in writing, with descriptions of relevant circumstances. The bill prohibits discrimination against persons (i) providing information regarding violations of the Act to their employer or specified public entities or (ii) who make disclosures under the Act believed to be a violation of law, rule, or regulation; any violation of any standard of care or other ethical guidelines for the provision of health care service; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. The bill establishes a civil action for any violation of the Act by a clinic, health care system, medical professional, or other responsible person with a two-year statute of limitations. The bill prohibits political subdivisions of the Commonwealth from enacting, adopting, maintaining, or enforcing any measure that interferes with the professional conduct and judgment of a mental health care professional or counselor undertaken within the course of treatment and communication with clients, patients, other persons, or the public. The bill provides for enforcement by the Attorney General or a mental health care professional or counsel through an action for injunctive relief and allows a mental health care professional to recover reasonable attorney fees and reasonable costs incurred in obtaining an injunction. The bill waives sovereign immunity to suit and immunity from liability under this statute. (23100877D)

**SB 1186** (Reeves) (SEH) requires each interscholastic, intercollegiate, intramural, or club athletic team or sport sponsored by a public elementary or secondary school or by a public institution of higher education to be expressly designated as one of the following based on biological sex: (i) males, men, or boys; (ii) females, women, or girls; or (iii) coed or mixed if participation on such team or sport is open to both (a) males, men, or boys and (b) females, women, or girls. The bill requires identification of the student's biological sex on an athletics eligibility form signed by a licensed physician, nurse practitioner, or physician assistant to be submitted by any such student who desires to try out for or participate in an interscholastic, intercollegiate, intramural, or club

athletic team or sport. The bill prohibits any such team or sport that is expressly designated for females, women, or girls from being open to students whose biological sex is male.

The bill prohibits any government entity, licensing or accrediting organization, or athletic association or organization from entertaining a complaint, opening an investigation, or taking any other adverse action against public school or institution of higher education based on a violation of the provisions of the bill and creates a cause of action for any school or institution of higher education that suffers harm as a result of a violation of the bill. Finally, the bill creates a civil cause of action for any student that suffers harm as a result of a knowing violation of a provision of the bill by a school or institution or as a result of the student's reporting a violation of a provision of the bill by a school, institution, athletic association, or organization. (23104062D)

**SB 1203** (Reeves) (SEH) creates the Children Deserve Help Not Harm Act (the Act), which prohibits gender transition procedures, defined in the bill, for individuals under 18 years of age and prohibits the use of public funds for gender transition procedures for individuals under 18 years of age. The bill establishes enforcement procedures for violation of the Act. The bill provides that a health benefit plan providing health care coverage in the Commonwealth is prohibited from providing coverage for gender transition procedures for individuals younger than 18 years of age and is not required to provide coverage for gender transition procedures for individuals 18 years of age or older. (23103055D)

**SB 911** (Cosgrove) (SEH) requires each public elementary or secondary school and each public institution of higher education to expressly designate all interscholastic, intercollegiate, intramural, or club athletic teams and sports sponsored by such school based on biological sex as follows: (i) for "males," "men," or "boys"; (ii) for "females," "women," or "girls"; or (iii) as "coed" or "mixed" if such team or sport is open to participation by both (a) males, men, or boys and (b) females, women, or girls. The bill provides that a student's "biological sex" is the statement of such student's biological sex on such student's official birth certificate if the statement was filed at or near the time of the student's birth. The bill prohibits any student whose biological sex is female from participating on any interscholastic, intercollegiate, intramural, or club team or sport that is expressly designated for "males," "men," or "boys," unless such school or institution does not offer an equivalent team or sport that is expressly designated for "females," "women," or "girls," or as "coed" or "mixed." The bill also prohibits any student whose biological sex is male from participation on any interscholastic, intercollegiate, intramural, or club team or sport that is expressly designated for "females," "women," or "girls." Furthermore, the bill prohibits any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a public elementary or secondary school or sponsored by a public institution of higher education from competing against any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a private elementary or secondary school or a private institution of higher education unless such private school or institution also complies with the provisions of the bill. Finally, the bill creates a civil cause of action for students that suffer any deprivation, harm, retaliation, or adverse action or for schools that suffer any harm as a result of a violation of the provisions of the bill, provided that such action is initiated within two years of such deprivation, harm, retaliation, or adverse action. (23102088D)

## **Public Safety/Criminal Justice**

**SB 797** (Favola) (passed Senate) increases from nine members to 11 members the State Board of Local and Regional Jails by requiring (i) the appointment of both a former sheriff and a former superintendent of a regional jail facility where current law requires appointment of only one former sheriff or one former warden, superintendent, administrator, or operations manager of a state or local correctional facility and (ii) the appointment of an additional member who is employed by a public mental health services agency with training in or clinical, managerial, or other relevant experience working with individuals subject to the criminal justice system who have mental illness. (23100944D)

## **ABC licenses**

**SB 1100** (Boysko) (passed Senate) allows mixed beverage carrier licenses to be granted to financial institutions, subsidiaries of a financial institution, and certain persons under contract with a financial institution or subsidiary that are operating a lounge for air carrier passengers located within an airport in the Commonwealth, which would authorize the licensee to sell and serve mixed beverages in designated areas of such passenger lounge. The bill has an emergency clause. (23100944D)

## **Transportation**

**HB 1495** (Austin) (passed House) / **SB 1216** (Lucas) (passed Senate) 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) (Reported from HTRAN) / **SB 982** (Marsden) (passed Senate) 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) (Reported from HTRAN) 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) (HTRAN) 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). 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 House) 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)

**SB 981** (Marsden) (STRAN) 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. (23101698D)

**SB 1051** (McPike) (STRAN) 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 1466** (Marsden) (STRAN) creates the Electric Vehicle Rural Infrastructure Program and Fund to assist private developers with non-utility costs associated with the installation of electric vehicle charging stations. The bill provides that a private developer is eligible to receive grants of 70 percent of such non-utility costs for electric vehicle charging stations installed in a city or county that meets the criteria of a distressed locality as provided in the bill and caps the total amount of grants awarded in any fiscal year at \$25 million. (23104193D)

**SB 1473** (Marsden) (STRAN) 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 1674** (Hodges) (House Floor) requires localities, when developing a transportation plan as part of the locality's comprehensive plan, to include freight corridors when designating transportation facilities that support the planned development of the locality. (23101352D)

**HB 1712** (Wachsmann) (HTRAN) 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)

**HB 2392** (Austin) (HTRAN) authorizes towing and recovery operators to recover reasonable attorney fees and costs in a civil action brought by the towing and recovery operator to recover costs or enforce a lien related to towing and recovery services rendered as a result of a request made by any local or state law-enforcement officer or other government official acting in his official capacity. (23101523D)

**SB 855** (Spruill) (passed Senate) 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 951** (Ruff) (STRAN) repeals the option to register an uninsured motor vehicle upon payment of the uninsured motor vehicle fee of \$500. The repeal has an effective date of July 1, 2024. The bill authorizes the Commissioner of the Department of Motor Vehicles to continue registering uninsured vehicles from July 1, 2023, to July 1, 2024, but provides that all such registrations shall expire prior to July 1, 2024. (23102400D)

**SB 1035** (McPike) (STRAN) 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)

**HB 1745** (Carr) (passed House) prohibits tow truck drivers and towing and recovery operators from monitoring law-enforcement communications in order to determine the location of a wrecked or disabled vehicle that is subject to a law-enforcement-requested tow for the purpose of driving by the scene of such vehicle to initiate contact with the owner or operator of the vehicle to solicit or offer towing services and prohibits tow truck drivers from driving by the scene of a wrecked or disabled vehicle for the same purposes. (23101420D)